§ 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.

(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 1540. 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 1540 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,
validators, or employees, or individuals assisting in validations, may make an unauthorized release nor disseminate any information that TSA or an entity being assessed indicates is proprietary information.

§ 1522.127 Assessment report.

(a) Each validator must prepare and submit to TSA a written assessment report, in a manner and form prescribed by TSA, within 30 calendar days of completing each assessment.

(b) The assessment report must include the following information, in addition to any other information otherwise required by TSA:

1. A description of the facilities, equipment, systems, processes, and/or procedures that were assessed and any other information as determined by TSA.

2. The validator’s assessment regarding the facility’s compliance with TSA requirements, including all elements of the applicable security program.

3. Signed attestation by the individual validator with responsibility for the assessment that no conflicts of interest existed with regard to the assessment and that the assessment was conducted impartially, professionally, and consistent with the standards set forth by TSA.

§ 1522.129 Recordkeeping requirements.

(a) Each validation firm must maintain records demonstrating compliance with all statutes, regulations, directives, orders, and security programs that apply to operation as a validation firm, including the records listed below.

(b) Each validation firm must retain the following records for 180 days after the individual is no longer employed by the validation firm or is no longer acting as the firm’s agent.

1. Records of all training and instruction given to each individual under the requirements of this subpart.

2. Records demonstrating that the validation firm has complied with the security threat assessment provisions of §1522.121.

3. Records about the qualifications of validators it uses to conduct assessments under this subpart.

(c) Each validation firm must retain the following records until completion of the validation firm’s next review under §1522.115, after which the records may be destroyed unless TSA instructs the validation firm to retain the records for a longer period.

1. Copies of all applications for approval, or renewal of approval, by TSA to operate as a validation firm under part 1522.

2. Copies of TSA’s approval and renewals of approval as required by part 1522.

(d) Each validation firm must retain assessment reports and copies of backup documentation supporting each assessment report submitted to TSA for 42 months after the assessment.