

(b) *Content.* In addition to any other information required by TSA, the validation firm must submit the following information to TSA when applying for renewal:

(1) If required, evidence that the validators and other individuals of the validation firm with responsibilities for participating in assessments have successfully completed the initial training under § 1522.119(a) and any recurrent training described in § 1522.119(b).

(2) Evidence that the individual validators with responsibilities for conducting assessments continue to be certified or accredited by an organization that TSA recognizes as qualified to certify or accredit a validator.

(3) A statement signed by a senior officer or employee of the validation firm attesting that the firm has reviewed and ensures the continuing accuracy of the contents of its initial application for a security program, subsequent renewal applications, or other submissions to TSA confirming a change of information and noting the date such applications and submissions were made to TSA, including the following certification:

[Name of validation firm] (hereinafter “the validation firm”) has adopted and is currently carrying out a security program in accordance with the Transportation Security Regulations as originally approved on [Insert date of TSA initial approval]. In accordance with TSA regulations, the validation firm has notified TSA of any new or changed information required for the validation firm’s initial security program. If new or changed information is being submitted to TSA as part of this application for reapproval, that information is stated in this filing.

The validation firm understands that intentional falsification of certification may be subject to both civil and criminal penalties under 49 CFR part 1540 and 18 U.S.C. 1001. Failure to notify TSA of any new or changed information required for initial approval of the validation firm’s security program in a timely fashion and in a form acceptable to TSA may result in withdrawal by TSA of approval of the validation firm’s security program.

(c) *Renewal.* TSA will renew approval of the security program and the validation firm’s authority to conduct assessments if TSA determines that—

(1) The validation firm has met the requirements of this chapter, its secu-

rity program, and any Security Directive; and

(2) The renewal of approval of the validation firm’s security program, and of the approval to operate as a validation firm, is not contrary to the interests of security or the public interest.

(d) *Effective.* The renewal of approval issued pursuant to this section will remain effective until the end of the calendar month 12 months after the month it was approved or until the program has been surrendered or withdrawn, whichever is earlier.

(e) *Withdrawal.* If a validation firm fails to comply with the requirements of this section, TSA may withdraw approval of the validation firm under § 1522.113.

§ 1522.117 Qualifications of validators.

(a) Each assessment conducted under this subpart must be conducted by a validator who meets the following requirements:

(1) He or she must be a citizen or national of the United States or be an alien lawfully admitted for permanent residence.

(2) He or she must meet the requirements of paragraph (a)(2)(i) or (ii) of this section.

(i) He or she must hold a certification or accreditation from an organization that TSA recognizes as qualified to certify or accredit a validator for assessments and must have at least five years of experience in inspection or validating compliance with State or Federal regulations in the security industry, the aviation industry, or government programs. The five years of experience must have been obtained within 10 years of the date of the application.

(ii) He or she must have at least five years experience as an inspector for a Federal or State government agency performing inspections similar to the inspections called for in this subpart and part 1549. The five years of experience must have been obtained within 10 years of the date of the application.

(3) The validator must have three professional references that address his or her abilities in inspection, validation, and written communications.

(4) The validator must have sufficient knowledge of the rules, regulations,

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policies, security programs, directives, and orders, pertaining to the certified cargo screening program (CCSP).

(5) The validator must have the ability to apply the concepts, principles, and methods of compliance with the requirements of the certified cargo screening program to include assessment, inspection, investigation, and reporting of compliance with the certified cargo screening program.

(b) Each validator and each individual who assists in conducting assessments must successfully undergo a security threat assessment as required under § 1522.121.

§ 1522.119 Training.

(a) *Initial training.* The validation firm must ensure that its validators and individuals who will assist in conducting assessments have completed the initial training prescribed by TSA before conducting any assessment under this subpart.

(b) *Recurrent training.* The validation firm must ensure that each validator and each individual assisting in conducting assessments under this subpart completes the recurrent training prescribed by TSA not later than 12 months after the validator's or individual's most recent TSA-prescribed training. If the validator or individual completes the recurrent training in the month before or the month after it is due, he or she is considered to have taken it in the month it is due.

(c) *Content.* The training required by this section will include coverage of the applicable provisions of this chapter, including this part, part 1520, and § 1540.105.

§ 1522.121 Security threat assessments for personnel of TSA-approved validation firms.

Each of the following must successfully complete a security threat assessment or comparable security threat assessment described in part 1540, subpart C of this chapter:

(a) Each individual who supervises validators or individuals who will assist validators.

(b) The validation firm's validator authorized to perform assessment services under this subpart.

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(c) The validation firm's Security Coordinator and alternates.

(d) Each individual who will assist the validator in conducting assessments.

§ 1522.123 Conduct of assessments.

(a) *Standards for assessment.* Each validator must assess, in a form and manner prescribed by TSA, whether the person seeking to operate or operating as a certified cargo screening facility is in compliance with 49 CFR part 1549. The validator may be assisted by other individuals; however, the validator is directly responsible for the assessment and must sign the assessment report.

(b) *Conflict of interest.* A validator may not conduct an assessment for which there exists a conflict of interest as defined in § 1552.1.

(c) *Immediate notification to TSA.* If during the course of an assessment, the validator believes that there is or may be an instance of noncompliance with TSA requirements that presents an imminent threat to transportation security or public safety, he or she must report the instance immediately to the Security Coordinator, and the Security Coordinator must report the instance immediately to TSA.

(d) *No authorization to take remedial or disciplinary action.* Neither the validation firm nor the validator is authorized to require any remedial action by, or to take any disciplinary or enforcement action against, the facility under assessment.

(e) *Prohibition on consecutive assessments.* Unless otherwise authorized by TSA, a validation firm must not conduct more than two consecutive assessments of a person seeking approval, or renewal of approval, to operate a certified cargo screening facility.

§ 1522.125 Protection of information.

(a) *Sensitive Security Information.* Each validation firm must comply with the requirements in 49 CFR part 1520 regarding the handling and protection of Sensitive Security Information (SSI).

(b) *Non-disclosure of proprietary information.* Unless explicitly authorized by TSA, no validation firm, or any of its officers, Security Coordinators,