

Background Screening Criteria



Version 3.0.0

CONTENTS:

- Background Screening Specifications
- High Clearance Level Criteria
- Medium Clearance Level Criteria
- Standard Clearance Level Criteria

Criminal History
Background Screening Searches

Social Security Number — Positive Identity Verification (PIV)
Federal District Court Search (each district of residence)*
National Criminal Search*
Statewide Criminal Check (each state of residence)*
County Criminal Search (each county of residence)*
Sexual Offender Search (each state of resident)*
Fake Identification Convictions
Check for material false statement or omissions on Application Form
National Terrorist Watch List Search (OFAC-SDN)

Note* Within ten (10), seven (7), or five (5) years preceding date of application as noted on the HIGH, MEDIUM, and STANDARD Level of Access forms.

Level of Access
HIGH
Secure Access Control Areas
AND
Confidential & Privileged Information

I. No convictions ever in your lifetime: an individual has a disqualifying criminal offense if the individual was convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following criminal offenses:

- (1) Terrorism—A crime listed in 18 U.S.C. Chapter 113B—or a State law that is comparable.
- (2) Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et. seq., or a State law that is comparable.
- (3) A crime involving a severe transportation security incident.
- (4) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility.
- (5) Improper transportation of a hazardous material under 49 U.S.C. 5124, or a state law that is comparable;
- (6) Murder.
- (7) Espionage.
- (8) Sedition.
- (9) Treason.
- (10) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device.
- (11) Conspiracy or attempt to commit any of the criminal acts listed in paragraph I.

Under warrant, or indictment. An applicant who is wanted, or under indictment in any civilian or military jurisdiction for a felony listed in section I, is disqualified until the warrant or indictment is released or the indictment is dismissed.

II. An individual has a disqualifying criminal offense if the individual was convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction, within the **past ten (10) years** from completion of sentence preceding the date of application, of the following offenses:

- (1) Forgery of certificates, false marking of aircraft, and other aircraft registration violation;
- (2) Interference with air navigation;
- (3) Aircraft piracy;
- (4) Interference with flight crewmembers or flight attendants;
- (5) Commission of certain crimes aboard aircraft in flight;
- (6) Carrying a weapon or explosive aboard aircraft;
- (7) Conveying false information and threats; (e.g., bomb threats, explosives in briefcase, etc. in security areas)
- (8) Aircraft piracy outside the special aircraft jurisdiction of the United States;
- (9) Lighting violations involving transporting controlled substances;
- (10) Unlawful entry into an aircraft or airport area that serves air carriers or foreign air carriers contrary to established security requirements;
- (11) Destruction of an aircraft or aircraft facility;
- (12) Assault with intent to murder.
- (13) Kidnapping or hostage taking.
- (14) Rape or aggravated sexual abuse.
- (15) Extortion.
- (16) Armed or felony unarmed robbery.
- (17) Distribution of, possession with intent to distribute, or importation of a controlled substance.
- (18) Felony arson.
- (19) Felony involving a threat.
- (20) Felony involving—
 - (i) Willful destruction of property;
 - (ii) Importation or manufacture of a controlled substance;
 - (iii) Burglary or Robbery
 - (iv) Theft;
 - (v) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering;
 - (vi) Possession or distribution of stolen property;
 - (vii) Aggravated assault;
 - (viii) Bribery; or
 - (ix) Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 (one) year;
 - (x) Smuggling;
 - (xi) Immigration violations; or
- (21) Violence at international airports;
- (22) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. A firearm or other weapon includes, but is not limited to, firearms as defined in 18 U.S.C. 921(a)(3) or 26 U.S.C. 5 845(a), or items contained on the U.S. Munitions Import List at 27 CFR 447.21.
- (23) Conspiracy or attempt to commit any of the criminal acts listed in paragraph II.

Under warrant, or indictment. An applicant who is wanted, or under indictment in any civilian or military jurisdiction for a felony listed in section II, is disqualified until the warrant or indictment is released or the indictment is dismissed.

Note: Violations based on 49 CFR 1542.209(d) & 49 CFR 1572.103 and will be updated accordingly.

Level of Access
Up To
MEDIUM
Secure Access Control Areas

I. No convictions ever in your lifetime: an individual has a disqualifying criminal offense if the individual was convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following criminal offenses:

- (1) Terrorism—A crime listed in 18 U.S.C. Chapter 113B—or a State law that is comparable.
- (2) Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et. seq., or a State law that is comparable.
- (3) A crime involving a severe transportation security incident.
- (4) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility.
- (5) Improper transportation of a hazardous material under 49 U.S.C. 5124, or a state law that is comparable;
- (6) Murder.
- (7) Espionage.
- (8) Sedition.
- (9) Treason.
- (10) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device.
- (11) Conspiracy or attempt to commit any of the criminal acts listed in paragraph I.

Under want, warrant, or indictment. An applicant who is wanted, or under indictment in any civilian or military jurisdiction for a felony listed in section I, is disqualified until the want or warrant is released or the indictment is dismissed.

II. An individual has a disqualifying criminal offense if the individual was convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction, within the **past ten (10) years** from completion of sentence preceding the date of application, of the following offenses:

- (1) Extortion.
- (2) Armed or felony unarmed robbery.
- (3) Felony involving—
 - (i) Importation or manufacture of a controlled substance;
 - (ii) Burglary or Robbery;
 - (iii) Theft;
 - (iv) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering;
 - (v) Possession or distribution of stolen property;
 - (vi) Bribery; or
- (4) Conspiracy or attempt to commit any of the criminal acts listed in paragraph II.

Under want, warrant, or indictment. An applicant who is wanted, or under indictment in any civilian or military jurisdiction for a felony listed in section II, is disqualified until the want or warrant is released or the indictment is dismissed.

III. An individual has a disqualifying criminal offense if the individual was convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction for the following offenses, during the **seven (7) years** from completion of sentence preceding the date of application, of the following offenses:

- (1) Assault with intent to murder.
- (2) Kidnapping or hostage taking.
- (3) Rape or aggravated sexual abuse.
- (4) Distribution of, possession with intent to distribute, or importation of a controlled substance.
- (5) Felony arson.
- (6) Felony involving a threat.
- (7) Felony involving—
 - (i) Willful destruction of property;
 - (ii) Aggravated assault;
 - (iii) Smuggling;
 - (iv) Immigration violations;
- (8) Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et. seq., or a State law that is comparable, other than the violations listed in paragraph (b) of Section I.
- (9) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. A firearm or other weapon includes, but is not limited to, firearms as defined in 18 U.S.C. 921(a)(3) or 26 U.S.C. 5845(a), or items contained on the U.S. Munitions Import List at 27 CFR 447.21.
- (10) Conspiracy or attempt to commit any of the criminal acts listed in paragraph III.

Under want, warrant, or indictment. An applicant who is wanted, or under indictment in any civilian or military jurisdiction for a felony listed in section III, is disqualified until the want or warrant is released or the indictment is dismissed.

Note: Violations based on 49 CFR 1542.209(d) & 49 CFR 1572.103 and will be updated accordingly.

Level of Access
Up To
STANDARD
Secure Access Control Areas

I. No convictions ever in your lifetime: an individual has a disqualifying criminal offense if the individual was convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following criminal offenses:

- (1) Terrorism—A crime listed in 18 U.S.C. Chapter 113B—or a State law that is comparable.
- (2) Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et. seq., or a State law that is comparable.
- (3) Espionage.
- (4) Sedition.
- (5) Treason.
- (6) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device.
- (7) Conspiracy or attempt to commit any of the criminal acts listed in paragraph I.

Under want, warrant, or indictment. An applicant who is wanted, or under indictment in any civilian or military jurisdiction for a felony listed in section I, is disqualified until the want or warrant is released or the indictment is dismissed.

II. An individual has a disqualifying criminal offense if the individual was convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction for the following offenses, during the **ten (10) years** from completion of sentence preceding the date of application, of the following offenses:

- (1) Extortion.
- (2) Felony involving—
 - (i) Theft;
 - (ii) Robbery;
 - (iii) Dishonesty, fraud or misrepresentation, including identity fraud and money laundering;
- (3) Unlawful sale, distribution, manufacture, import or export of a controlled substance that resulted in the conviction of an A Felony in the New York State Penal Law, or any comparable law in any State, or comparable Federal law.
- (4) Conspiracy or attempt to commit any of the criminal acts listed in paragraph II.

Under want, warrant, or indictment. An applicant who is wanted, or under indictment in any civilian or military jurisdiction for a felony listed in section II, is disqualified until the want or warrant is released or the indictment is dismissed.

III. An individual has a disqualifying criminal offense if the individual was convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction for the following offenses, during the **five (5) years** from completion of sentence preceding the date of application, of the following offenses:

- (1) Violent Felony Offenses (as defined in the New York State Penal Law §70.02) or any comparable law in any State.
- (2) Conspiracy or attempt to commit any criminal act listed in paragraph III.

Under want, warrant, or indictment. An applicant who is wanted, or under indictment in any civilian or military jurisdiction for a felony listed in section III, is disqualified until the want or warrant is released or the indictment is dismissed.

Note: Violations based on 49 CFR 1542.209(d) & 49 CFR 1572.103 and will be updated accordingly.