46506, [formerly 49 U.S.C. App 1472(k)];

(vii) Carrying a weapon or explosive aboard 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 in connection with transportation of 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.

(b) 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 for the crimes listed in paragraph (a)(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 (b)(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 (b)(1)(ii) of this section and that which is obtained through the 5-year verification process; or

(iii) Information becomes available to the certificate holder during the access investigation indicating a possible conviction for one of the disqualifying crimes

(c) The certificate holder must designate an individual to be responsible for:

(1) Reviewing and controlling the results of the access investigation; and

(2) Serving as the contact to receive notification from an individual applying for unescorted access of his or her intent to seek correction of his or her criminal history record with the FBI.

(d) Prior to commencing the criminal history records check, the certificate holder must notify the affected individuals.

(e) The certificate holder must collect and process fingerprints in the following manner:

(1) One set of legible and classifiable fingerprints must be recorded on fingerprint cards approved by the FBI;

(2) The fingerprints must be obtained from the individual under direct observation by the certificate holder;

(3) The identity of the individual must be verified at the time fingerprints are obtained. The individual must present two forms of identification media, one of which must bear his or her photograph; and

(4) The fingerprint card must be forwarded to Federal Aviation Administration, 800 Independence Ave, S.W., Washington, D.C. 20591 (ATTN: ACO–310, Access Processing) and

(5) Fees for the processing of the criminal checks are due upon application. Air carriers shall submit payment through corporate check,

- cashier's check or money order made payable to "U.S. FAA," at the rate of \$24.00 for each fingerprint card. Combined payment for multiple applications is acceptable.
- (f) In conducting the criminal history records check required by this section, the certificate holder must investigate arrest information for the crimes listed in paragraph (a)(2) of this section for which no disposition has been recorded to make a determination of the outcome of the arrest.
  - (g) The certificate holder must:
- (1) At the time the fingerprints are taken, notify the individual that a copy of the criminal history record received from the FBI will be made available if requested in writing.
- (2) Prior to making a final decision to deny authorization for unescorted access, advise the individual that the FBI criminal history record discloses information that would disqualify him or her from unescorted access authorization and provide each affected individual with a copy of his or her FBI record. The individual may contact the local jurisdiction responsible for the information and the FBI to complete or correct the information contained in the record before any final access decision is made, subject to the following conditions:
- (i) Within 30 days after being advised that the criminal history record received from the FBI discloses disqualifying information, the individual must notify the certificate holder, in writing, of his or her intent to correct any information believed to be inaccurate. If no notification is received within 30 days, the certificate holder may make a final access decision.
- (ii) Upon notification by the individual that the record has been corrected, the certificate holder must obtain a copy of the revised record from the FBI prior to making a final access decision
- (3) Notify an individual that a final decision has been made to grant or deny authority for unescorted access.
- (h) Any individual authorized to have unescorted access privilege to areas identified in § 107.31(a) of this chapter, who is subsequently convicted of any of the crimes listed in paragraph (a)(2) of this section, must report the conviction and surrender the SIDA identification medium within 24 hours to the issuer.
- (i) Criminal history record information provided by the FBI must be used solely for the purposes of this section, and no person shall disseminate the results of a criminal history records check to anyone other than: