

Subpart C—Security Threat Assessments

SOURCE: 74 FR 47700, Sept. 16, 2009, unless otherwise noted.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, indirect air carriers, and certified cargo screening facilities must use to have security threat assessments performed on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, 1548.16 and 1549.111. This subpart applies to the following:

- (1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).
- (2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).
- (3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.
- (4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.
- (5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.
- (6) Each certified cargo screening facility described in 49 CFR part 1549.
- (7) Each individual a certified cargo screening facility authorizes to perform screening or supervise screening.
- (8) Each individual the certified cargo screening facility authorizes to have unescorted access to cargo at any time from the time it is screened until the time it is tendered to an indirect air carrier under 49 CFR part 1548, an aircraft operator under part 1544, or a foreign air carrier under part 1546.
- (9) The senior manager or representative of its facility in control of the operations of a certified cargo screening facility under 49 CFR part 1549.

(b) For purposes of this subpart—
Applicant means the individuals listed in paragraph (a) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through

(a)(3) of this section, and a certified cargo screening facility described in paragraph (a)(6) of this section.

(c) An applicant poses a security threat under this subpart when TSA determines that he or she is known to pose or is suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[74 FR 47700, Sept. 16, 2009, as amended at 76 FR 51867, Aug. 18, 2011]

§ 1540.203 Security threat assessment.

(a) Each operator subject to this subpart must ensure that each of the following undergoes a security threat assessment or a comparable security threat assessment described in § 1540.205:

- (1) Cargo personnel in the United States, as described in § 1544.228.
- (2) Cargo personnel in the United States, as described in § 1546.213.
- (3) Individuals with unescorted access to cargo, as described in § 1548.15.
- (4) Proprietors, general partners, officers, directors, and owners of an indirect air carrier, as described in § 1548.16.
- (5) Personnel of certified cargo screening facilities, as described in § 1549.111.

(b) Each operator must verify the identity and work authorization of each applicant and examine the document(s) presented by the applicant to prove identity and work authorization to determine whether they appear to be genuine and relate to the applicant presenting them.

(c) Each operator must submit to TSA a security threat assessment application for each applicant that is dated and signed by the applicant and that includes the following:

- (1) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.
- (2) Current mailing address, including residential address if it differs from the current mailing address; all other residential addresses for the previous five years; and e-mail address if the applicant has an e-mail address.
- (3) Date and place of birth.
- (4) Social security number (submission is voluntary, although failure to