

INFORMATION COLLECTION SUPPORTING STATEMENT

1652-0071

Law Enforcement Officers Security Act and Retired Badge/Credential Exp. 9/30/2022

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. (Annotate the CFR parts/sections affected).**

LAW ENFORCEMENT OFFICERS SAFETY ACT (LEOSA):

The Law Enforcement Officers Safety Act (LEOSA)¹ allows a “qualified retired law enforcement officer”² to carry a concealed firearm in any jurisdiction in the United States, regardless of State or Local laws, with certain limitations and conditions. In accordance with LEOSA, the Department of Homeland Security (DHS) issued DHS Directive and Instruction Manual 257-01, *Law Enforcement Officers Safety Act* (December 22, 2017). This directive requires DHS components to implement the provisions of LEOSA pertaining to qualified retired Law Enforcement Officers (LEOs) as cost-effectively and efficiently as possible consistent with the requirements and intent of the statute for LEOs formerly employed by DHS and predecessor agencies.

TSA subsequently issued TSA Management Directive (MD) 3500.1, *LEOSA Applicability and Eligibility* (June 5, 2018), to implement the LEOSA statute and DHS directive. Under this MD, TSA issues photographic identification to qualified retired LEOs who separated or retired from TSA in “good standing” and meet other qualification requirements identified in this MD.

RETIRED BADGE/CREDENTIAL:

Under TSA MD 2800.11, *Badge and Credential Program* (January 27, 2014), an employee retiring from Federal service is eligible to receive a “retired badge and/or credential” if the individual: (1) was issued a badge and/or credential during their service with TSA and was authorized to carry the badge/and or credential at the time of their retirement, (2) qualifies for a Federal annuity under the Civil Service Retirement System or the Federal Employees Retirement System, and (3) meets all of the other qualification requirements under the MD.³

If the employee is approved for a retired badge and/or credential, his or her badge and/or credential will be replicated by TSA and marked with the word “RETIRED,” to indicate that the retired employee no longer has the authority to perform specific official functions

¹ Pub. L. 108-277, 118 Stat. 865, July 22, 2004, codified in 18 U.S.C. 926B and 926C, as amended by the Law Enforcement Officers Safety Act Improvements Act of 2010 (Pub. L. 111-272, 124 Stat. 2855, Oct. 12, 2010) and National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239, 126 Stat. 1970, Jan. 2, 2013).

² As defined in DHS Directive and Instruction Manual 257-01, *Law Enforcement Officers Safety Act*, (December 22, 2017).

³ These instructions are included in DHS Instruction: 121-01-002 (Issuance and Control of DHS Badges); DHS Instruction 121-01-008 (Issuance and Control of the DHS Credentials); and the associated Handbook for TSA MD 2800.11.

pursuant to law, statute, regulation or DHS Directive. In the case of a retired LEO, the individual is prohibited from using the TSA retired credential as photographic identification for the purposes of the LEOSA.

2. ***Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.***

LEOSA and RETIRED BADGE/CREDENTIAL

Under TSA's current application process for these two programs, qualified applicants may apply for a LEOSA ID Card, a retired badge, and/or a retired credential, as applicable, either while still employed by TSA (shortly before separating or retiring) or after they have separated or retired (after they become private citizens, *i.e.*, are no longer employed by the Federal Government).

The *LEOSA Identification Card Application* (TSA Form 2825A) requires collection of identifying information, contact information, official title, separation date, and last known field office. Identifying information, such as the date of birth and social security number (SSN), are necessary to confirm the individual's identity and to process the individual through the National Crime Information Center database. In cases where an application has been denied, a LEO may request a review of the decision to not issue a LEOSA ID Card by forwarding a written request to TSA within thirty (30) days of the issuance of the written decision. The request shall contain the reason(s), and any supporting documentation, as to why the decision should be reversed

The *Retired Badge and/or Retired Credential Application* (TSA Form 2808-R) requires collection of identifying information, contact information, TSA employment/position information (TSA component or Government agency), official title, and entry on duty date. This collection of information is necessary to confirm the identity of the individual, conduct the necessary qualification process to determine the individual's eligibility for a retired badge and/or credential, and to contact the individual if needed.

3. ***Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden. [Effective 03/22/01, your response must SPECIFICALLY reference the Government Paperwork Elimination Act (GPEA), which addresses electronic filing and recordkeeping, and what you are doing to adhere to it. You must explain how you will provide a fully electronic reporting option by October 2003, or an explanation of why this is not practicable.]***

The majority of the information collection is electronic. Both LEOSA ID Card applicants and retired badge and credential applicants complete the TSA Form 2825A, *LEOSA Identification Card Application* and the TSA Form 2808-R, *Retired Badge and/or Retired*

Credential Application forms electronically, but ordinarily print the form, sign and date the form, and forward it to their supervisors of record. After TSA supervisors review the application, they complete, sign and scan the form and submit it as a PDF to vetting officials in the TSA LE/FAMS Operations Management Division for formal review, processing, and a final determination of LEOSA and Retired Badge and Credential eligibility.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.**

The information TSA needs for this program is not otherwise collected from this population.

- 5. If the collection of information has a significant impact on a substantial number of small businesses or other small entities (Item 5 of the Paperwork Reduction Act submission form), describe the methods used to minimize burden.**

There is no significant burden to small businesses.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

This is a one-time collection for an applicant to receive a LEOSA ID Card, a retired badge, and/or a retired credential, as applicable.

- 7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d)(2).**

This collection will be conducted in a manner consistent with the general information collection guidelines in 5 CFR 1320.5(d)(2).

- 8. Describe efforts to consult persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d) soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

TSA published a 60-day notice for this collection in the *Federal Register* on January 12, 2022 (87 FR 1773) and a 30-day notice on March 24, 2022 (87 FR 16762). TSA received no comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

TSA does not provide payment or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

TSA does not provide any assurance of confidentiality to the respondents; however, all information is handled in accordance with the Privacy Act of 1974. The applicable TSA system of records notice (SORN) is DHS/TSA-002 Transportation Security Threat Assessment System, last published in the *Federal Register* on August 11, 2014 (79 FR 46862). The applicable Privacy Impact Assessment (PIA) is DHS/TSA/PIA-025 e-Law Enforcement Officer Logbook Program (e-Logbook), which will be updated to include the collection of personally identifiable information from retired TSA LEOs.

11. Provide additional justification for any questions of sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

TSA is not posing questions of sensitive nature.

12. Provide estimates of hour and cost burdens of the collection of information.

TSA receives approximately 183 requests for the LEOSA Application Form 2825A and 183 Retired Badge and Credential Application Form 2808-R, for a total of 366 applications annually.⁴ The applicants are former LEOs with an approved OPM disability or voluntary retirement, or an individual who has separated from LE/FAMS as a LEO (*e.g.*, could have retired, resigned to take a non-LEO position with TSA or another agency, or medically removed), or both.

Each former LEO will provide his/her information to TSA to help TSA determine whether or not the applicant is eligible to receive a LEOSA ID card, a retired badge and credential, or both. TSA estimates each respondent will spend approximately five minutes (0.0833 hours) to complete either form. In addition, TSA expects three⁵ reviews of rejected LEOSA Application Form 2825A submissions annually, and estimates it takes 8 hours for an applicant to create and submit a request. There are no requests for review for rejected Retired Badge and Credential Application TSA Form 2808-Rs.

TSA calculates an annual hour burden of 15.25 hours for the LEOSA Application Form 2825A, an annual hour burden of 24 hours (3 × 8 hours) for LEOSA Application Form 2825A requests a review, and 15.25 hours for the Retired Badge and Credential Application Form 2808-R, for a total annual hour burden of 54.5 hours for this information collection.

⁴ These were the number of Form 2825A and Form 2808-R requests received by TSA in 2019, the last full year of requests prior to the COVID-19 pandemic.

⁵ TSA received 3 requests for review for initially rejected Form 2825A's in 2019.

TSA uses the average hourly loaded wage of \$74.69, the fully-loaded⁶ compensation rate for a retired federal LEO⁷. TSA multiplies this wage rate by the total annual hour burden of 29.5 hours for Form 2825A submissions and requests for review, and 15.25 hours for Form 2808-R, to estimate the total annual hour burden cost. TSA calculates an average annual hour burden cost of \$2,932 for the LEOSA Application Form 2825A and \$1,139 for the Retired Badge and Credential Application Form 2808-R, for a total average annual cost burden of \$4,071 (\$12,213 over three years) for retiring LEOs to provide information to TSA for purposes of this Information collection.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

There are no cost burdens to respondents or recordkeepers other than those listed in the previous section.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, and other expenses that would not have been incurred without this collection of information.

TSA estimates the Federal Government cost by estimating TSA costs for this information collection.⁸ TSA estimates that it will take 4.75 hours⁹ to process each application and to make an eligibility determination by verifying the information provided in the application. In addition, TSA estimates that 17 percent of LEOSA Form 2825A applications and six percent of the Retired and Credential Form 2808-R applications will be denied, requiring additional processing time for denied applications.¹⁰ TSA estimates 324 applications will be approved and 42 applications will be denied annually, and the time burden to process these applications are $(4.75 \text{ hours} \times 324) + (8.75 \text{ hours} \times 42) = 1,906.5$ hours annually, or 5,719.5 hours over three years.

TSA calculates the cost burden by determining how much time is spent by personnel in each pay band processing applications, then multiplying by the hourly loaded wage for each band (See Table 1). TSA calculates the cost of an approved application is \$305.73, and the cost to process a denied application is \$647.55).

Table 1: Cost Burden to Government to Process Applications

⁶ Includes wage or salary and benefits.

⁷ Approximately 85 percent of applicants are retired I-band employees, and 15 percent are retired J-band employees. TSA calculates a blended rate based on I-band pay rate of $\$72.73 \times 0.85$ plus J-band pay rate of $\$85.80 \times 0.15 = \74.6873 . The payband pay rates were taken from the DHS FY2021 Modular Cost Model.

⁸ This information collection does not place a burden on any other Federal entity.

⁹ The office responsible for vetting applications reports that a single application takes 285 minutes (4.75 hours) to process an application.

¹⁰ The Office responsible for vetting applications reports that denied applications receive extra scrutiny and take an additional 240 minutes (four hours) to process, or a total processing time of 525 minutes (8.75 hours) for denied applications.

Payband	Time per Accepted Application (hours)	Hourly Loaded Pay Rate per band (\$)	TSA Cost for Accepted Applications	Time per Denied Application (hours)	Hourly Loaded Wage per band (\$)	TSA Cost for Denied Applications
	A	B	C = A x B	D	E	F = D x E
H	2	\$43.21	\$86.43	2	\$43.21	\$86.43
I	2	\$72.73	\$145.45	4	\$72.73	\$290.91
J	0.33	\$85.80	\$28.60	1.33	\$85.80	\$114.40
K	0.25	\$100.79	\$25.20	0.75	\$100.79	\$75.59
L	0.17	\$120.34	\$20.06	0.67	\$120.34	\$80.23
Total	4.75		\$305.73	8.75		\$647.55

TSA multiplies the total approved applications by the cost per approved application, and multiplies the total denied applications by the cost per denied application, then adds the two to determine total annual cost. The annual cost to TSA to process all applications is \$126,254 and the three year costs is \$378,763 (See Table 2).

Table 2: TSA Cost Burden

Time Period	Total Accepted Applications	Cost Per Accepted Application	Total Cost for Accepted Applications	Total Denied Applications	Cost Per Denied Application	Total Cost for Denied Applications	Total Cost All Applications
	A	B	C = A x B	D	E	F = D x E	G = C + F
Annual	324	\$305.73	\$99,057.31	42	\$647.55	\$27,197.01	\$126,254.32
Three - Year	972		\$297,171.93	126		\$81,591.03	\$378,762.96

In addition, TSA estimates it spends 16 hours per request for review, and the reviewer is a J-band employee. TSA uses a fully-loaded wage rate of \$85.80 and multiplies this rate by three requests for review \times 16 hours = \$4,118 annually, or \$12,354 over three years. The total annual cost to TSA to process all applications and requests for review = \$126,254 + \$4,118 = \$130,372 (\$391,116 over three years).

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustment. However, since the last approval of the Information Collection, the respondents have increased from 62 to 369, and TSA added the time and cost burdens to account for requests for review of denied applications.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

TSA does not publish the results of this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

TSA is not seeking such approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

TSA is not seeking any exceptions to the certification statement.