

## **INFORMATION COLLECTION SUPPORTING STATEMENT**

### **FLIGHT TRAINING FOR ALIENS AND OTHER DESIGNATED INDIVIDUALS; SECURITY AWARENESS TRAINING FOR FLIGHT SCHOOL EMPLOYEES**

- 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).***

On November 19, 2001, Congress enacted the Aviation and Transportation Security Act (ATSA) (Public Law 107-71). Section 113 of ATSA (codified at 49 USC 44939) prohibited certain aviation training providers from providing training to aliens and other designated individuals in the operation of aircraft with a maximum certificated takeoff weight (MTOW) of 12,500 pounds or more, unless the aviation training provider notified the Attorney General of the identity of the candidate seeking training, and the Attorney General did not notify the aviation training provider of an aviation or national security objection within 45 days. In the case of an objection, the Attorney General was required to notify the training provider, and the training provider was required to terminate the training immediately. The Department of Justice issued a rule at Title 28, Code of Federal Regulations (CFR), part 105 implementing these requirements on February 13, 2003 (68 FR 7313).

On December 12, 2003, Congress enacted Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176). Section 612 made several changes to 49 U.S.C. 44939, including: (1) transferring the threat assessment requirements from the Attorney General to the Secretary of Homeland Security; (2) expanding the scope of the prohibition to training in aircraft with a MTOW of less than 12,500 pounds; (3) specifying various categories of identifying information the Secretary may require candidates to submit; (4) authorizing the Secretary to assess a fee for the threat assessment; and (5) mandating that the Secretary require Flight Training Providers to conduct a security awareness program for its employees to increase awareness of suspicious circumstances and activities of individuals enrolling in or attending flight training. TSA issued an interim final rule at 49 CFR part 1552 implementing these requirements on September 20, 2004 (69 FR 56324).

- 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.***

Aliens and other designated individuals applying for flight instruction from Federal Aviation Administration (FAA)-certified flight training providers (“candidates”) are required to provide TSA with biographic information, fingerprints, and training information when they apply for flight training. The biographic information includes but is not limited to full name, address, telephone number, date of birth, gender, physical characteristics (height, weight, eye color, hair color), nationality/country of citizenship, passport number, country of issuance, visa information, employment information, and FAA airman certificate number (if applicable). The training information requested includes training provider name and state

where located, training class name and identification number, aircraft information, training start and end dates. Flight Training Providers who train aliens are required to register with TSA, confirm that a candidate has applied for flight training at the school, and provide TSA with a photograph of the candidate when the candidate arrives for training. These Flight Training Providers are also required to provide TSA with biographic information, fingerprints, and training information for candidates who apply for recurrent training. These Flight Training Providers are required to keep this information on file for a required amount of time. To facilitate information collection, the information and the photograph are submitted directly to TSA via the internet. ([www.flightschoolcandidates.gov](http://www.flightschoolcandidates.gov)) TSA uses this information to perform background checks in order to assess if the candidate poses a security threat.

Flight Training Providers who do not train aliens are not required to register with TSA, but are required to maintain records verifying that a flight school applicant has shown proof of U.S. citizenship or nationality.

All Flight Training Providers, regardless of whether they train aliens, are also required to retain records of the initial and recurrent security awareness training provided to their employees to increase awareness of suspicious circumstances and activities of individuals enrolling in or attending flight training. Flight Training Providers are required to maintain these records throughout the course of the individual's employment, and for one year after the employee is no longer employed by the Flight Training Provider. TSA may inspect these records when necessary.

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 the burden.***

As required by the Government Paperwork Elimination Act (GPEA), as well as by program design, candidates' biographic, training, and fingerprint information is submitted and tracked electronically via an internet-based portal. To the extent practicable, the affected Flight Training Providers have the option of keeping records associated with this collection electronically.

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.***

This program was developed in response to the terrorist attacks of September 11, 2001. Background information on alien and other designated individuals seeking flight training is not otherwise available.

- 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.***

National security would be compromised if the collection burden were reduced or eliminated. TSA would not be able to fulfill its Congressional mandate to prevent candidates who pose a security threat from obtaining flight training.

- 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).***

Per 5 CFR 1320.5(d)(2)(iv) (requiring respondents to report information to the agency more often than quarterly), information on candidates must be reported whenever such individuals seek flight training, and some candidates may seek flight training more often than quarterly. Thus, TSA must collect this information more often than quarterly, if necessary, to ensure that candidates are properly vetted when determining whether they are security threats, as mandated by the statutes mentioned above.

Per 5 CFR 1320.5(d)(2)(iv) (requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years), flight training providers are required to retain records of candidates' applications for five years and its employees' security awareness training files throughout the course of the individual's employment, and for one year after the employee is no longer employed by the Flight Training Provider. Thus, these records are generally required to be kept longer than 3 years. The requirement to maintain these records for longer than 3 years is necessary to ensure that Flight Training Providers are complying with 49 CFR part 1552 requirements.

- 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 consulted with industry stakeholders, as well as with the Department of Justice, the agency from which program responsibility was transferred, to ensure no more information than necessary is collected from each respondent in order to minimize the time and cost burden without compromising security or safety. As required by 5 CFR 1320.8(d), TSA published a notice for this collection in the Federal Register on June 6, 2008 (73 FR 32346).

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

TSA does not provide payments 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.

- 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 does not pose questions of a sensitive nature.

- 12. Provide estimates of hour burden of the collection of information.**

The respondents to this information requirement are candidates and the flight training providers. In the previous Information Collection Request (ICR) approved in 2004, TSA initially estimated 35,000 candidates would apply for flight training and 3,000 flight training providers nationwide would submit information for recurrent training applicants every year, for a total pool of 38,000 respondents. (See 69 FR 68952, November 26, 2004).

Based on program operations data from the past 3.5 years, TSA is adjusting the estimate of the annual number of candidates for flight training as follows:

Candidates: 26,500 candidates (12,500 Category 1-3 candidates who are required to pay fees and 14,000 Category 4 candidates applying for recurrent training and are not required to pay fees)<sup>1</sup>.

Flight Training Providers Registered with TSA to Provide Alien flight training: 4,500.

Flight Training Providers Not Required to Register with TSA: 40,000 Flight Training Providers interacting with TSA on an annual basis.

Total Annual Respondents: 71,000 (26,500 candidates + 4,500 Registered Flight Training Providers + 40,000 Non-Registered Flight Training Providers).

These estimates changed from the 2004 ICR for the following reasons. First, the number of candidates required to submit information in accordance with 49 CFR part 1552 decreased because of changes TSA made to the program. One change was TSA's specification that candidates applying for flight training in aircraft with a MTOW of 12,500 pounds or less would be subject to part 1552 requirements only if they are applying for an initial airman's certificate, multi-engine rating, or instrument rating. Also, the number of flight training providers required to maintain records increased because the original estimate of 3,000 flight training providers did not include flight training providers who are only training U.S. citizens, but are still required to maintain certain records under 49 CFR part 1552. Therefore, these additional 40,000 flight training providers are included in the number of annual respondents.

#### Candidates' hour burden

TSA estimates that the estimated 26,500 candidates will apply for flight training twice a year for a total of 53,000 responses per year. TSA estimates it takes 45 minutes per application to provide TSA with all the information required by this rule for a total application burden of 39,750 hours per year for candidates.

<b>Number of Candidates</b>	26,500	TOTAL
<b>Responses per Candidate</b>	2	53,000 Responses

<sup>1</sup> Category 1 applies to candidates who are not eligible for expedited processing for flight training in aircraft with a maximum certificated takeoff weight (MTOW) of more than 12,500 pounds; category 2 applies to candidates who are eligible for expedited processing for flight training in aircraft with a MTOW of more than 12,500 pounds; category 3 applies to candidates who apply for certain types of flight training in aircraft with a MTOW of 12,500 pounds or less; and category 4 applies to candidates who apply for recurrent training.

<b>Burden per Response</b>	45 Minutes (.75)	39,750 hours
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Flight Training Providers Registered with TSA to Provide Alien Flight Training hour burden  
 Flight Training Providers who are required to register with TSA to provide alien flight training are required to keep records from the time they are created. TSA estimates that the 4,500 schools registered with TSA will carry an annual record keeping burden of 104 hours for a total of 468,000 hours. TSA estimates the recordkeeping burden for flight training providers that do not register with TSA is negligible.

<u>Flight Training Providers</u>	<u>Record Keeping Burden Hours per Year</u>	<u>Total Record Keeping Burden Hours</u>
4,500	104 hours	468,000 hours

Total annual hour burden

Thus, the combined hour burden associated with this collection is estimated to be 507,750 hours annually.

<b>Candidate Burden Hours</b>	39,750
<b>Flight Training Provider Record Keeping Burden Hours</b>	468,000
<b>Total</b>	507,750

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

Candidates cost burden

TSA estimates an annual cost burden of \$223 per application (an increase of ~3% per year when compared to the \$205 per application cost burden that was estimated in 2004). The annual cost burden of \$223 includes a security fee of \$130, for a total annual burden of \$5,575,000 (12,500 Category 1-3 paying candidates X \$223 per application X twice per year application). Recurrent training candidates pay a fee of \$70 for a total of \$1,960,000. (14,000 recurrent training candidates X \$70 per application X twice per year application).

Respondents	Cost	Times Annually	Total Annual Cost
<b><u>New Candidates</u></b> <b><u>12,500</u></b>	<u>\$223</u>	<u>2</u>	<u>\$5,575,000</u>
<b><u>Recurrent Applicants</u></b> <b><u>14,000</u></b>	<u>\$70</u>	<u>2</u>	<u>\$1,960,000</u>
<b><u>Flight Training Provider 4,500</u></b> <b><u>(Record Keeping)</u></b>	<u>\$1,500</u>	<u>1</u>	<u>\$6,750,000</u>
<b>TOTAL</b>			<b>\$14,285,000</b>

#### Flight Training Provider cost burden

The yearly record keeping costs for each Flight Training Provider for retaining records on both pilot applicants and employee security training is estimated to remain the same as previously estimated at \$1500, for a total annual burden of (\$1500 x 4500) \$6,750,000. TSA estimates the recordkeeping cost burden for flight training providers that do not register with TSA is negligible.

#### Total annual cost burden

Thus the combined cost burden associated with this collection is estimated to be (\$5,575,000 + \$1,960,000 + \$6,750,000) \$14,285,000 annually.

***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.***

In the 2004 Information Collection Request, TSA based its fee on the recurring cost per application that TSA would incur to perform the security threat assessment. To calculate this fee, TSA used the following equation: Annual recurring costs / estimated number of annual threat assessments = cost per application. In 2004, TSA estimated the annual recurring costs to be \$9,087,400. The estimated number of annual threat assessments was 70,000 (35,000 candidates X twice per year application). Assuming the cost for each applicant category to be the same, the fee per application equals \$130 (\$9,087,400 annual recurring costs/ 70,000 total number of annual threat assessment).

As stated in paragraph 13 above, TSA has estimated the new costs based on recorded actions.

Category 1-3 applications at \$223 = \$5,575,000 / 25,000  
 Category 4 applications at \$70 = \$1,960,000 / 28000 ???? (Should this be removed)??  
 Total = \$7,535,000 / 53,000

Currently, TSA collects a \$130 fee for Category 1-3 applicants, which is estimated at \$3,250,000 for FY08.

In the 2004 Information Collection Request, TSA estimated an annual cost of \$156,000 for inspectors to check the candidate and employee training files of the estimated 3,000 Flight Training Providers that train alien flight students and are required to register with TSA. TSA based this annual cost from an estimate of 3,000 flight training providers and 2 hours inspection per school at an hourly inspector wage rate of \$26.

Current information derived from the TSA Performance and Report Information System shows TSA inspectors conducting inspections at flight training providers registered with TSA and with those not registered with TSA, but who are required to maintain certain records under 49 CFR part 1552. The original estimate of 3,000 flight training providers did not take into account the need to review logs/records of those providers that are not registered with TSA, but are required to maintain certain records under 49 CFR part 1552. FAA estimates approximately 40,000 active flight training providers in and outside the U.S. The inspector's hourly wage is now \$28. Based on an average of 2 hours per provider visit with inspectors only visiting each provider once every 2 years then the annual costs is estimated to be \$1,120,000 (40,000 providers/once every 2 years X 2 hours X \$28 = \$1,120,000).

Number of Flight Training Providers	Wage Cost per Hour	Number of Hours per year	Cost	Total Cost Per Year
40,000	\$28.00	2	\$28.00X 2=\$56.00	\$56.00 X 40,000=\$1,120,000

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

In the 2004 Information Collection Request, TSA estimated an annual cost burden of \$205 per application, which includes TSA's security fee of \$130 for a total annual cost burden of \$14.35 million (35,000 Category 1-3 paying candidates X \$205 per application X twice per



year application). Recurrent training candidates are now required to pay a fee of \$70, which increases the cost burden to the public of \$1,960,000. The yearly recordkeeping costs for a Flight Training Provider for retaining records of candidates' applications and its employees' security awareness training files was estimated at \$1,500 for a total annual cost burden of \$4.5 million. Therefore, in 2004, TSA estimated the combined cost burden associated with the collection to be approximately \$18.85 million annually.

The current annual cost burden associated with this collection is estimated to be \$14,285,000 annually. TSA adjusted the total annual hour burden as a result of a decrease in the annual number of respondents as described in Item 12. The cost adjustments to TSA's original estimate are also based on the following reasons: (a) the change on the number of Category 1-3 candidates from 20,000 to 12,500 as a result of a subsequent specification stating that candidates applying for flight training in aircraft with a MTOW of 12,5000 pounds or less would be subject to 49 CFR part 1552 requirements only if they are training to obtain an initial airman's certificate, multi- engine rating, or instrument rating; (b) taking into account the cost of 14,000 Category 4 recurrent training candidates estimated to apply for training twice per year; and (c) the increase in the number of flight training providers from 3,000 to 4,500 who are subject to 49 CFR part 1552.

The increase in the estimated number of flight training providers resulted from the fact that the estimate from the previous Information Collection Request did not take into account the need to review logs/records of those providers that are not registered with TSA but are required to maintain certain records under 49 CFR part 1552.

**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 is not publishing 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.