new paragraph (b)(3) is added to read as follows:

## § 107.1 Applicability and Definitions.

\* \* \* \* \* \* (b) \* \* \*

- (3) Escort means to accompany or supervise an individual who does not have unescorted access authority to areas restricted for security purposes, as identified in the airport security program, in a manner sufficient to take action should the individual engage in activities other than those for which the escorted access is granted. The responsive actions can be taken by the escort or other authorized individual.
- 3. Part 107 is amended by adding a new § 107.31 to read as follows:

## § 107.31 Access Investigation

(a) On or after January 31, 1996, this section applies to all individuals seeking authorization for, or seeking authority to authorize others to have, unescorted access privileges to the security identification display area (SIDA) that is identified in the airport security program as defined by § 107.25.

(b) Except as provided in paragraph (e) of this section, each airport operator must ensure that no individual is granted authorization for, or is granted authority to authorize others to have, unescorted access to the area identified in paragraph (a) of this section unless:

(1) The individual has satisfactorily undergone a review covering the past 10 years of employment history and verification of the 5 years preceding the date the access investigation is initiated as provided in paragraph (c) of this section; and

(2) The results of the access investigation do not disclose that the individual has been convicted or found not guilty by reason of insanity, in any jurisdiction, during the 10 years ending on the date of such investigation, of a crime involving any of the following crimes enumerated in paragraphs (b)(2)(i) through (xxv) of this section. Where specific citations are listed, both the current citation and the citation that applied before the statutes are recodified in 1994 are listed.

(i) Forgery of certificates, false making of aircraft, and other aircraft registration violations, 49 U.S.C. 46306 [formerly 49 U.S.C. App. 1472 (b)]:

(ii) Interference with air navigation, 49 U.S.C. 46308, [formerly 49 U.S.C. App 1472 (c)];

(iii) Improper transportation of a hazardous material, 49 U.S.C. 46312, [formerly 49 U.S.C. App 1472(b)(2)];

(iv) Aircraft piracy, 49 U.S.C. 46502, [formerly 49 U.S.C. App 1472(i);

(v) Interference with flightcrew members or flight attendants, 49 U.S.C. 46504, [formerly 49 U.S.C. App 1472(j)];

(vi) Commission of certain crimes aboard aircraft in flight, 49 U.S.C. 46506, [formerly 49 U.S.C. App 1472(k)]:

(vii) Carrying a weapon or explosive aboard an aircraft, 49 U.S.C. 46505 [formerly 49 U.S.C. App 1472(l)];

(viii) Conveying false information and threats, 49 U.S.C. 49 46507 [formerly 49 U.S.C. App 1472 (m)];

(ix) Aircraft piracy outside the special aircraft jurisdiction of the United States, 49 U.S.C. 46502(b), [formerly 49 U.S.C. App 1472(n)];

(x) Lighting violations involving transporting controlled substances, 49 U.S.C. 46315, [formerly 49 U.S.C. App 1472(q)];

(xi) Unlawful entry into an aircraft or airport area that serves air carriers or foreign air carriers contrary to established security requirements, 49 U.S.C. 46314, [formerly 49 U.S.C. App 1472(r)]:

(xii) Destruction of an aircraft or aircraft facility, 18 U.S.C. 32;

(xiii) Murder:

(xiv) Assault with intent to murder; (xv) Espionage;

(xvi) Sedition;

(xvii) Kidnapping or hostage taking; (xviii) Treason;

(xix) Rape or aggravated sexual abuse; (xx) Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

(xxi) Extortion;

(xxii) Armed robbery;

(xxiii) Distribution of, or intent to distribute, a controlled substance;

(xxiv) Felony arson; or

(xxv) Conspiracy or attempt to commit any of the aforementioned criminal acts.

(c) The access investigation must include the following steps:

(1) The individual must complete an application form that includes:

(i) The individual's full name, including any aliases or nicknames;

(ii) The dates, names, phone numbers, and addresses of previous employers, with explanations for any gaps in employment of more than 12 months, during the previous 10-year period;

(iii) Notification that the individual will be subject to an employment history verification and possibly a criminal history records check; and

(iv) Any convictions during the previous 10-year period of the crimes listed in paragraph (b)(2) of this section.

(2) The identity of the individual must be verified through the presentation of two forms of identification, one of which must bear the individual's photograph.

(3) The information on the most recent 5 years of employment history required under paragraph (c)(1)(ii) of this section must be verified in writing, by documentation, by telephone, or in person.

(4) If one or more of the following conditions exists, the access investigation must not be considered complete unless it includes a check of the individual's fingerprint-based criminal history record maintained by the Federal Bureau of Investigation (FBI). The airport operator may request a check of the individual's fingerprint-based criminal history record only if one or more of the following conditions exists:

(i) The individual cannot satisfactorily account for a period of unemployment of 12 months or more during the previous 10-year period;

(ii) The individual is unable to support statements made or there are significant inconsistencies between information provided on the application in response to questions required by paragraph (c)(1)(ii) of this section and that obtained through the 5-year verification process; or

(iii) Information becomes available to the airport operator during the access investigation indicating a possible conviction for one of the disqualifying

crimes.

(d) An airport operator may permit an individual to be under escort as defined in § 107.1 in accordance with the airport security program to the areas identified in paragraph (a) of this section.

(e) Notwithstanding the requirements of this section, an airport operator may authorize the following individuals to have unescorted access to the areas identified in paragraph (a) of this section:

(1) Employees of the Federal government or a state or local government (including law enforcement officers) who, as a condition of employment, have been subject to an employment investigation;

(2) Crew members of foreign air carriers covered by an alternate security arrangement in the approved airport

operator security program;

(3) An individual who has been continuously employed in a position requiring unescorted access by another airport operator, airport tenant or air carrier; and

(4) An individual who has access authority to the U.S. Customs Service security area of the U.S. airport.

(f) An airport operator will be deemed to be in compliance with its obligations under paragraphs (b)(1) and (b)(2) of this section, as applicable, when it accepts certification from: