



**DIANNE JACOB**  
SUPERVISOR, SECOND DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS

**AGENDA ITEM**

**DATE:** September 11, 2012

**08**

**TO:** Board of Supervisors

**SUBJECT:** URGENT CALL TO FIX THE SCREENING OF FOREIGN NATIONALS WHO INTEND TO TRAIN AT FLIGHT SCHOOLS IN THE UNITED STATES (DISTRICT: ALL)

**SUMMARY:**

**Overview**

A July 2012 United States Government Accountability Office's (GAO) report acknowledges that foreign nationals who pose a security risk could be allowed to receive flight training in the United States due to loopholes that exist in the vetting process of foreign pilots by the federal government. It is a travesty that eleven years after the tragedy that our nation experienced on September 11, 2001, the federal agencies responsible for keeping our nation and our skies safe have not done enough to protect us from a similar attack. While the Department of Homeland Security (DHS) is responsible for enforcing immigration law, it's vital for the multiple federal agencies that play a role in the vetting of foreign flight students, including DHS, the Transportation Security Administration (TSA) and the Federal Aviation Administration (FAA), share information to ensure that a foreign national has undergone a thorough security threat assessment and is allowed to train at a flight school in the United States only after clearing the proper channels.

H.R. 6159, also known as the "Flight School Security Act of 2012," would require all persons seeking flight training to be checked against the terrorist watch list before they receive flight training. Today's action would register this Board of Supervisors' support for H.R. 6159, add to the County Legislative Program support for federal legislation that would address the issues related to national security risks from the use of flight schools as identified in the July 2012 GAO Report and develop an ordinance that would require flight schools that lease or sublease aviation property and independent flight instructors at County Airports to comply with all foreign flight student screening and vetting requirements, including the Alien Flight Student Program and the Student and Exchange Visitors Program.

**Recommendation(s)**

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**SUPERVISOR JACOB**

1. Direct the CAO to draft a letter for the Chair's signature to the appropriate members of the United States Congress and the federal Administration indicating San Diego County's support for H.R. 6159.
2. Direct the CAO to include support in the County's Legislative Program for federal legislation that would address the issues related to national security risks from the use of flight schools as identified in the 2012 GAO Report titled "General Aviation Security: Weaknesses Exist in TSA's Process for Ensuring Foreign Flight Students Do Not Pose a Security Threat."
3. Direct the CAO to work with County Counsel to draft an ordinance that would require flight schools that lease or sublease aviation property and independent flight instructors at County Airports to comply with all foreign flight student screening and vetting requirements, including the Alien Flight Student Program and the Student and Exchange Visitors Program. |

**Fiscal Impact**

N/A

**Business Impact Statement**

N/A

**Advisory Board Statement**

N/A

**BACKGROUND:**

A July 2012 United States Government Accountability Office's (GAO) report acknowledges that foreign nationals who pose a security risk could be allowed to receive flight training in the United States due to loopholes that exist in the vetting process of foreign pilots by the federal government. The GAO report provides insight on the status of where we are today regarding aviation security. Causes for concern were identified in the vetting process of foreign students who apply to attend flight schools in the United States, including gaps in the sharing of information between the FAA, DHS, TSA, ICE and the FBI. Two significant concerns were identified: flight students are in the country illegally and that TSA has not ensured that all foreign nationals are vetted through their Alien Flight Student Program, which means that some students have not undergone a TSA security threat assessment.

The report identifies that DHS is not rooting out all of the foreign flight students who are here in the United States illegally. When the students apply with the FAA for a pilot's license, TSA runs the information through its Alien Flight Student Program but found that some foreign students did not match those in the TSA database.

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TSA's Alien Flight Student Program is not designed to cross check information with the Department of Homeland Security, so a foreign student in the country illegally could inadvertently be approved for flight training or approved for a pilot's license after completing flight training. The GAO recommends that TSA identify how often and why this is occurring and to come up with a plan for addressing the students who are caught doing this.

It is a travesty that eleven years after the tragedy that our nation experienced on September 11, 2001, the federal agencies responsible for keeping our nation and our skies safe have not done enough to protect us from a similar attack. While DHS is responsible for enforcing immigration law, it's vital for the multiple federal agencies that play a role in the vetting of foreign flight students, including DHS, TSA and the FAA, share information to ensure that a foreign national has undergone a thorough security threat assessment and is allowed to train at a flight school in the United States only after clearing the proper channels. Flight students should not be authorized to train at flight schools in the United States or be issued a pilot's license if they are in the United States illegally, have overstayed the terms of their visa, have committed a crime that would preclude them from flight training or are otherwise deemed to be a threat to national security.

Since there are eleven flight schools operating at County airports, this problem is one that the San Diego region should be concerned about. According to the 911 Commission Report, some of the terrorists involved in preparing for the September 11th attacks intermittently trained at multiple flight schools in Oklahoma, Florida, Arizona and New Jersey. Three terrorists received flight training in Hamburg, Germany prior to attending various flight schools in the United States. Two of the terrorists lived and worked in San Diego but were unsuccessful in attending a local flight school.

Another alarming fact, according to an October 5, 2005 letter from the FAA to TSA, the FAA brought forward concerns about a TSA policy that allows for foreign flight students to submit their credentials to TSA and for TSA to issue the applicants authorization for flight training regardless of their visa status. This correspondence documents how long both the FAA and TSA have known that TSA does not cross-check information with its federal counterparts to ensure that foreign flight students are in the country legally. It is unacceptable that it took almost another seven years for the issue to be raised in a GAO report and eleven years after 9/11. Although the report publicly acknowledges that gaps currently exist, the recommendations in the GAO report do not go far enough. Immediate action by the federal government is critical to ensure that our national security is not compromised.

H.R. 6159, also known as the "Flight School Security Act of 2012," would require all persons seeking flight training to be checked against the terrorist watch list before they receive flight training. Today's action would register this Board of Supervisors' support for H.R. 6159, add to the County Legislative Program support for federal legislation that would address the issues related to national security risks from the use of flight schools as identified in the July 2012 GAO Report and develop an ordinance that would require flight schools that lease or sublease

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aviation property and independent flight instructors at County Airports to comply with all foreign flight student screening and vetting requirements, including the Alien Flight Student Program and the Student and Exchange Visitors Program.

I strongly urge your support.

Respectfully submitted,

DIANNE JACOB  
Supervisor, Second District

**ATTACHMENT(S)**

Attachment A: H.R. 6159 "Flight School Security Act of 2012"

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**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**            Yes          No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**  
      Yes          No

**PREVIOUS RELEVANT BOARD ACTIONS:**  
N/A

**BOARD POLICIES APPLICABLE:**  
N/A

**BOARD POLICY STATEMENTS:**  
N/A

**MANDATORY COMPLIANCE:**  
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):**  
N/A

**ORIGINATING DEPARTMENT:** District 2, Board of Supervisors

**OTHER CONCURRENCE(S):**    N/A

**CONTACT PERSON(S):**

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