

# **INFORMATION COLLECTION SUPPORTING STATEMENT**

## **Flight Training for Aliens and Other Designated Individuals**

**OMB Control Number 1652-0021**

**Expiration Date: 03/31/2019**

- 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).**

In response to the terrorist attacks of September 11, 2001 and intelligence information subsequently gathered regarding the individuals who perpetrated those attacks, Congress enacted legislation to prevent aviation training providers from providing flight training to individuals who may pose a threat to aviation or national security. See 49 USC 44939. As amended by sec. 612 of the Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176; Dec. 12, 2003), section 44939 (1) specifies 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; (2) authorizes assessment of a fee for the security threat assessment; and (3) requires 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 (IFR) implementing these requirements in 2003. See 69 FR 56324 (Sept. 20, 2004) *codified at* 49 CFR part 1552.

- 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.***

There is no other way to collect the needed information from first-time applicants and, to the extent possible, the information is retained so as not to duplicate the collection for subsequent vetting. After a candidate submits an initial training request, that information is retained by the system for use in conducting vetting for 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 July 6, 2018 (83 FR 31560) and a 30-day notice on October 31, 2018, (83 FR 54761). Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and

E.O. 13777, Enforcing the Regulatory Reform Agenda, the notices included a specific request for comments on the extent to which this request for information could be modified to reduce the burden on respondents.

TSA received one comment in response to the 60-day notice. The commenter expressed concern on types of security checks being done on “foreigners,” asserted that aliens should get flight training outside the United States and recommended that training records should be held for seven years.

TSA provided the following response:

TSA conducts a security threat assessment on aliens who seek flight training in the United States and from FAA-certificated flight training providers outside the United States. The STA includes a lawful presence check, a criminal history check, and a check for any ties to terrorism. TSA coordinates the lawful presence check with immigration authorities, the criminal history checks with the Federal Bureau of Investigation and the terrorism checks through various agencies.

TSA disagrees with the commenter’s assertion that aliens should be encouraged to “get flight training in other countries”. U.S. citizens fly around the world on various foreign air carriers. While this stimulates commerce, it simultaneously encourages foreign industry and governments to accept the FAA certificate as a standard that promotes the safety and the security of U.S. citizens traveling in aircrafts piloted by U.S. trained pilots.

In addition to safety, encouraging alien pilots to train in the United States brings billions of dollars into the U.S. economy. More than 5,000 flight training providers participate in training aliens. Most of these flight training providers are small businesses. According to the Flight School Association of North America, it is believed there are an additional 10,000-12,000 flight training providers who serve U.S. citizens seeking flight training.

TSA is required to maintain security threat assessment records for at least one year past the expiration of an airman certification, which may be shorter or longer than seven years. Please note that the FAA certificate does not have an expiration date. TSA will maintain the records for one year after we become aware a candidate is deceased.

**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). Also, a Privacy Impact Assessment (PIA), DHS/TSA/PIA-026-Alien Flight Student Program (AFSP), was published on July 28, 2014 on [www.dhs.gov](http://www.dhs.gov).

**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 33,600 Category 1, 2, or 3 candidates; 20,300 Category 4 candidates; and 5,600 flight training providers who actively provide flight training to alien students on an annual basis. Additionally, there are a further 12,100 flight training providers who exclusively provide training for U.S. students that are also affected by this information collection.

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 33,600 Category 1, 2, and 3 responses and 20,300 Category 4 responses for a total of 53,900 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 (0.75 hours) per training request application for candidates to provide TSA with all the information required by the rule, for a total application burden of 40,425 hours per year. Category 4 respondents are commercial pilots and TSA therefore uses a fully-loaded<sup>1</sup> hourly wage rate of \$99.95.<sup>2</sup> Category 1, 2, and 3 respondents are those applying for training to become pilots. TSA uses a fully-loaded hourly wage rate of \$49.66.<sup>3</sup> TSA estimates an annual hour burden cost to Category 4 applicants to be \$1,521,717 and the annual hour cost burden to Category 1, 2, and 3 applicants to be \$1,251,374, for a total annual average cost burden of \$2,773,091 (\$8.32 million over three years) for all applicants. Table 1 summarizes these estimates.

**Table 1. Public Hour Burden Cost**

<sup>1</sup> Fully-loaded wage rates account for the non-salary costs of employee compensation employers incur, such as health and retirement benefits.

<sup>2</sup> The unloaded wage rate for commercial pilots is \$66.02. BLS. May 2017 National Industry-Specific Occupational Employment and Wage Estimates. Occupation Code 53-2011 Airline Pilots, Copilots, and Flight Engineers, Median Wage Rate. Last modified March 30, 2018 (accessed May 14, 2018).

<https://www.bls.gov/oes/2017/May/oes532011.htm>. In order to calculate a fully-loaded wage rate, TSA divides the total compensation (\$27.93) by the component of compensation accounted for as salaries and wages (\$18.45). TSA uses a load factor of 1.51382 ( $=\$27.93 \div \$18.45$ ). BLS. Employer Costs for Employee Compensation - December 2017. Table 5 Employer costs per hour worked for employee compensation and costs as a percent of total compensation, production, transportation, and material moving. Last modified March 20, 2018 (accessed May 14, 2018). [https://www.bls.gov/news.release/archives/ecec\\_03202018.htm](https://www.bls.gov/news.release/archives/ecec_03202018.htm). The fully-loaded wage rate is calculated by multiplying the unloaded wage rate by the load factor ( $\$99.95 = \$66.024 \times 1.51382$ ).

<sup>3</sup> The unloaded wage rate for commercial pilot trainees is \$32.80. TSA uses the tenth decile wage rate of commercial pilots for trainees. The load factor is calculated identically as above, therefore the fully-loaded wage is \$49.66 ( $\$49.66 = \$32.803 \times 1.51382$ ).

Collection Activity	Number of Responses	Hour Burden Per Response	Total Hour Burden	Respondent Wage	Total Hour Burden Cost
	A	B	C = A x B	D	E = C x D
Category 1/2/3 Training Requests	33,600	0.75	25,200	\$49.66	\$1,251,374
Category 4 Training Requests	20,300	0.75	15,225	\$99.95	\$1,521,717
<b>Total</b>	<b>53,900</b>		<b>40,425</b>		<b>\$2,773,091</b>

Flight schools also keep records on covered applicant individuals from the time they are created. Each of the 53,900 applicant individual's record takes 5 minutes (0.083 hours) to file. TSA estimates the annual hour recordkeeping burden for applicants to be 4,492 hours. Additionally, TSA requires all flight training providers to maintain training records for covered employees. TSA estimates that there are 69,000 covered employees of training providers required to undergo security awareness training.<sup>4</sup> The annual hour burden for filing each training record is the same as above, 5 minutes (0.08333 hours). TSA estimates the annual hour burden for recordkeeping related to training to be 5,750 hours. Recordkeeping responsibilities are performed by an administrative assistant with a fully loaded wage rate of \$33.11.<sup>5</sup> TSA estimates the annual hour burden cost for recordkeeping associated with applicants for flight training to be \$148,707 and the annual hour burden cost for recordkeeping associated with security awareness training for covered employees to be \$190,367. TSA estimates the total annual hour cost burden for all recordkeeping activities to be \$339,074 (\$1,017,221 for three years). Table 2 summarizes these calculations.

**Table 2. Training Recordkeeping Costs**

Training Activity	Number of Responses	Hour Burden Per Response	Total Hour Burden	Recordkeeper Wage Rate	Total Hour Burden Cost
	A	B	C = A x B	D	E = C x D
Recordkeeping of Flight Training Requests	53,900	0.08333	4,492	\$33.11	\$148,707
Recordkeeping of Security Awareness Training	69,000	0.08333	5,750	\$33.11	\$190,366.79
<b>Total</b>	<b>122,900</b>		<b>10,241.67</b>		<b>\$339,074</b>

<sup>4</sup> This estimate is based on an interview between TSA and the Flight School Association of North America. There are three general classes of flight training providers described to TSA: large providers with an estimated average of 50 covered employees, smaller flight training clubs with an average of 3 covered employees, and individual certified flight instructors with an average of 1 covered employee.

<sup>5</sup> The unloaded wage rate of an administrative assistant is \$21.87. BLS. May 2017 National Industry-Specific Occupational Employment and Wage Estimates. NAICS 481000 - Air Transportation. Occupation Code 43-0000, Office and Administrative Support Occupations. Last modified March 30, 2018 (accessed May 14, 2018). [https://www.bls.gov/oes/2017/May/naics3\\_481000.htm#43-0000](https://www.bls.gov/oes/2017/May/naics3_481000.htm#43-0000). The fully loaded wage rate is calculated using the same load factor as calculated above (\$33.11 = \$21.87 x 1.51382).

TSA sums the hour burden costs for both applicants and recordkeeping to estimate a total annual hour burden of 50,667 (152,000 over three years) and cost of \$3,112,165 (\$9,336,495 over three years).

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

Flight training providers who train aliens must hold records on site to be inspected by TSA. TSA's program office for this collection estimates the cost for maintaining records for inspection by TSA to be \$1,500 per flight training provider, for a total annual cost to recordkeepers of \$8,400,000. Additionally, applicants for flight training are required to pay an application fee to cover the cost of their STA. Category 1, 2, and 3 applicants must pay a fee of \$130, while Category 4 applicants pay a fee of \$70. TSA estimates annual fees paid by Category 1, 2, and 3 applicants to be \$4,368,000 and fees paid by Category 4 applicants to be \$1,421,000. TSA estimates the total annual cost burden for fees and recordkeeping to be \$14,189,000 (\$42,567,000 for the three-year period). Table 3 summarizes these calculations.

**Table 3. Fees and Other Annualized Costs**

Activity	Fee or Cost	Number of Annual Instances	Annualized Cost
	A	B	C = A x B
Category 1/2/3 Application Fee	\$130	33,600	\$4,368,000
Category 4 Application Fee	\$70	20,300	\$1,421,000
Annualized Recordkeeping Costs	\$1,500	5,600	\$8,400,000
<b>Total</b>		<b>59,500</b>	<b>\$14,189,000</b>

**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-costs to conduct security threat assessments are assumed to be covered by the application fee applicants must pay. Therefore, TSA-costs are only those associated with inspection activities. TSA conducts approximately one annual inspection of a flight training provider to inspect application recordkeeping requirements. TSA therefore estimates 5,600 annual inspections. Each inspection takes a TSA inspector 2 hours to complete, resulting in an annual hour burden to TSA of 11,200. Inspections for security awareness training recordkeeping take place approximately once every 3 years per flight training provider, for a total of 5,900 annual inspections. These inspections also take approximately 2 hours to complete, resulting in an annual training inspection hour burden of 11,800 hours. Both types of inspections are conducted by TSA personnel with a fully loaded hourly wage rate of \$48.53.<sup>6</sup> TSA estimates the annual hour burden cost to TSA to be \$1,116,082 (\$3,348,245 over three years). Table 4 summarizes these calculations.

<sup>6</sup> This wage rate is a weighted average. TSA has 56 G-Band Inspectors and 267 H-Band Inspectors, both with a fully-loaded hourly wage of \$40.44, and 143 I-Band Inspectors with a fully-loaded hourly wage of \$66.79. ( $\$48.53 = ([323 \times \$40.44] + [143 \times \$66.79]) \div 466$ ). TSA, Office of Finance, FY2018 Modular Cost Data.

**Table 4. TSA Hour Burden Cost**

	<b>Number of Annual Inspections per Flight Training Provider</b>	<b>Number of Annual Inspections</b>	<b>Hour Burden per Inspection</b>	<b>Annual Hour Burden</b>	<b>Annual Hour Burden Cost</b>
<b>Inspection</b>	<b>A</b>	<b>B = A x Flight Schools</b>	<b>C</b>	<b>D = B x C</b>	<b>E = D x \$48.53</b>
Candidate Recordkeeping Inspection	1	5,600	2	11,200	\$543,483
Training Inspections	0.3333333333	5,900	2	11,800	\$572,598
<b>Total</b>		<b>11,500</b>		<b>23,000</b>	<b>\$1,116,082</b>

**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 12 to account for the recordkeeping burden associated with security awareness training for covered employees. While this recordkeeping requirement has been in the program, it was not included in the previous estimate of the public hour cost burden. In addition, TSA updated the burden cost in Item 13 to reflect not only the providers recordkeeping costs but also the candidate's STA fees. The fees requirement has also been in the program, but was not included in the previous estimate of the cost burden.

**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.