

TSA ANNOUNCES MODIFICATIONS OF RULES FOR FLIGHT SCHOOLS AND CFIs

The Transportation Security Administration has announced a modification of its rules set forth last September with respect to record-keeping requirements for flight instructors and flight schools training alien students. The requirement to maintain records on alien and US citizen pilots has also been eased.

Responding to comments received from the National Association of Flight Instructors and dozens of its members, the TSA has released [January 10, 2005] a letter clarifying its rule of September 20, 2004. That rule placed weighty burdens on all flight instructors providing training under FAR Parts 61 and 141, and required security awareness training for all flight school employees with direct contact with flight students, domestic or foreign.

Security Awareness Training Deadline 18 January, 2005

Flight school employees must complete the security awareness training no later than 18 January. The training is available online at:

<http://download.tsa.dhs.gov/fssa/training/>

This can be completed in about an hour. Flight schools must keep a record of each employee's completion of the training for one year after the employee's employment is terminated. Employees hired after January 18, 2005 must complete the training within sixty days of hiring.

Risk Assessment of Pilots in Training

The TSA rule set forth last fall prohibited flight training of aliens in aircraft with Max Takeoff Weight less than 12,500 pounds unless (a) the flight student requests approval from the TSA of flight training and (b) the flight school notifies TSA that the alien has requested flight training. The earlier requirement that alien pilots submit a new request for each additional rating has mercifully been modified such that an alien pilot need only report and receive approval for training leading to:

- (a) The candidate's initial pilot certificate, be it Sport pilot, recreational, or private;
- (b) The multiengine rating;
- (c) The instrument rating.

Flight schools planning to provide training to aliens must register with the TSA at: <https://www.flightschoolcandidates.gov>

This furnishes the TSA with the identification data and a digital photograph of the individual, taken when the trainee arrives at the flight school to request training.

Reporting requirement vis-à-vis alien [pilots seeking recurrent training have similarly been lightened. Effective immediately, flight schools need only report critical identification data and a certification that the alien seeks recurrent training at least 48 hours in advance of the recurrent training. Critical identification data includes (a) full name and all aliases; (b) date of birth; (c) passport number and issuing nation; (d) airman certificate number, type, type ratings, and issuing nation; and type and dates of the training applied for.

Training US Citizens

With respect to any student commencing a training regimen leading to (a) a sport pilot, recreational pilot, or private pilot rating; (b) a multiengine rating; or (c) an instrument rating, every flight school must first determine the citizenship status of the student. US citizenship or nationality is proven by any of the following.

- Original or government-issued certificated birth certificate (US) from the US, for American Samoa, or Swains Island, plus a photo ID; or
- Current, valid (not expired) US Passport (contains photo); or
- Original US Nationalization Certificate w/ raised seal, plus a photo ID; or
- Original US Citizenship & Immigration Services (USCIS) or Immigration & Naturalization Service (INS) form N-550 (or N-570, Certificate of Naturalization), plus a photo ID; or
- Original certification of birth abroad w/raised seal or US Department of State Form FS-545 (or Form DS-1350), plus a photo ID; or
- Original certificate of US citizenship w/raised seal, USCIS or INS Form N-560 (or Form N-561 or Form N-581, with photo ID; or
- DOD or Federal Agency written certification attesting to the Federal employee's US citizenship or nationality, plus their government-issued photo ID.

The flight school may copy and retain for five years the proof of citizenship offered. NAFI recommends, however, that the flight school use the approved alternative means of documenting citizenship, which involves endorsing both the student's and instructor's logbooks as follows.

I certify that [student's name] has presented a [insert type of document or documents presented, such as current US passport, including the identifying number on the document, if any] establishing] US citizenship or nationality in accordance with 49 CFR 1552.3(h).
[Instructor's signature, CFI number, and date]

The flight school may furnish training any time following the proof of citizenship or nationality and the recording of same.

Exceptions

The TSA rule has excepted from proof-of-identity requirements for US citizens and nationals all ground training, demonstration flights for marketing purposes, and recurrent training. Recurrent training includes flight reviews, proficiency checks, and any "other check whose purpose is to review rules, maneuvers, or procedures, or to demonstrate a pilot's existing skills on aircraft with a maximum certificated takeoff weight of 12,500 pounds or less."