

Here is the latest from TSA (1/6/05).

The long side of it:

AOPA has successfully reduced the hassles imposed on pilots and flight instructors by the Transportation Security Administration's alien flight training/citizenship validation rule. An interpretation of the rule issued today by TSA incorporates many AOPA-suggested improvements, including limiting the circumstances under which pilots must prove their citizenship before beginning training in aircraft weighing 12,500 pounds or less.

"TSA now only needs a citizenship verification or threat assessment on a pilot taking flight training that 'substantially enhances piloting skills,'" said Andy Cebula, AOPA senior vice president of Government and Technical Affairs. "That means pilots must have their citizenship validated only for initial pilot training, or training for a multiengine or instrument rating."

That's the third major AOPA-suggested improvement to the rule. The association had previously convinced TSA that pilots shouldn't need to prove citizenship before beginning recurrent training and that the five-year record-keeping requirement could be replaced with a simple logbook entry.

That also significantly reduces the burden on flight instructors and flight schools. TSA's previous interpretation required them to check a pilot's citizenship prior to starting training for any new rating or certificate.

AOPA has worked closely with Homeland Security and TSA officials to help them better understand general aviation. TSA Administrator David Stone promised at AOPA Expo in October 2004 to draw on AOPA's expertise to make the rule more workable.

In a face-to-face with Adm. Stone's boss the following month, AOPA President Phil Boyer reiterated, "TSA knows security. AOPA knows GA. Together we can develop security solutions that will really work."

There was considerable back-and-forth between AOPA and TSA in generating this interpretation of the rule. For training in small aircraft weighing 12,500 pounds or less, AOPA argued for just two "validation triggers" - student pilot training and multiengine training - when a flight instructor would have to check a pilot's citizenship. Potential pilots first enter the system as students, so that is a logical point for TSA to screen for terrorists. Multiengine training shows intent to learn to control larger aircraft, so it also is a logical point to look for someone who might be trying to use an aircraft as a weapon.

While TSA accepted that, agency officials also wanted instrument training as a validation trigger. AOPA argued that instrument training didn't give a terrorist any additional skills that could be used for crashing an aircraft into a ground target, pointing out that private pilots have to demonstrate basic instrument skills. AOPA also argued for the change on safety grounds, noting that instrument-rated pilots

are generally safer, but the hassle factor of a citizenship check could be a disincentive for pilots to pursue this additional training.

But TSA, stating the obvious, said instrument training, "enhances a student pilot's abilities to pilot an aircraft in bad weather and enables a student pilot to better understand the instruments and physiological experiences of flying without reference to visual cues outside the aircraft." And so it is a validation trigger.

So what does this mean in practical terms?

If you want to become a pilot, you'll have to show proof you are a U.S. citizen. If you're an alien, you'll have to go through TSA's threat assessment when you start training for a sport, recreational, or private certificate.

If you're already a U.S.-certificated pilot and a citizen, you'll only need to prove your citizenship when you start multiengine or instrument training in aircraft weighing 12,500 pounds or less. (See AOPA's Guide to TSA's Alien Flight Training/Citizenship Validation Rule for what you need to prove citizenship.)

For flight instructors, this means you have to check an individual's citizenship at the beginning of initial pilot training, multiengine training, or training leading to an instrument rating in aircraft weighing 12,500 pounds or less. Again, thanks to AOPA's earlier advocacy, you can make logbook entries to show that the pilot's U.S. citizenship has been validated, rather than retain copies of all of the pilot's documents for five years as the rule originally required.

All flight instructors must complete initial security awareness training by January 18, regardless whether they are training foreign nationals or not. Flight instructors can satisfy this requirement by taking TSA's online Flight School Security Awareness training module.

If you are going to train a non-U.S. citizen (and that includes a resident alien with a "green card"), you'll have to register with TSA through the FAA's Flight Standard District Office (FSDO) and then check TSA's system to verify that TSA has cleared the non-citizen for flight training.

After AOPA relayed the problems flight instructors were having with the procedure to physically appear at the FSDO to register, the TSA altered that process to allow validation over the telephone.

Again, as a flight instructor you are responsible for checking that a pilot is a U.S. citizen or has the proper TSA approval for training when the person starts initial pilot training, multiengine training, or training leading to an instrument rating. (See AOPA's Guide to TSA's Alien Flight Training/Citizenship Validation Rule for details on registering with TSA and checking on foreign students.)

Finally, for resident aliens, there's good news and bad news. The good news is that the three trigger events apply to you as well, so you no longer have to be cleared by the TSA for recurrent training and flight reviews, commercial pilot, or ATP training. The bad news is that each time you hit one of those trigger events, you have to go through the

full TSA clearance process again, including fingerprinting and the \$130 process fee.

"We hit an absolute stone wall on this," said Cebula. "And it's not just TSA and Homeland Security. Congress also wants resident aliens to be checked and rechecked." Pressure for this treatment of resident aliens is based on shortcomings of federal immigration screening.

"Sadly, there is no going back to the way things were on September 10, 2001," said Cebula. "But AOPA will continue to push for sensible security regulations that protect us from real threats without strangling legitimate business or fundamental American freedoms."

January 6, 2005

In summary:

What it means to you

U.S. citizen: You must prove citizenship before beginning primary, instrument, or multiengine training in an aircraft under 12,500 pounds.

CFI: You must take TSA's security awareness training by January 18. You must check that all potential students are U.S. citizens or have proper TSA clearance before you begin primary, instrument, or multiengine instruction in an aircraft under 12,500 pounds. You must make a logbook entry confirming that you have made the necessary checks. If you teach a student who is not a U.S. citizen, you must register with TSA through your local FSDO.

Resident alien: You must receive TSA clearance before beginning primary, instrument, or multiengine training in an aircraft under 12,500 pounds.

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TSA Still requires clearance for what they call "RECURRENT TRAINING".

Squadron 2 does not have visibility into what members and CFI's are involved in. It is for this reason that we still require ALL members to have the Citizenship documents on file and have completed the TSA Security Awareness Training (this training applies not only to CFI's)