

INFORMATION COLLECTION SUPPORTING STATEMENT

Flight Training for Aliens and Other Designated Individuals OMB Control Number 1652-0021 Expiration Date: 08/31/2015

- 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 (49 USC 44939), prohibited certain aviation training providers from providing training to aliens and other designated individuals¹ 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 notified the aviation training provider within 45 days that the candidate presented a threat to aviation or national security. If it was determined that the candidate presented a threat, 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 Section 113 of ATSA on February 13, 2003 (68 FR 7313) set forth in 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 (2) adding a notification requirement for training in aircraft weighing 12,500 pounds or less; (3) specifying various categories of identifying information required from aliens and other designated individuals (candidates) training in the operation of aircraft weighing more than 12,500 pounds; (4) authorizing assessment of a fee for the security threat assessment; and (5) requiring flight schools to conduct a security awareness program for employees and contract employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight training. If it is determined that the candidate presents a threat to aviation or national security, DHS/TSA is required to notify the flight training provider and that person is required to immediately terminate the training. TSA issued an interim final rule implementing these requirements. See 69 FR 56324 (September 20, 2004) codified at 49 CFR part 1552. (http://www.access.gpo.gov/nara/cfr/waisidx_04/49cfr1552_04.html).

¹ TSA has not designated “other individuals” for vetting and continues to vet only “aliens” as defined in the Immigration and Nationality Act. There is no other “responding population” at this point, and no associated burden. Given the Congressional use of the term and TSA's repeated use of the statutory phrase in the interim final rule published in the Federal Register in 2004, TSA has provided notice to the public of the authority and ability to designate other individuals.

² The Secretary has delegated the statutory responsibilities under Section 612 to TSA.

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.

All individuals who are not United States citizens, defined under 49 CFR 1552.1(b) as 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/>. TSA conducts a Security Threat Assessment (STA) on all candidates submitting a training request. There are four categories within the Alien Flight Student Program (AFSP):

- Category 1: candidates who seek flight training in the operation of aircraft weighing more than 12,500 pounds.
- Category 2: candidates who seek flight training in the operation of aircraft weighing more than 12,500 pounds, but who are eligible for expedited processing because they meet certain additional criteria specified in the rule.
- Category 3: notification requirement for candidates who seek flight training in the operation of aircraft weighing 12,500 pounds or less for the following training: an initial private pilot’s certificate or other entry-level certificate, instrument rating, and multi-engine rating.
- Category 4: candidates who seek recurrent flight training for all aircraft and who are current and qualified on the aircraft for which they are requesting training.

The process for the STA is different for each of the four categories. Under 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). In general, 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. However, there may be rare occurrences when AFSP will require a candidate to submit new fingerprints (for example, the digital fingerprint file is corrupted). Candidates applying for a Category 4 training request are not required to provide fingerprints because they are not required to undergo a CHRC. Any candidate who has submitted fingerprints to AFSP may be subject to recurrent criminal vetting.

Flight schools 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. To facilitate information collection, candidates submit information directly to TSA via the Internet. TSA uses this information to perform STAs to determine if the candidate poses a threat to aviation or national security.

Flight schools 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 school, so that TSA may inspect those records. Under the AFSP regulation, the definition of flight schools also includes independent Certificated Flight Instructors (CFIs), who also would be required to comply with this part, regardless of whether they are providing flight instruction to aliens.

- 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.]**

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, flight schools may electronically store records associated with this collection.

- 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. 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 an initial training request, that information is retained by the system for use in future training requests to limit the amount of information the candidate has to re-enter. Flight schools 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 school, so that TSA may inspect those records.

- 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 an aviation or national 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).***

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) 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.***

To minimize the time and cost burden without compromising security, TSA consulted with aviation community stakeholders, as well as with the Department of Justice (the agency from which program responsibility was transferred) during development of the IFR to ensure no more information than is necessary is collected from each respondent. TSA published a 60-day notice for this collection in the Federal Register on March 10, 2015 (80 FR 12647) and a 30-day notice on June 18, 2015, (80 FR 34927).

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). TSA did not receive comments in response to the notices.

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 burden of the collection of information.***

There are two categories of respondents: candidates and flight schools. Based on data from the past 10 years of the program operations, TSA estimates the number of applicants for flight training to be 27,000 Category 1, 2, or 3 candidates; 23,000 Category 4 candidates; and 4900 flight schools who actively provide flight training to candidates on an annual basis.

Flight schools 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 27,000 Category 1, 2, and 3 responses and 23,000 Category 4 responses for a total of 50,000 responses per year. Candidates are required to provide or update the biographical and biometric information for each flight training request submitted to TSA. TSA estimates it takes 45 minutes per training request application for candidates to provide TSA with all the information required by the rule, for a total application burden of 37,500 hours per year. Flight schools keep records on covered individuals from the time they are created. Each individual's record takes 5 minutes, or 0.083 hours, to file. It is estimated each of the 4,900 flight schools will carry an annual record keeping burden of 85 hours (0.083 hours x 50,000 applicants = 4,150 hours / 4,900 schools). Thus, the combined hour burden associated with this collection is estimated to be 41,650 hours annually.

TSA uses the national average hourly loaded wage of \$64.99³ for Commercial Pilots to estimate the total annual hour burden cost of individuals applying for flight training.

TSA uses the national average hourly loaded wage of \$27.21⁴ for Administrative Assistants to estimate the total annual hour burden cost of recordkeeping.

The following table shows the breakdown of the total annual cost burden of \$2,550,046.50.

Information Collection	Average Annual Responses	Burden per response	Total Annual Hour Burden	Hourly Wage Rate	Total Annual Cost Burden
Candidate Training Requests	50,000	45 Minutes	37,500	\$64.99	\$2,437,125
Recordkeeping by Flight Schools	50,000	5 Minutes	4,150	\$27.21	\$112,921.50
Total	100,000		41,650		\$2,550,046.50

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

Yearly record keeping costs for each flight school for retaining records on both candidates and employee security awareness training is estimated to remain the same as the previous collection, at \$1,500, for a total annual burden of \$7,350,000 (4,900 flight schools x \$1,500).

Flight Training Collection Cost

³ Bureau of Labor Statistics, Occupational Employment and Wages, May 2014.

http://www.bls.gov/oes/2014/may/oes_532012.htm The fully loaded wage rate is calculated using mean annual wage and the percentage of wages to total compensation, 64%, as found in Bureau of Labor Statistics, Employer costs per hour worked for employee compensation and costs as a percent of total compensation, March 2015. <http://www.bls.gov/news.release/ecec.t04.htm>

⁴ Bureau of Labor Statistics, Occupational Employment and Wages, May 2014.

<http://www.bls.gov/oes/2014/may/oes436014.htm> The fully loaded wage rate is calculated using mean annual wage and the percentage of wages to total compensation, 64%, as found in Bureau of Labor Statistics, Employer costs per hour worked for employee compensation and costs as a percent of total compensation, March 2015. <http://www.bls.gov/news.release/ecec.t04.htm>

	Average Annual Responses	Cost per Application	Recordkeeping Cost	Total Burden
Providers Recordkeeping	4,900		\$1,500	\$7,350,000

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.

Currently, TSA collects a fee of \$130 for Category 1, 2, and 3 candidates and a \$70 fee for Category 4 candidates. These fees are used to offset the cost of conducting STAs on the applicants. TSA based its fee for conducting a STA on the recurring cost per application TSA would incur to perform the STA. To calculate this fee, TSA used the following equation: Annual recurring costs / estimated number of annual threat assessments = cost per application (which includes historical costs of TSA adjudicators, IT systems operations and maintenance). TSA estimated the annual recurring costs to be \$5,120,000. Using historical data the total population is estimated at 50,000. This total population is broken down into two groups: Category 1, 2, and 3 candidates at an annual recurring cost of \$3.51 million, and Category 4 applicants at an annual recurring cost of \$1.61 million. These estimates are based on historical data.

Category 1, 2 and 3 candidate applications at	\$130	=	\$3,510,000 / 27,000
Category 4 candidate applications at	\$70	=	<u>\$1,610,000 / 23,000</u>
	Total	=	\$5,120,000 / 50,000

In addition, TSA estimates the cost per year for inspectors to check candidate files and employee training files of each flight school to be \$359,562, based on an estimate of 2 hours per school at an hourly inspector wage rate of \$36.69 (4,900 flight schools x 2 hours x \$36.69).

Current information derived from TSA's Performance and Report Information System shows TSA inspectors conducting inspections at flight schools registered with TSA and with those not registered. Based on information from the aviation training industry, TSA estimates 10,000 active Certified Flight Instructors (CFI) in and outside the United States, who may or may not be associated with a formalized flight school but are providing flight instruction and required to conduct security awareness training. The TSA inspector at an H-band fully loaded hourly wage rate is \$36.69. TSA inspectors visit each provider once every 2 years and spend, on average, 2 hours per visit. This results in an annual cost to the Federal Government of \$366,900 (10,000 providers/once every 2 years for 2 hours x \$36.69 = \$366,900).

The total estimated government cost per year is \$5,846,642 (\$359,562 + \$366,900+ \$5,120,000).

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

TSA adjusted the total annual cost burden in Item 13 from \$11,960,006 to \$12,470,000 based on the revision to TSA's estimate of the number of annual candidate training request submissions. These revisions resulted in increasing the number of Category 1, 2, and 3 candidates, reducing the number of Category 4 candidates, and increasing the number of flight schools.

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.