

108TH CONGRESS  
1ST SESSION

# S. 236

To require background checks of alien flight school applicants without regard to the maximum certificated weight of the aircraft for which they seek training, and to require a report on the effectiveness of the requirement.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2003

Mr. NELSON of Florida (for himself, Mr. CORZINE, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require background checks of alien flight school applicants without regard to the maximum certificated weight of the aircraft for which they seek training, and to require a report on the effectiveness of the requirement.

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. MODIFICATION OF REQUIREMENTS REGARD-**  
4 **ING TRAINING TO OPERATE AIRCRAFT.**

5 (a) ALIENS COVERED BY WAITING PERIOD.—Sub-  
6 section (a) of section 44939(a) of title 49, United States  
7 Code, is amended—

1 (1) by striking “A person subject” and insert-  
2 ing:

3 “(1) IN GENERAL.—A person subject”;

4 (2) by redesignating paragraphs (1) and (2) as  
5 subparagraphs (A) and (B), respectively;

6 (3) by striking “any aircraft having a maximum  
7 certificated takeoff weight of 12,500 pounds or  
8 more” and inserting “an aircraft” in paragraph (1)  
9 as redesignated;

10 (4) by striking “paragraph (1)” in paragraph  
11 (1)(B), as redesignated, and inserting “subpara-  
12 graph (A)”;

13 (5) by adding at the end the following:

14 “(2) EXCEPTION.—The requirements of para-  
15 graph (1) shall not apply to an alien who—

16 “(A) has earned a Federal Aviation Ad-  
17 ministration type rating in an aircraft; or

18 “(B) holds a current pilot’s license or for-  
19 eign equivalent commercial pilot’s license that  
20 permits the person to fly an aircraft with a  
21 maximum certificated takeoff weight of more  
22 than 12,500 pounds as defined by the Inter-  
23 national Civil Aviation Organization in Annex 1  
24 to the Convention on International Civil Avia-  
25 tion.”.

1 (b) PROCEDURES.—

2 (1) IN GENERAL.—Not later than 30 days after  
3 the date of enactment of this Act, the Attorney Gen-  
4 eral shall promulgate regulations to implement sec-  
5 tion 44939 of title 49, United States Code.

6 (2) USE OF OVERSEAS FACILITIES.—In order to  
7 implement the amendments made to section 44939  
8 of title 49, United States Code, by this section,  
9 United States Embassies and Consulates that have  
10 fingerprinting capability shall provide fingerprinting  
11 services to aliens covered by that section if the At-  
12 torney General requires their fingerprinting in the  
13 administration of that section, and transmit the fin-  
14 gerprints to the Department of Justice and any  
15 other appropriate agency. The Attorney General  
16 shall cooperate with the Secretary of State to carry  
17 out this paragraph.

18 (c) EFFECTIVE DATE.—Not later than 120 days  
19 after the date of enactment of this Act, the Attorney Gen-  
20 eral shall promulgate regulations to implement the amend-  
21 ments made by this section. The Attorney General may  
22 not interrupt or prevent the training of any person de-  
23 scribed in section 44939(a)(1) of title 49, United States  
24 Code, who commenced training on aircraft with a max-  
25 imum certificated takeoff weight of 12,500 pounds or less

1 before, or within 120 days after, the date of enactment  
2 of this Act unless the Attorney General determines that  
3 the person represents a risk to aviation or national secu-  
4 rity.

5 (d) REPORT.—Not later than 1 year after the date  
6 of enactment of this Act, the Secretary of Transportation  
7 and the Attorney General shall jointly submit to the Com-  
8 mittee on Commerce, Science, and Transportation of the  
9 Senate and to the Committee on Transportation and In-  
10 frastructure of the House of Representatives, a report on  
11 the effectiveness of the activities carried out under section  
12 44939 of title 49, United States Code, in reducing risks  
13 to aviation and national security.

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