

Statement of
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Good morning Chairman Rogers, Ranking Member Jackson Lee, and distinguished Members of the Subcommittee. Thank you for the opportunity to testify today about the Transportation Security Administration's (TSA) Alien Flight Student Program (AFSP). TSA employs risk-based, intelligence-driven operations to prevent terrorist attacks and to reduce the vulnerability of the Nation's transportation system to terrorism. Our goal at all times is to maximize transportation security to stay ahead of evolving terrorist threats while protecting privacy and facilitating the flow of legitimate commerce.

TSA's security measures create a multi-layered system of transportation security that mitigates risk. We continue to evolve our security approach by examining the procedures and technologies we use, how specific security procedures are carried out, and how screening is conducted. The mission of the AFSP is to ensure that foreign students seeking new or recurrent training at flight schools in the United States do not pose a threat to aviation or national security.

Fulfilling a Congressional Mandate

Following the 9/11 terrorist attacks on the United States, where terrorists trained at U.S. flight schools in preparation for the attacks, Congress included in the “Aviation and Transportation Security Act” (ATSA) a provision that required the Attorney General to determine whether an alien, as defined under the Immigration and Nationality Act, presented a risk to aviation or national security before that individual could train in the operation of any aircraft having a maximum certified takeoff weight (MTOW) of 12,500 pounds or more.

The ATSA gives TSA broad responsibility for securing the nation’s civil aviation system, which includes general aviation operations. The “Vision 100 – Century of Aviation Reauthorization Act,” (Pub. L. No. 108-176) was signed into law on December 12, 2003, and Section 612 of Title VI, “Aviation Security” transferred the responsibility of vetting foreign flight student applicants from the Department of Justice to TSA, and included provisions distinguishing between training on aircraft weighing more than 12,500 pounds and training on aircraft weighing 12,500 pounds or less. Subsequently, TSA issued an Interim Final Rule to implement these statutory requirements.

AFSP is a fee-based program that collects approximately \$5 million in annual fees and represents an added layer of security to protect our nation’s transportation networks. Under the program, non-U.S. citizens seeking to undergo Federal Aviation Administration (FAA) certified flight training are required to submit to a rigorous background screening that includes a name-based terrorism check, a name-based immigration check, a fingerprint-based criminal history records check, submittal of security documents including passport copies, and specific information about their desired training events. The program also requires that flight training

providers send a digital picture of the student within 5 calendar days after the student initiates training. Flight training providers regulated under AFSP are prohibited from providing flight training to aliens until a Security Threat Assessment (STA) has been successfully conducted by TSA.

The Alien Flight Student Program

Flight schools are an important business in the aviation industry and continue to welcome properly vetted aliens as an economic benefit to the United States. General aviation includes more than 200,000 aircraft operating at more than 19,000 facilities in the United States for the purposes of such tasks as air medical-ambulance, corporate aviation, and private charters. As a result of this demand, TSA receives an average of 48,000 AFSP applications per year (4,000 per month).

Given the diversity of the general aviation landscape, there are four different categories under which students can apply to the AFSP, depending on the type of flight training they seek:

- Category 1 – training for operation of aircraft with a MTOW of more than 12,500 pounds, but not fitting into Category 2.
- Category 2 – training for operation of aircraft with a MTOW of more than 12,500 pounds for individuals who demonstrate certain preliminary indications of reliability such as: a candidate employed by a foreign air carrier that operates under 14 C.F.R. Part 129 and that has an approved security program under 49 C.F.R. Part 1546; a student who holds unescorted access authority to a secured area of an airport; a flight crew member who has successfully completed a criminal history records check in accordance with appropriate regulations; or a student who holds an airman's certificate from a foreign entity that is

recognized by the FAA or appropriate U.S. military agency and that permits the student to operate a multi-engine aircraft with a MTOW of more than 12,500 pounds.

- Category 3 – training for operation of aircraft with a MTOW of 12,500 pounds or less for Single Engine Land, Instrument Rating, and/or Multiengine Land events.

49 U.S.C. 44939(c).

- Category 4 – recurrent training for operation of all aircraft for individuals who are current and qualified on the aircraft for which they are requesting training.

Since 2001, the AFSP has vetted over 350,000 applications of approximately 125,000 unique individuals.

GAO Study on Strengthening Security in the General Aviation Environment

From March 2011 to June 2012, the Government Accountability Office (GAO) assessed TSA's and the general aviation industry's actions to strengthen security as well as efforts to ensure foreign flight students do not pose a security threat. These efforts include vetting foreign flight student applicants through AFSP. GAO found that TSA has taken steps to enhance communications with general aviation industry stakeholders and improve the vetting of foreign nationals enrolling in U.S. flight schools. GAO also found weaknesses in the vetting process and in the Department of Homeland Security's (DHS) process for identifying flight students who may be in the country illegally.

TSA concurs with the GAO recommendations on identifying how often and why foreign nationals are not vetted under AFSP. The GAO also recommends that TSA work with Immigration and Customs Enforcement (ICE) to check TSA AFSP data against information DHS has on applicants' admissibility status.

TSA concurs with all of the recommendations identified in the report and is in the process of preparing the 60 day update to be submitted to GAO by August 10, 2012. TSA will also provide this Subcommittee with a 90 day status update as requested. Because portions of the GAO report contain sensitive security information, I cannot fully comment on all the recommendations and TSA's responses in this statement. To ensure that the Subcommittee is informed of the actions TSA undertakes to address the recommendations noted in the GAO report, the agency provided the Chairman and the Ranking Member with a letter dated July 16, 2012, which outlined the current status of implementation of the report's recommendations.

GAO's first recommendation asked that TSA take steps to identify any instances where foreign nationals receive pilot certificates without first undergoing a TSA STA and examine the reasons for these occurrences in order to strengthen controls and prevent future occurrences. On February 21, 2012, TSA entered into a Memorandum of Agreement with the FAA to receive a monthly dataset of foreign nationals who received their first FAA airman private, sport, or recreational pilot certificate. The dataset includes the certificate holder's full name, date of birth, certificate level and type ratings, date of issuance, certificate number, citizenship, responsible Flight Standards District Office, recommending Certified Flight Instructor, physical address, and flight school number if applicable. This information is a subset of the information that TSA receives daily for recurrent vetting and is tailored for AFSP use. TSA utilizes this information to cross-check it against the current AFSP database to identify individuals who may have circumvented the AFSP STA requirements.

GAO also asked that TSA, in collaboration with ICE, "develop a plan with timeframes, and assign individuals with responsibility and accountability for assessing the results of a pilot

program to check TSA AFSP data against information DHS has on applicants' admissibility status." In November 2010, TSA began working with ICE to mitigate the identified concern and conducted the first recurrent lawful status check in May 2011. This pilot program was with ICE's Counterterrorism and Criminal Exploitation Unit (CTCEU) and the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) Arrival Departure Information System (ADIS) and laid out a process to detect and identify AFSP applicants who are in violation of U.S. immigration laws. With positive results assessed during the pilot, TSA moved forward with a new process to check active alien flight students against the US-VISIT ADIS database to identify whether the individual may have overstayed the terms of their admission, and providing the results to CTCEU to take appropriate immigration enforcement action. If CTCEU identifies any issues, they notify TSA for action with respect to aviation security. In addition, TSA entered into an information sharing Memorandum of Agreement on February 21, 2012, allowing ICE to access the AFSP database to aid in their investigations. By the end this year, TSA plans to further automate this process by interfacing with US-VISIT ADIS through their new web services platform. In the meantime, TSA will continue to conduct the above described manual vetting process through US-VISIT ADIS to mitigate the issue identified by GAO.

Conclusion

TSA continues to fully vet foreign flight school students so that U.S. flight schools remain a world leader in flight training while ensuring that only those applicants who satisfy our STA requirements receive such training. Chairman Rogers, Ranking Member Jackson Lee, I thank you for the opportunity to appear before you today, and I look forward to answering your questions.