

TSA ANNOUNCES BACKGROUND CHECK PROCESS

February 26, 2003

What's at Issue

The Transportation Security Administration (TSA) has announced the process by which pilots affected by security regulations may complete required fingerprint-based background checks.

Why It's Important

All air carriers subject to the Twelve-Five or Private Charter security regulations must ensure that each pilot who flies covered aircraft successfully passes a background check conducted by the Federal Bureau of Investigation (FBI) prior to serving as a required flight crew member aboard any covered flight conducted on or after April 1, 2003. The TSA announcement makes this background check process possible.

Major Provisions

The TSA's Twelve-Five and Private Charter security programs require completion of the FBI background check, known as the Criminal History Records Check (CHRC). Any pilot who has been convicted of a disqualifying offense is prohibited from acting as a required flight crew member on any aircraft operation subject to the TSA's security program.

NATA has partnered with the TSA to offer a process minimizing the burden on operators. For detailed information on the process, association members and non-members can visit the NATA Compliance Services (NATA/CS) Web site at www.natacompliance.com. Although other companies are authorized to process the background checks, NATA's service is specifically targeted to address the needs and concerns of the Part 135 industry. The NATA/CS process includes all the necessary forms, legal disclosures and a user-friendly Web site for tracking the status of checks.

Who must be fingerprinted?

The TSA's Twelve-Five and Private Charter regulations require that each flight crew member for each aircraft subject to security programs is checked. The TSA defines "flight crew member" to include pilots, flight engineers, and flight navigators. Note that this definition does NOT include flight attendants or cabin service attendants.

Operators may subject only covered flight crew members to the CHRC. Subjecting any other employee to a CHRC is in violation of the law.

How long will it take to receive results?

Typically, CHRC results are available within 24 hours after the fingerprints are received for processing.

OVER...

(Major Provisions Continued)

What are disqualifying crimes?

A person has committed a disqualifying crime if he or she was convicted, or found not guilty by reason of insanity, of committing any of 28 different offenses. These offenses are detailed in TSA regulation 1544.229(d). These are serious offenses including murder, espionage, kidnapping, treason, rape, armed robbery and possession of controlled substances, among others. Also, numerous aviation-related crimes such as air piracy, interference with crewmembers, aircraft registration forgery and others are included. NATA will post a complete list of disqualifying crimes on our Web site with this report at the link found in the *STATUS* section below.

What happens to a pilot who fails the background check?

A pilot who fails a background check is entitled to due process protections. NATA/CS or your other CHRC processor can assist you in ensuring compliance with these provisions. However, if the pilot was indeed convicted of a disqualifying crime, he or she MAY NOT act as a flight crew member on any aircraft operation subject to the provisions of either the Twelve-Five or Private Charter Security Program. This pilot may conduct operations not subject to security programs or perform other duties.

How much will this cost?

The CHRC charge is comprised of two components, *processing* and *collection* fees. Operators will pay both fees for each CHRC requested.

Processing Fee

The TSA has established a processing fee of **\$37** per CHRC. This fee covers all the costs associated with reading the fingerprints, comparing them to the FBI database and determining if any disqualifying crimes have been committed by the flight crew member. NATA/CS is authorized by the TSA to process CHRCs.

Collection Fee

The entity which physically collects the flight crew member's fingerprints will also charge for service. The cost for this service will vary depending on the collector used by the operator. The TSA has authorized three types of collectors, *NATA Collectors*, *Airport Security Badging Offices*, and *Local Law Enforcement*. Fingerprint collectors may use either ink or electronic scanning methods to collect the print. The company processing fingerprints, such as NATA Compliance Services, will provide you with fingerprint cards when necessary.

IMPORTANT

Regardless of the company chosen to process fingerprints (NATA or others) operators are free to use whichever collection method best suits their needs.

An operator using the NATA Process may use an *NATA Collector* for a flat \$35 fee. This fee includes print collection, express delivery of the prints for processing and reprinting costs should errors occur in the initial printing. *NATA Collectors* are located at various locations nationwide, often at popular FBOs.

Airport Security Badging Offices are located at all TSA Part 1542 airports. These are the larger airline-served airports which were previously regulated as FAA Part 107 airports. Many employees working in sensitive areas at these airports have been subject to CHRC requirements for years and, therefore, *Airport Security Badging Offices* exist there to collect fingerprints. Twelve-Five and Private Charter security program operators are eligible to use these facilities which are staffed and run by the Airport Operator. Fees for collection at such facilities will be determined by the Airport Operator.

Local Law Enforcement may also collect fingerprints. This includes city police, sheriff's office, and state police facilities. Fees for collection will be determined by the law enforcement agency.

NATA Position

NATA encourages all operators subject to TSA security programs to immediately take the steps necessary to complete required background checks for their crew members prior to the April 1, 2003, deadline.

Status

NATA has created a special Web page to provide information related to the completion of background checks. This report, TSA-issued guidance and a list of the disqualifying crimes are available via a link on our home page, www.nata-online.org, or the direct link below:

www.nata-online.org/2GovWatch/Archive/S.20030225.FingerprintingFactSheet.htm

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