

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 implementing these requirements on February 13, 2003 (68 CFR 7313, 28 CFR part 105, http://www.access.gpo.gov/nara/cfr/waisidx_03/28cfr105_03.html).

On December 12, 2003, Congress enacted Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176). Section 612 of Vision 100 made several changes to 49 USC 44939, including: (1) transferring the threat assessment requirements from the Attorney General to the Secretary of Homeland Security; (2) expanding the scope to also cover 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 Flight Training Provider employees and contract employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight training. TSA issued an interim final rule implementing these requirements on September 20, 2004 (69 FR 56324, 49 CFR part 1552, http://www.access.gpo.gov/nara/cfr/waisidx_04/49cfr1552_04.html).

- 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 (“candidates”) are required to provide TSA with identifying and training information and fingerprints when they apply for flight training. The candidates submit their training request at <https://www.flightschoolcandidates.gov/>.

The AFSP conducts a Security Threat Assessment (STA) on all Candidates submitting a training request, however the process is somewhat different for each of the four categories within AFSP.

Category 1 is for Candidates who seek flight training in the operation of aircraft with a maximum certificated takeoff weight greater than 12,500 pounds but do not meet the requirements for Category 2. Category 2 is for Candidates who seek flight training in the operation of aircraft with a maximum certificated takeoff weight greater than 12,500 pounds, and who:

- Hold an airman's certificate from a foreign country that is recognized by the FAA or appropriate US military agency, and that permits the candidate to operate a multi-engine aircraft that has a certificated takeoff weight of 12,500 pounds or more;
- Are employed by a foreign air carrier that operates under 14 CFR part 129 and has a security program approved under 49 CFR part 1546;
- Have unescorted access authority to a secured area of an airport under U.S.C 44936(a)(1)(A)(ii), 49 CFR 1542.209 or 49 CFR 1544.229;
- Are a flight crew member who has successfully completed a criminal history records check in accordance with 49 CFR 1544.230; or
- Is part of a class of individuals that TSA has determined pose a minimal threat to aviation or national security because of the flight training already possessed by that class of individuals.

Category 3 is for Candidates who seek flight training in the operation of aircraft with a maximum certificated takeoff weight of 12,500 pounds or less for the following training events: a Single Engine Land (SEL) or initial airman's certificate, Instrument Rating, and Multi-Engine land (MEL). Each of these training events requires a separate training request.

Category 4 is for Candidates who seek recurrent flight training for all aircraft and who are current and qualified on the aircraft for which they are requesting training.

In accordance with 49 CFR Part 1552, Candidates applying for a Category 1, 2, or 3 training event are required to provide fingerprints to AFSP for a Criminal History Records Check (CHRC). A Candidate must provide fingerprints to the AFSP only once because AFSP stores those fingerprints for subsequent training request submissions to reduce the burden on the Candidate. Candidates applying for a Category 4 training request are not required to provide fingerprints because they are not required to undergo a criminal history background check.

Flight Training Providers are required to 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. Flight Training Providers are also required to provide TSA with identifying and training information for Candidates who apply for recurrent training (Category 4). Flight Training Providers collect information from the Candidates and keep

their information. To facilitate information collection, Candidates submit information and the photograph directly to TSA via the Internet.

TSA uses this information to perform Security Threat Assessments in order to determine if the Candidate poses a security threat. Flight Training Providers also retain records of the initial and recurrent security awareness training provided to employees, for one year after the employee is no longer employed by the Flight Training Provider, so that TSA may inspect those 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, all applicant data 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.***

The specific and particular information TSA needs for this program is not otherwise collected from this population. There is no other way to collect the needed information from first-time applicants and, to the extent possible, the information is retained for later similar processes so as not to duplicate the collection. After a candidate submits their initial training request, their information is retained in the AFSP system and all subsequent applications will use the previously-provided information. .

- 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.***

The information collected is consistent with the statutory requirements and 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.**

If the collection of information is reduced or eliminated, TSA would not be able to fulfill its Congressional mandate to prevent aliens and other designated individuals who pose a security threat from obtaining flight training, thereby compromising national security.

- 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).**

No special circumstances.

- 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) so9liciting 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 is necessary is collected from each respondent to minimize the time and cost burden without compromising security. TSA published a 60-day notice for this collection in the Federal Register on September 21, 2011, (76 FR 58531) and a 30-day notice on January 31, 2012, (77 FR 4822).

TSA received one comment on the 60-day notice for this collection. The commenter stated that aliens who seek to do harm to the country will have false identification documents. The commenter also stated that aliens seeking flight training on any aircraft size should be required to undergo a threat assessment. As to the first point, the threat assessment process has safeguards in place to guard against issues of false identification.. As to the second point, when Congress enacted Vision 100, the legislation specifically included aliens seeking flight training in aircraft with a MTOW of less than 12,500 pounds in the threat assessment requirement. TSA also received one comment to the 30-day notice for this collection. While the comment was related to AFSP, it did not address this information collection. TSA has responded to the commenter directly.

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.

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 burden of the collection of information.

The respondents to this information requirement are aliens and other designated individuals who apply for flight training and the flight schools they attend. In the interim final rule issued in 2004, TSA initially estimated 35,000 Candidates would apply for flight training, and 3000 flight training providers nationwide would submit information for initial and recurrent training applicants every year, for a total pool of 38,000 respondents. (See 69 FR 56324, September 20, 2004).

Based on data from the past 7 years of the program operations, TSA estimates the number of applicants for flight training to be 25,000 Category 1-3 Candidates; 28,000 Category 4 Candidates; and 4500 Flight Training Providers interacting with TSA on an annual basis. Respondents are required to provide the information every time an alien or other designated individual applies for flight training as described in 49 CFR part 1552, which is estimated to be a total of 57,500 responses per year. TSA estimates it takes 45 minutes per application to provide TSA with all the information required by the rule, for a total application burden of 39,750 hours per year. Flight Training Providers keep records on all non U.S. citizen from the time they are created, and it is estimated each of the 4500 schools will carry an annual record keeping burden of 104 hours, for a total of 468,000 hours. Thus, the combined hour burden associated with this collection is estimated to be 507,750 hours annually.

Flight Training Collection Burden Hour

Information	Average	Hour	Total
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Collection	Annual Responses	Burden per response	Annual Hour Burden
Candidates	53,000	45 Minutes	39,750
Training providers	4,500	64 Minutes	468,000
Total	57,500		507,750

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

In the previous collection submitted, TSA estimated an annual cost burden of \$205 per application, which included a security fee of \$130, for a total annual cost burden of \$8,200,000. Recurrent training candidates did not pay a fee. The yearly record keeping costs for a Flight Training Provider for retaining records on both candidates and employee security training was estimated at \$1500, for a total annual burden of \$4.5 million. Therefore the combined cost burden associated with the collection was estimated to be \$12,700,000 annually.

TSA now estimates an annual cost burden of \$130 per vetted application for category 1, 2, & 3 candidates. The estimated annual cost burden is \$70.00 per vetted application for category 4 (recurrent training). Yearly record keeping costs for each Flight Training Provider for retaining records on both candidates and employee security training is estimated to remain the same at \$1500, for a total annual burden of \$6,750,000. Thus the combined cost burden associated with this collection is estimated to be \$11,960,000 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.

TSA based its fee for conducting an STA on the recurring cost per application 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. TSA estimated the annual recurring costs to be \$5,210,000. Utilizing historical data the total population is estimated at 53,000. The fee per application equals the cost and is therefore $\$130 \approx \$3,250,000/25,000 + \$1,960,000/28,000$.

As stated in paragraph 13 above TSA has estimated the following costs based on historical data.

Category 1-3 applications at \$130	=	\$3,250,000 / 25,000
Category 4 applications at \$70	=	<u>\$1,960,000 / 28,000</u>
Total	=	\$5,210,000 / 53,000

Currently TSA collects a fee of \$130 for Category 1-3 applicants and a \$70 fee for Category 4 applicants.

TSA estimates the cost per year for inspectors to check candidate files and employee training files of each Flight Training Provider to be \$156,000, based on an estimate of 2 hours per school at an hourly inspector wage rate of \$26.

Current information derived from the Performance and Report Information System shows TSA inspectors conducting inspections at flight training providers registered with TSA and with those not registered. FAA estimates approximately 40,000 active Certified Flight Instructors (CFI) in and outside the United States. The inspector hourly wage is now \$28. Based on an average of 2 hours per provider visit and only visiting each provider once every 2 years and the average estimate of hours is 40,000 providers/once every 2 years for 2 hours \$28 = \$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.

TSA adjusted the total annual cost burden in Item 13 from \$14,341,000 to \$11,960,000 annually based on the revision to TSA's estimate of the number of annual applicants who pay for the assessment. Reducing the number of category 1, 2, & 3 candidates, adding in the cost of 28,000 initially non-paying applicants (Category 4)..

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.