

PALOMAR AIRPORT ADVISORY COMMITTEE
November 21, 2013
AGENDA ITEM # 5

AN ORDINANCE ADDING SECTION 85.419 TO THE SAN DIEGO COUNTYCODE OF REGULATORY ORDINANCES RELATING TO THE TRAINING OF FOREIGN FLIGHT STUDENTS AT COUNTY AIRPORTS

BACKGROUND

In July 2012, the United States Government Accountability Office (GAO) published a report titled '9/11 Anniversary Observations on Transportation Security Administration (TSA) Progress and Challenges in Strengthening Aviation Security'. On September 11, 2012, as one of several actions taken to address concerns identified in the report, the Board of Supervisors directed that a draft ordinance be developed that might help address some of the concerns raised in the report.

The GAO report highlighted two primary areas of concern regarding coordination between federal agencies. The first concerned TSA and Federal Aviation Administration (FAA) coordination of database information; these agencies have taken steps to remedy this situation by more closely coordinating their information on a regular basis.

The second area of concern identified weaknesses in coordination between TSA and Immigration and Customs Enforcement (ICE). TSA's system for vetting potential foreign students for security risks did not take into account their immigration status in the United States. This potentially allowed an individual to receive a security background clearance from TSA, while being in the country illegally or not possessing the correct visa to receive such training per ICE. It is this gap in federal oversight that the Board of Supervisors directed staff to address within the County of San Diego.

Since enforcement of federal laws and regulations relating to aviation safety and security lies within the jurisdiction of the federal government, staff has drafted an ordinance that requires flight schools and independent flight instructors based at County airports to annually certify that they are abiding by all federal foreign flight student screening and vetting requirements. This ordinance ensures that the County is not tasked with enforcing federal law, while still providing the County with a mechanism by which to require flight schools and independent flight instructors who train foreign nationals to confirm their compliance with federal rules.

If a flight school or independent flight instructor who conduct foreign flight student training does not comply with the proposed ordinance, County staff can utilize

existing County code to conduct enforcement. The code enforcement options can include issuing administrative warnings and citations and denial of use of the airport through Board approval. The County Sheriff can also coordinate non-compliance issues with ICE and TSA through the Joint Terrorism Task Force. In order to continue to closely coordinate with ICE and TSA, the Department of Public Works (DPW) will provide copies of the completed certifications and information on any enforcement actions annually to those agencies

The County does not have access to TSA's screening and vetting system data, the Alien Flight Student Program, or ICE's immigration and visa records. However, this ordinance would provide an additional layer of enforcement for the County in the event that one of these federal agencies identified and prosecuted a violation of their regulations.

Annually, the DPW will encourage flight schools and flight instructor who conduct foreign flight student training to attend specific training locally provided by ICE and TSA that covers federal requirements for foreign flight students.

A number of agency and industry stakeholders have been involved throughout the review and development of this ordinance. This outreach included representative flight schools who train foreign pilots and the federal agencies, ICE and TSA, who administer the screening and vetting programs.

RECOMMENDED MOTION

“Palomar Airport Advisory Committee recommends the Board of Supervisors approve an Ordinance adding Section 85.419 to the San Diego County Code of Regulatory Ordinances Relating to the Training of Foreign Flight Students at County Airports as proposed by the Board of Supervisors”