

107TH CONGRESS  
1ST SESSION

# H. R. 2988

To amend title 49, United States Code, to provide for the regulation of flight schools and flight school applicants for the purposes of enhancing national security and aviation safety, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2001

Mr. DEUTSCH (for himself, Mr. KINGSTON, Mr. FORD, Mr. SIMMONS, and Mr. FROST) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to provide for the regulation of flight schools and flight school applicants for the purposes of enhancing national security and aviation safety, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Flight School Security  
5       Act of 2001”.

6       **SEC. 2. REGULATION OF FLIGHT SCHOOLS BY FAA.**

7       Section 44707 of title 49, United States Code, is  
8       amended—

1           (1) by inserting “(a) IN GENERAL.—” before  
2           “The Administrator”; and

3           (2) by adding at the end the following:

4           “(b) REGULATION OF FLIGHT SCHOOLS AND FLIGHT  
5 SCHOOL STUDENTS.—

6           “(1) REVIEW.—Not later than 90 days after  
7           the date of enactment of this subsection, the Admin-  
8           istrator shall conduct a comprehensive review of  
9           practices of schools described in subsection (a)(1)  
10          that relate to eligibility for enrollment.

11          “(2) REGULATIONS AND REPORT.—Not later  
12          than 180 days after the date of enactment of this  
13          subsection, the Administrator shall—

14               “(A) issue regulations to prevent the pro-  
15               viding of instruction in flying aircraft by  
16               schools described in subsection (a)(1) to individ-  
17               uals that the Administrator determines are a  
18               threat to security; and

19               “(B) transmit to the Committee on Trans-  
20               portation and Infrastructure of the House of  
21               Representatives and the Committee on Com-  
22               merce, Science, and Transportation of the Sen-  
23               ate a report on the schedule for implementation  
24               of such regulations.

1           “(3) ISSUANCE OF FLIGHT SCHOOL CERTIFI-  
2           CATION CARDS.—The regulations issued under this  
3           subsection shall prohibit an individual from enrolling  
4           or being enrolled in a school described in subsection  
5           (a)(1) for instruction as a pilot of an aircraft unless  
6           the individual has a card issued by the Adminis-  
7           trator that certifies that the individual is eligible for  
8           such instruction (in this subsection referred to as a  
9           ‘certification card’).

10           “(4) ELIGIBILITY FOR FLIGHT SCHOOL CER-  
11           TIFICATION CARD.—Under the regulations issued  
12           under this subsection, the Administrator may issue  
13           a certification card to an individual only if—

14                   “(A) the individual submits to the Admin-  
15                   istrator a set of fingerprints and—

16                           “(i) proof of identity; and

17                           “(ii)(I) proof that the individual is a  
18                           citizen or national of the United States; or

19                           “(II) in any case in which the indi-  
20                           vidual is not a citizen or national of the  
21                           United States, proof that assists the Ad-  
22                           ministrator in carrying out subparagraph  
23                           (B);

24                   “(B) in any case in which the individual is  
25                   not a citizen or national of the United States,

1 the Administrator, in consultation with the At-  
2 torney General, verifies that the individual—

3 “(i) is, or on the date of proposed en-  
4 rollment is expected to be, lawfully admit-  
5 ted to the United States as an immigrant  
6 or nonimmigrant;

7 “(ii) is not, as of the date the  
8 verification is made, described in section  
9 212(a)(3) of the Immigration and Nation-  
10 ality Act (8 U.S.C. 1182(a)(3)) or  
11 237(a)(4) of such Act (8 U.S.C.  
12 1227(a)(4)); and

13 “(iii) is not, and on the date of pro-  
14 posed enrollment is not expected to be,  
15 otherwise ineligible to so enroll due to im-  
16 migration status;

17 “(C) the Administrator, in coordination  
18 with the Attorney General, the Director of the  
19 Central Intelligence Agency, and the Secretary  
20 of State, conducts a background review of the  
21 applicant and determines as a result of such re-  
22 view that the individual is not a security threat;  
23 and

24 “(D) the Administrator forwards the fin-  
25 gerprints submitted under subparagraph (A) to

1 the Criminal Justice Services Division of the  
2 Federal Bureau of Investigation.

3 “(5) FORM OF PROOF; SUPPORTING DOCU-  
4 MENTATION.—Proof to be submitted to the Adminis-  
5 trator under paragraph (4)(A) shall be in such form  
6 and contains such supporting documentation as the  
7 Administrator may require, including documents de-  
8 scribed in paragraphs (6), (7), and (8).

9 “(6) CITIZENSHIP OR NATIONALITY DOCU-  
10 MENTS.—A document submitted as proof that an in-  
11 dividual is a citizen or national of the United States  
12 may include an individual’s—

13 “(A) United States passport;

14 “(B) original or certified copy of a birth  
15 certificate issued by a State, county, municipal  
16 authority, or outlying possession of the United  
17 States bearing an official seal;

18 “(C) certificate of naturalization;

19 “(D) certificate of citizenship;

20 “(E) certificate of noncitizen national sta-  
21 tus; or

22 “(F) such other document as the Attorney  
23 General may designate as being appropriate.

24 “(7) DOCUMENTS ESTABLISHING IDENTITY OF  
25 INDIVIDUAL.—A document submitted as proof of the

1 identity of an individual may include the  
2 individual's—

3 “(A) driver's license or similar document  
4 issued for the purpose of identification by a  
5 State if it contains a photograph of the indi-  
6 vidual or such other personal identifying infor-  
7 mation relating to the individual as the Admin-  
8 istrator, in consultation with the Attorney Gen-  
9 eral, finds sufficient for purposes of this sub-  
10 section; or

11 “(B) in the case of individuals under 16  
12 years of age or in a State that does not provide  
13 for issuance of an identification document  
14 (other than a driver's license) referred to in  
15 subparagraph (A), documentation of personal  
16 identity of such other type as the Adminis-  
17 trator, in consultation with the Attorney Gen-  
18 eral, finds provides a reliable means of identi-  
19 fication.

20 “(8) DOCUMENTS ASSISTING IMMIGRATION STA-  
21 TUS VERIFICATION.—The documents submitted for  
22 purposes of assisting the Administrator in carrying  
23 out paragraph (4)(B) may include—

24 “(A) one or more immigration documents  
25 evidencing a current or prospective satisfactory

1 immigration status as the Administrator, in  
2 consultation with the Attorney General, finds  
3 sufficient for purposes of paragraph  
4 (4)(A)(ii)(II); and

5 “(B) an identity document that contains a  
6 photograph of the individual and such other  
7 personal identifying information relating to the  
8 individual as the Administrator, in consultation  
9 with the Attorney General, finds sufficient for  
10 purposes of such paragraph.

11 “(9) NATURE AND PERIOD OF VALIDITY OF  
12 CERTIFICATION CARD.—Under the regulations  
13 issued under this subsection, a certification card  
14 shall—

15 “(A) be a nonreproducible identification  
16 card containing photo identification, a unique  
17 personal certification number, and such perti-  
18 nent identification information as the Adminis-  
19 trator determines appropriate; and

20 “(B) shall be valid for a period of 5 years,  
21 and renewable for additional 5-year periods fol-  
22 lowing an updated background review of an ap-  
23 plicant for renewal.

24 “(10) RESPONSIBILITIES OF SCHOOLS.—Under  
25 the regulations issued under this subsection, a school

1 described in subsection (a)(1) may not enroll an in-  
2 dividual for instruction in flying an aircraft unless—

3 “(A) the individual presents the individual’s  
4 certification card (or a photostatic representa-  
5 tion of the card) to the school;

6 “(B) the school submits a copy of the card  
7 or such other information as the Administrator  
8 may require to the Administrator for  
9 verification of its validity;

10 “(C) the Administrator verifies that the  
11 card is valid;

12 “(D) the school retains a copy of the card  
13 for a period not less than 5 years; and

14 “(E) after verification of the validity of the  
15 card, the school notifies the Administrator of  
16 the date on which the individual will be so en-  
17 rolled.

18 “(11) DEADLINES.—The Administrator shall—

19 “(A) issue a certification card under this  
20 subsection not later than 30 days after the date  
21 the Administrator receives an application for  
22 issuance of the card; and

23 “(B) determine the validity of a certifi-  
24 cation card issued under this subsection, and  
25 notify the school requesting the determination



1 of such validity, not later than 7 days after the  
2 date of such request.

3 “(12) DATABASE.—

4 “(A) IN GENERAL.—The Administrator  
5 shall maintain electronic database of individuals  
6 to whom certification cards are issued under  
7 this subsection and individuals enrolled in  
8 schools described in subsection (a)(1) for in-  
9 struction in flying aircraft. The database shall  
10 include the dates and results of background re-  
11 views conducted with respect to such individuals  
12 under this subsection.

13 “(B) UPDATING.—The Administrator, in  
14 cooperation with the Attorney General, the Di-  
15 rector of the Central Intelligence Agency, and  
16 the Secretary of State, shall update and mon-  
17 itor the database to prevent the enrollment of  
18 an individual for instruction in flying aircraft  
19 who are determined by the Administrator to be  
20 a threat to security.

21 “(C) COORDINATION.—The Administrator  
22 shall establish an Internet based system to co-  
23 ordinate reporting and review of certification  
24 cards between the Administrator and schools  
25 described in subsection (a)(1). The Adminis-

1           trator shall coordinate such system with the  
2           database.

3           “(13) DISQUALIFICATION.—

4                 “(A) IN GENERAL.—The Administrator  
5           may issue to an owner or operator of a school  
6           that violates paragraph (10) more than 3 times  
7           an order to disqualify the owner or operator  
8           from owning and operating such a school.

9                 “(B) PROCEDURES FOR REINSTATE-  
10          MENT.—The Administrator shall establish a  
11          procedure for reinstating the authority, to own  
12          or operate a school described in subsection  
13          (a)(1), of an owner or operator that has been  
14          disqualified under this paragraph.

15               “(14) FEES AND CHARGES.—The Adminis-  
16          trator shall establish reasonable fees and charges to  
17          pay expenses incurred in issuing certification cards  
18          and conducting background reviews under this sub-  
19          section. Such fees and charges may not exceed \$100  
20          per card and review. Money collected under this sub-  
21          section shall be credited to the account in the Treas-  
22          ury from which expenses were incurred and are  
23          available to the Administrator for those expenses.

24               “(15) BACKGROUND REVIEW DEFINED.—In  
25          this section, the term ‘background review’, commonly

1 known as an indices check, means a review of the  
2 latest information available to and provided by the  
3 Director of Central Intelligence, the Secretary of  
4 State, the Attorney General, and the Director of the  
5 Federal Bureau of Investigation regarding personal  
6 background, including information relating to any  
7 history of criminal activity or to any evidence of es-  
8 pionage or terrorism and a fingerprint-based crimi-  
9 nal history background check by the Criminal Jus-  
10 tice Services Division of the Federal Bureau of In-  
11 vestigation.”.

12 **SEC. 3. CIVIL PENALTY.**

13 Section 46301 of title 49, United States Code, is  
14 amended—

15 (1) in subsection (a)(1)(A) by striking “44717”  
16 and inserting “44707(b)(10), 44717,”;

17 (2) by adding at the end of subsection (a) the  
18 following:

19 “(8) OWNERS AND OPERATORS OF FLIGHT  
20 SCHOOLS.—An owner or operator of a school is lia-  
21 ble to the Government for a civil penalty of \$3,000  
22 for a first violation of section 44707(b)(10), \$5,000  
23 for a second violation of such section, and \$7,000  
24 for each violation of such section thereafter.”; and

- 1           (3) in subsection (f)(1)(A)(i) by striking
- 2       “44717” and inserting “44707(b)(10), 44717,”.

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