

1 **List of Subjects in 49 CFR Part 1552**

2
3 Aircraft, Aliens, Alien pilots, Aviation safety, Education facilities, Fees, Flight schools,
4 Flight school employees, Flight training, Reporting and recordkeeping requirements,
5 Security awareness training, Security measures, Security threat assessment.

6
7 **The Amendments**

8
9 For the reasons set forth in the preamble, the Transportation Security Administration
10 amends chapter XII, subchapter C, of title 49, Code of Federal Regulations, by adding a
11 new part 1552 to read as follows:

12
13 **PART 1552--FLIGHT SCHOOLS**

14
15 **Subpart A--Flight Training for Aliens and Other Designated Individuals**

16 Sec.

17 1552.1 Scope and definitions.

18 1552.3 Flight training.

19 1552.5 Fees.

20
21 **Subpart B--Flight School Security Awareness Training**

22 1552.21 Scope and definitions.

23 1552.23 Security awareness training programs.

24 1552.25 Documentation, recordkeeping, and inspection.

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26 Authority: 49 U.S.C. 114, 44939.
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52 Subpart A--Flight Training for Aliens and Other Designated Individuals

53

54 **Sec. 1552.1 Scope and definitions.**

55

56 **(a) Scope.** This subpart applies to flight schools that provide
57 instruction under 49 U.S.C. Subtitle VII, Part A, in the operation of
58 aircraft or aircraft simulators, and individuals who apply to obtain
59 such instruction or who receive such instruction.

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103 **(b) Definitions.** As used in this part:

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105 **Aircraft simulator** means a flight simulator or **flight training device**, as those terms are
106 defined at 14 CFR 61.1.

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108 **Alien** means any person not a citizen or national of the United States.

109

110 **Candidate** means an alien or other individual designated by TSA who applies for flight
111 training or recurrent training. It does not include an individual endorsed by the
112 Department of Defense for flight training.

113

114 **Day** means a day from Monday through Friday, including State and local holidays but
115 not Federal holidays, for any time period less than 11 days specified in this part. For any
116 time period greater than 11 days, day means calendar day.

117

118 **Demonstration flight for marketing purposes** means a flight for the purpose of
119 demonstrating an aircraft's or aircraft simulator's capabilities or characteristics to a
120 potential purchaser, or to an agent of a potential purchaser, of the aircraft or simulator,
121 including an acceptance flight after an aircraft manufacturer delivers an aircraft to a
122 purchaser.

123

124 **Flight school** means any pilot school, flight training center, air carrier flight training
125 facility, or flight instructor certificated under 14 CFR part 61, 121, 135, 141, or 142; or
126 any other person or entity that provides instruction under 49 U.S.C. Subtitle VII, Part A,
127 in the operation of any aircraft or aircraft simulator.

128

129 **Flight training** means instruction received from a flight school in an aircraft or aircraft
130 simulator. Flight training does not include recurrent training, ground training, a
131 demonstration flight for marketing purposes, or any military training provided by the
132 Department of Defense, the U.S. Coast Guard, or an entity under contract with the
133 Department of Defense or U.S. Coast Guard.

134

135 **Ground training** means classroom or computer-based instruction in the operation of
136 aircraft, aircraft systems, or cockpit procedures. Ground training does not include
137 instruction in an aircraft simulator.

138

139 **National of the United States** means a person who, though not a citizen of the United
140 States, owes permanent allegiance to the United States, and includes a citizen of
141 American Samoa or Swains Island.

142

143 **Recurrent training** means periodic training required under 14 CFR part 61, 121,125,
144 135, or Subpart K of part 91. Recurrent training does not include training that would
145 enable a candidate who has a certificate or type rating for a particular aircraft to receive
146 a certificate or type rating for another aircraft.

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154 **Sec. 1552.3 Flight training.**

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156 This section describes the procedures a flight school must follow before providing flight
157 training.

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159 **(a) Category 1--Regular processing for flight training on aircraft more than 12,500**
160 **pounds.** A flight school may not provide flight training in the operation of any aircraft
161 having a maximum certificated takeoff weight of more than 12,500 pounds to a
162 candidate, except for a candidate who receives expedited processing under paragraph
163 (b) of this section, unless--

164

165 (1) The flight school has first notified TSA that the candidate has requested such
166 flight training.

167 (2) The candidate has submitted to TSA, in a form and manner acceptable to
168 TSA, the following:

169 (i) The candidate's full name, including any aliases used by the candidate
170 or variations in the spelling of the candidate's name;

171 (ii) A unique candidate identification number created by TSA;

172 (iii) A copy of the candidate's current, un-expired passport and visa;

173 (iv) The candidate's passport and visa information, including all current
174 and previous passports and visas held by the candidate and all the
175 information necessary to obtain a passport and visa;

176 (v) The candidate's country of birth, current country or countries of
177 citizenship, and each previous country of citizenship, if any;

178 (vi) The candidate's actual date of birth or, if the candidate does not know
179 his or her date of birth, the approximate date of birth used consistently by
180 the candidate for his or her passport or visa;

181 (vii) The candidate's requested dates of training and the location of the
182 training;

183 (viii) The type of training for which the candidate is applying, including the
184 aircraft type rating the candidate would be eligible to obtain upon
185 completion of the training;

186 (ix) The candidate's current U.S. pilot certificate, certificate number, and
187 type rating, if any;

188 (x) Except as provided in paragraph (k) of this section, the candidate's
189 fingerprints, in accordance with paragraph (f) of this section;

190 (xi) The candidate's current address and phone number and each address
191 for the 5 years prior to the date of the candidate's application;

192 (xii) The candidate's gender; and

193 (xiii) Any fee required under this part.

194

195 (3) The flight school has submitted to TSA, in a form and manner acceptable to
196 TSA, a photograph of the candidate taken when the candidate arrives at the flight
197 school for flight training.

198

199 (4) TSA has informed the flight school that the candidate does not pose a threat
200 to aviation or national security, or more than 30 days have elapsed since TSA
201 received all of the information specified in paragraph (a)(2) of this section.

202

203 (5) The flight school begins the candidate's flight training within 180 days of either
204 event specified in paragraph (a)(4) of this section.

205 **(b) Category 2--Expedited processing for flight training on aircraft more than**
206 **12,500 pounds.**

207
208 (1) A flight school may not provide flight training in the operation of any aircraft
209 having a maximum certificated takeoff weight of more than 12,500 pounds to a
210 candidate who **meets any of the criteria** of paragraph (b)(2) of this section unless-

211 -
212 (i) The flight school has first notified TSA that the candidate has
213 requested such flight training.

214
215 (ii) The candidate has submitted to TSA, in a form and manner acceptable
216 to TSA:

217 (A) The information and fee required under paragraph (a)(2) of this
218 section; and

219 (B) The reason the candidate is eligible for expedited processing
220 under paragraph (b)(2) of this section and information that
221 establishes that the candidate is eligible for expedited processing.

222
223 (iii) The flight school has submitted to TSA, in a form and manner
224 acceptable to TSA, a photograph of the candidate taken when the
225 candidate arrives at the flight school for flight training.

226
227 (iv) TSA has informed the flight school that the candidate does not pose a
228 threat to aviation or national security or more than 5 days have elapsed
229 since TSA received all of the information specified in paragraph (a)(2) of
230 this section.

231
232 (v) The flight school begins the candidate's flight training within 180 days
233 of either event specified in paragraph (b)(1)(iv) of this section.

234
235 (2) A candidate is eligible for **expedited processing** if he or she—

236
237 (i) Holds an airman's certificate from a foreign country that is recognized
238 by the Federal Aviation Administration or a military agency of the United
239 States, and that permits the candidate to operate a multi-engine aircraft
240 that has a certificated takeoff weight of more than 12,500 pounds; **or**

241
242 (ii) Is employed by a foreign air carrier that operates under 14 CFR part
243 129 and has a security program approved under 49 CFR part 1546; **or**

244
245 (iii) Has unescorted access authority to a secured area of an airport under
246 49 U.S.C. 44936(a)(1)(A)(ii), 49 CFR 1542.209, or 49 CFR 1544.229; **or**

247
248 (iv) Is a flightcrew member who has successfully completed a criminal
249 history records check in accordance with 49 CFR 1544.230; **or**

250
251 (v) Is part of a class of individuals that TSA has determined poses a
252 minimal threat to aviation or national security because of the flight training
253 already possessed by that class of individuals

256 **(c) Category 3--Flight training on aircraft 12,500 pounds or less.**

257 A flight school may not provide flight training in the operation of any aircraft having a
258 maximum certificated takeoff weight of 12,500 pounds or less to a candidate unless--
259

260 (1) The flight school has first notified TSA that the candidate has requested such
261 flight training.
262

263 (2) The candidate has submitted to TSA, in a form and manner acceptable to
264 TSA:

- 265 (i) The information required under paragraph (a)(2) of this section; and
- 266 (ii) Any other information required by TSA.
- 267

268 (3) The flight school has submitted to TSA, in a form and manner acceptable to
269 TSA, a photograph of the candidate taken when the candidate arrives at the flight
270 school for flight training.
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272 (4) The flight school begins the candidate's flight training within 180 days of the
273 date the candidate submitted the information required under paragraph (a)(2) of
274 this section to TSA.
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306 **(d) Category 4--Recurrent training for all aircraft.** Prior to beginning recurrent training
307 for a candidate, a flight school must--

308
309 (1) Notify TSA that the candidate has requested such recurrent training; and

310
311 (2) Submit to TSA, in a form and manner acceptable to TSA:

312
313 (i) The candidate's full name, including any aliases used by the candidate
314 or variations in the spelling of the candidate's name;

315
316 (ii) Any unique student identification number issued to the candidate by
317 the Department of Justice or TSA;

318
319 (iii) A copy of the candidate's current, un-expired passport and visa;

320
321 (iv) The candidate's current U.S. pilot certificate, certificate number, and
322 type rating(s);

323
324 (v) The type of training for which the candidate is applying;

325
326 (vi) The date of the candidate's prior recurrent training, if any, and a copy
327 of the training form documenting that recurrent training;

328
329 (vii) The candidate's requested dates of training; and

330
331 (viii) A photograph of the candidate taken when the candidate arrives at
332 the flight school for flight training.

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357 **(e) Interruption of flight training.** A flight school must immediately terminate or cancel
358 a candidate's flight training if TSA notifies the flight school at any time that the candidate
359 poses a threat to aviation or national security.

360
361 **(f) Fingerprints.**

362
363 (1) Fingerprints submitted in accordance with this subpart must be collected--

364 (i) By United States Government personnel at a United States embassy or
365 consulate; or

366 (ii) By another entity approved by TSA.

367
368 (2) A candidate must confirm his or her identity to the individual or agency
369 collecting his or her fingerprints under paragraph (f)(1) of this section by
370 providing the individual or agency his or her:

371 (i) Passport;

372 (ii) Resident alien card; or

373 (iii) U.S. driver's license.

374
375 (3) A candidate must pay any fee imposed by the agency taking his or her
376 fingerprints.

377
378 **(g) General requirements.**

379
380 (1) False statements. If a candidate makes a knowing and willful false statement,
381 or omits a material fact, when submitting the information required under this part,
382 the candidate may be--

383 (i) Subject to fine or imprisonment or both under 18 U.S.C. 1001;

384 (ii) Denied approval for flight training under this section; and

385 (iii) Subject to other enforcement action, as appropriate.

386
387 (2) Preliminary approval. For purposes of facilitating a candidate's visa process
388 with the U.S. Department of State, TSA may inform a flight school and a
389 candidate that the candidate has received preliminary approval for flight training
390 based on information submitted by the flight school or the
391 candidate under this section. A flight school may then issue an I-20 form to the
392 candidate to present with the candidate's visa application. Preliminary approval
393 does not initiate the waiting period under paragraph (a)(3) or (b)(1)(iii) of this
394 section or the period in which a flight school must initiate a candidate's training
395 after receiving TSA approval under paragraph (a)(4) or (b)(1)(iv) of this section.

407 **(h) U.S. citizens and nationals and Department of Defense endorsees.**

408 A flight school must determine whether an individual is a citizen or national of the United
409 States, or a Department of Defense endorsee, prior to providing flight training to the
410 individual.

411
412 (1) U.S. citizens and nationals. To establish U.S. citizenship or nationality an
413 individual must present to the flight school his or her:

414 (i) Valid, un-expired United States passport;

415
416 (ii) Original or government-issued certified birth certificate of the United
417 States, American Samoa, or Swains Island, together with a government-
418 issued picture identification of the individual;

419
420 (iii) Original United States naturalization certificate with raised seal, or a
421 Certificate of Naturalization issued by the U.S. Citizenship and
422 Immigration Services (USCIS) or the U.S. Immigration and Naturalization
423 Service (INS) (Form N-550 or Form N-570), together with a government-
424 issued picture identification of the individual;

425
426 (iv) Original certification of birth abroad with raised seal, U.S. Department
427 of State Form FS-545, or U.S. Department of State Form DS-1350,
428 together with a government-issued picture identification of the individual;

429
430 (v) Original certificate of United States citizenship with raised seal, a
431 United States Citizenship issued by the USCIS or INS (Form N-560 or
432 Form N-561), or a Certificate of Repatriation issued by the USCIS or INS
433 (Form N-581), together with a government-issued picture identification of
434 the individual; or

435
436 (vi) In the case of flight training provided to a Federal employee (including
437 military personnel) pursuant to a contract between a Federal agency and a
438 flight school, the agency's written certification as to its employee's United
439 States citizenship or nationality, together with the employee's government-
440 issued credentials or other Federally-issued picture identification.

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442
443 (2) Department of Defense endorsees.

444 To establish that an individual has been endorsed by the U.S. Department of
445 Defense for flight training, the individual must present to the flight school a written
446 statement acceptable to TSA from the U.S. Department of Defense attache in the
447 individual's country of residence together with a government-issued picture
448 identification of the individual.

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458 **(i) Recordkeeping requirements. A flight school must--**

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(1) Maintain the following information for a minimum of 5 years:

(i) For each candidate:

(A) A copy of the photograph required under paragraph (a)(3), (b)(1)(iii), (c)(3), or (d)(2)(viii) of this section; and

(B) A copy of the approval sent by TSA confirming the candidate's eligibility for flight training.

(ii) For a Category 1, Category 2, or Category 3 candidate, a copy of the information required under paragraph (a)(2) of this section, except the information in paragraph (a)(2)(x).

(iii) For a Category 4 candidate, a copy of the information required under paragraph (d)(2) of this section.

(iv) For an individual who is a United States citizen or national, a copy of the information required under paragraph (h)(1) of this section.

(v) For an individual who has been endorsed by the U.S. Department of Defense for flight training, a copy of the information required under paragraph (h)(2) of this section.

(vi) A record of all fees paid to TSA in accordance with this part.

(2) Permit TSA and the Federal Aviation Administration to inspect the records required by paragraph (i)(1) of this section during reasonable business hours.

(j) Candidates subject to the Department of Justice rule.

A candidate who submits a completed Flight Training Candidate Checks Program form and fingerprints to the Department of Justice in accordance with 28 CFR part 105 before September 28, 2004, or a later date specified by TSA, is processed in accordance with the requirements of that part. If TSA specifies a date later than the compliance dates identified in this part, individuals and flight schools who comply with 28 CFR part 105 up to that date will be considered to be in compliance with the requirements of this part.

509 **(k) Additional or missed flight training.**

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(1) A Category 1, 2, or 3 candidate who has been approved for flight training by TSA may take additional flight training without submitting fingerprints as specified in paragraph (a)(2)(x) of this section if the candidate:

(i) Submits all other information required in paragraph (a)(2) of this section, including the fee; and

(ii) Waits for TSA approval or until the applicable waiting period expires before initiating the additional flight training.

(2) A Category 1, 2, or 3 candidate who is approved for flight training by TSA, but does not initiate that flight training within 180 days, may reapply for flight training without submitting fingerprints as specified in paragraph (a)(2)(x) of this section if the candidate submits all other information required in paragraph (a)(2) of this section, including the fee.

Sec. 1552.5 Fees.

(a) Imposition of fees. The following fee is required for TSA to conduct a security threat assessment for a candidate for flight training subject to the requirements of Sec. 1552.3: \$130.

(b) Remittance of fees.

(1) A candidate must remit the fee required under this subpart to TSA, in a form and manner acceptable to TSA, each time the candidate or the flight school is required to submit the information required under Sec. 1552.3 to TSA.

(2) TSA will not issue any fee refunds, unless a fee was paid in error.

559 **Subpart B--Flight School Security Awareness Training**

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562 **Sec. 1552.21 Scope and definitions.**

563

564 (a) Scope. This subpart applies to flight schools that provide instruction under 49 U.S.C.
565 Subtitle VII, Part A, in the operation of aircraft or aircraft simulators, and to employees of
566 such flight schools.

567

568 (b) Definitions: As used in this subpart:

569

570 **Flight school employee** means a flight instructor or ground instructor certificated under
571 14 CFR part 61, 141, or 142; a chief instructor certificated under 14 CFR part 141; a
572 director of training certificated under 14 CFR part 142; or any other person employed by
573 a flight school, including an independent contractor, who has direct contact with a flight
574 school student. This includes an independent or solo flight instructor certificated under
575 14 CFR part 61.

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578 **Sec. 1552.23 Security awareness training programs.**

579

580 (a) General. A flight school must ensure that--

581

582 (1) Each of its flight school employees receives initial and recurrent
583 security awareness training in accordance with this subpart; and

584

585 (2) If an instructor is conducting the initial security awareness training
586 program, the instructor has first successfully completed the initial flight
587 school security awareness training program offered by TSA or an
588 alternative initial flight school security awareness training program that
589 meets the criteria of paragraph (c) of this section.

590

591 (b) Initial security awareness training program.

592

593 (1) A flight school must ensure that--

594

595 (i) Each flight school employee employed on January 18, 2005
596 receives initial security awareness training in accordance with this
597 subpart by January 18, 2005; and

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599 (ii) Each flight school employee hired after January 18, 2005
600 receives initial security awareness training within 60 days of being
601 hired.

602 (2) In complying with paragraph (b)(2) of this section, a flight school may
603 use either:

604

605 (i) The initial flight school security awareness training program
606 offered by TSA; or

607

608 (ii) An alternative initial flight school security awareness training
609 program that meets the criteria of paragraph (c) of this section.

- 610 (c) Alternative initial security awareness training program. At a minimum, an alternative
611 initial security awareness training program
612 must--
613
- 614 (1) Require active participation by the flight school employee receiving the
615 training.
616
 - 617 (2) Provide situational scenarios requiring the flight school employee receiving
618 the training to assess specific situations and determine appropriate courses of
619 action.
620
 - 621 (3) Contain information that enables a flight school employee to identify--
622
 - 623 (i) Uniforms and other identification, if any are required at the flight school,
624 for flight school employees or other persons authorized to be on the flight
625 school grounds.
626
 - 627 (ii) Behavior by clients and customers that may be considered suspicious,
628 including, but not limited to:
629
 - 630 (A) Excessive or unusual interest in restricted airspace or restricted
631 ground structures;
632
 - 633 (B) Unusual questions or interest regarding aircraft capabilities;
634
 - 635 (C) Aeronautical knowledge inconsistent with the client or
636 customer's existing airman credentialing; and
637
 - 638 (D) Sudden termination of the client or customer's instruction.
639
 - 640 (iii) Behavior by other on-site persons that may be considered suspicious,
641 including, but not limited to:
642
 - 643 (A) Loitering on the flight school grounds for extended periods time;
644 and
645
 - 646 (B) Entering ``authorized access only" areas without permission.
647
 - 648 (iv) Circumstances regarding aircraft that may be considered suspicious,
649 including, but not limited to:
650
 - 651 (A) Unusual modifications to aircraft, such as the strengthening of
652 landing gear, changes to the tail number, or stripping of the aircraft
653 of seating or equipment;
654
 - 655 (B) Damage to propeller locks or other parts of an aircraft that is
656 inconsistent with the pilot training or aircraft flight log; and
657
 - 658 (C) Dangerous or hazardous cargo loaded into an aircraft.
659
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661 (v) Appropriate responses for the employee to specific situations,
662 including:

663
664 (A) Taking no action, if a situation does not warrant action;
665

666 (B) Questioning an individual, if his or her behavior may be
667 considered suspicious;
668

669 (C) Informing a supervisor, if a situation or an individual's
670 behavior warrants further investigation;
671

672 (D) Calling the TSA General Aviation Hotline; or
673

674 (E) Calling local law enforcement, if a situation or an
675 individual's behavior could pose an immediate threat.
676

677 (vi) Any other information relevant to security measures or
678 procedures at the flight school, including applicable information in
679 the TSA Information Publication "Security Guidelines for General
680 Aviation Airports".
681

682 **(d) Recurrent security awareness training program.**
683

684 (1) A flight school must ensure that each flight school employee receives current
685 security awareness training each year in the same month as the month the flight
686 school employee received initial security awareness training in accordance with
687 this subpart.
688

689 (2) At a minimum, a recurrent security awareness training program must contain
690 information regarding--
691

692 (i) Any new security measures or procedures implemented by the flight
693 school;
694

695 (ii) Any security incidents at the flight school, and any lessons learned as a
696 result of such incidents;
697

698 (iii) Any new threats posed by or incidents involving general aviation
699 aircraft contained on the TSA Web site; and
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701 (iv) Any new TSA guidelines or recommendations concerning the security
702 of general aviation aircraft, airports, or flight schools.
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712 **Sec. 1552.25 Documentation, recordkeeping, and inspection.**

713

714 (a) Documentation. A flight school must issue a document to each flight school
715 employee each time the flight school employee receives initial or recurrent security
716 awareness training in accordance with this subpart. The document must--

717

718 (1) Contain the flight school employee's name and a distinct identification
719 number.

720

721 (2) Indicate the date on which the flight school employee received the security
722 awareness training.

723

724 (3) Contain the name of the instructor who conducted the training, if any.

725

726 (4) Contain a statement certifying that the flight school employee received the
727 security awareness training.

728

729 (5) Indicate the type of training received, initial or recurrent.

730

731 (6) Contain a statement certifying that the alternative training program used by
732 the flight school meets the criteria in 49 CFR 1552.23(c), if the flight school uses
733 an alternative training program to comply with this subpart.

734

735 (7) Be signed by the flight school employee and an authorized official of the flight
736 school.

737

738 (b) Recordkeeping requirements. A flight school must establish and maintain the
739 following records for one year after an individual no longer is a flight school employee:

740

741 (1) A copy of the document required by paragraph (a) of this section for the initial
742 and each recurrent security awareness training conducted for each flight school
743 employee in accordance with this subpart; and

744

745 (2) The alternative flight school security awareness training program used by the
746 flight school, if the flight school uses such a program.

747

748 (c) Inspection. A flight school must permit TSA and the Federal Aviation Administration
749 to inspect the records required under paragraph (b) of this section during reasonable
750 business hours.

751

752 Issued in Arlington, Virginia, on September 16, 2004.

753 David M. Stone,

754 Assistant Secretary.

755 [FR Doc. 04-21220 Filed 9-16-04; 4:21 pm]

756

757 BILLING CODE 4910-62-P