

SENSITIVE SECURITY INFORMATION

U.S. Department of Homeland Security
Arlington, VA 20598



Transportation
Security
Administration

MEMORANDUM

To: Covered Foreign Air Carriers

From: John S. Pistole
Administrator

Date: May 9, 2011

Re: Aviation Emergency Amendment 1546-11-05

Attached to this memorandum is Emergency Amendment (EA) 1546-11-05 Cargo Security Measures – Passenger Aircraft. This EA is effective May 27, 2011. As clearly marked on this transmittal memorandum and on the EA, this document is Sensitive Security Information (SSI). As you know, SSI is information obtained or developed in the conduct of security activities, the disclosure of which TSA has determined would, among other things, be detrimental to the security of transportation. See 49 U.S.C. § 114(r) & 49 C.F.R. part 1520. As persons receiving SSI in order to carry out responsibilities related to transportation security, you are considered “covered persons” under the SSI regulation and have special obligations to protect this information from unauthorized disclosure. Any violation of these requirements is grounds for a civil penalty and other enforcement or corrective action by TSA as outlined in 49 C.F.R. § 1520.17.

You must properly handle, store, destroy, and limit dissemination of all SSI in accordance with the requirements of 49 C.F.R. part 1520. Covered persons receiving SSI are required to take special care to safeguard SSI from unauthorized disclosure and limit disclosure to covered persons who have a need to know as required by 49 C.F.R. § 1520.9. Further, you must strictly limit distribution of the EA in its entirety to those persons for whom such access is operationally necessary. Otherwise, you should disclose only those portions of the attached EA that the covered persons need to do their work. The attached EA is distributed in a locked Adobe Acrobat .pdf format. To facilitate sharing portions with covered persons, you may copy and paste those relevant portions of the EA into a new document and you must apply the SSI disclosure warnings as required by 49 C.F.R. § 1520.13 to any portion reproduced into a new document and distributed to covered persons with a need to know.

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTIES OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

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All covered persons receiving and handling SSI must take steps to properly secure all SSI, including at all work stations, desks, and in electronic format. Steps you should take include physically locking up or otherwise properly securing all SSI when not in use or when otherwise unattended, keeping all SSI out of the view of individuals who do not have a need to know, including the traveling public, verifying intended recipient's need to know prior to sharing SSI with covered persons, using appropriate passwords to properly protect all electronic forms of SSI, and always properly marking all electronic and hard copy documents containing SSI with SSI warnings in the header and footer as required by 49 C.F.R. § 1520.13. The TSA "Short Guide to Handling SSI" is posted to the TSA web board for your reference. The Guide contains tips and requirements for properly handling and securing SSI.

As partners in ensuring the highest level of aviation security, we must continue to work together to ensure that all SSI is properly safeguarded and that necessary steps are taken to ensure that we only share SSI with covered persons with a need to know. Our ability to share SSI with covered persons is a key element in keeping our Nation's transportation systems secure. All queries concerning the attached EA or any questions about properly safeguarding, handling and/or disseminating SSI must be directed to your TSA International Industry Representative (IIR).

Attachment:

Aviation Emergency Amendment 1546-11-05

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**Transportation
Security
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U.S. Department of Homeland Security
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598

EMERGENCY AMENDMENT

NUMBER: EA 1546-11-05

SUBJECT: Cargo Security Measures – Passenger Aircraft

EFFECTIVE DATE/TIME: May 27, 2011

EXPIRATION DATE/TIME: May 27, 2012

CANCELS AND SUPERSEDES: EA 1546-10-07G

APPLICABILITY: Foreign air carriers regulated under 49 CFR 1546

AUTHORITY: 49 CFR 1546.105

LOCATIONS: All serving as the last point of departure for flights to the United States

PURPOSE:

In October 2010, terrorists concealed explosives in cargo bound for the United States. Terrorists continue to pursue such tactics to attack the United States and U.S. interests overseas involving commercial aircraft. The measures described in this Emergency Amendment (EA) are required to detect and deter unauthorized explosives in cargo.

When implemented, this EA cancels and supersedes EA 1546-10-07 series. The measures contained in this EA are in addition to the requirements of the foreign air carrier's TSA-accepted security program and all other EAs currently in effect for its operations.

REQUIRED SECURITY MEASURES

I. GENERAL

- A. This EA applies to all originating, transit, or transfer cargo shipments at all non-U.S. locations serving as last point of departure to the United States, except for items listed in I.B.
- B. This EA does not apply to the following:
 1. Non-U.S. mail
 2. All U.S. government shipments tendered on a U.S. Government Bill of Lading or an air waybill where a U.S. Government entity is listed as the shipper

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3. Medical shipments as described in Foreign Air Carrier Model Security Program (MSP) Section IV.3.6.1.
 4. Live animals as defined in the MSP
 5. Hazardous material as defined in the MSP
 6. All items weighing less than 16 ounces (453 grams)
 7. Inbound Army Post Office (APO)/Fleet Post Office (FPO) mail
 8. Foreign air carrier company material
 9. Diplomatic pouches
- C. Cargo originating in, transferring from, or transiting through any point in the countries listed in Attachment I must not be transported on any passenger aircraft.
- D. A "courier bag" is a non-rigid receptacle or container that is used to consolidate multiple shipments under a single master air waybill (MAWB).
- E. Business Relationship— An association between persons ("persons" includes individuals and entities) that includes the establishment of an account with physical and billing addresses AND a payment or credit history documented through invoices or billing records OR a documented history of sales that may include any contacts or activities OR other documented correspondence or business records.

II. CARGO ACCEPTANCE

- A. Cargo accepted that meets the criteria of either Section II.B. or C. must be screened in accordance with the foreign air carrier's TSA-accepted security program, except that courier bags may be screened in accordance with Section III.D. Cargo accepted that does not meet the criteria of either Section II.B. or C. must be screened in accordance with Section III.
- B. The cargo is accepted from a regulated agent or known consignor that applies security procedures accepted or required by the national authority in accordance with International Civil Aviation Organization (ICAO) Annex 17 Standards relating to cargo, mail and other goods, provided all the following additional criteria are met:

1. A regulated agent must:

- a. Have a business relationship with the foreign air carrier of at least 90 calendar days.
- b. Tender the following statement in electronic, hardcopy, or any commonly accepted industry format on any shipping documentation:

All shipments tendered in this MAWB were received directly from a shipper, or other person with an established relationship with _____ (insert name of regulated agent or freight forwarder) for at least 180 calendar days, which has an established shipping address, and a payment, credit, or invoice history of at least 180 calendar days OR a person originating or tendering a shipment where _____ (insert name of regulated agent or freight forwarder) has an established business relationship or payment, credit, or invoice history with the consignee or bill-to party of at least 180 calendar days.

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Note: A business relationship is defined as an association between persons ("persons" includes individuals and entities) that may also include a documented history of sales contacts or activities, other documented correspondence, or business records.

2. A known consignor, tendering directly to the foreign air carrier, must have a business relationship with the foreign air carrier and:
 - a. Have tendered at least 13 shipments over the past 180 daysOR
 - b. Be certified under the Customs and Border Protection (CBP) Customs Trade Partnership Against Terrorism (C-TPAT) program.
- C. The cargo is accepted from another person (including a shipper, IATA-registered agent, other cargo agent, freight forwarder, consolidator, or air carrier) not operating in accordance with security procedures accepted or required by the national authority in accordance with ICAO Annex 17 Standards, provided all the following additional criteria are met:

1. Any person that is not a direct shipper must:
 - a. Have a business relationship with the foreign air carrier for at least 90 calendar days.
 - b. Be certified under the CBP C-TPAT program.
 - c. Tender the following statement in electronic, hardcopy, or any commonly accepted industry format on any shipping documentation:

All shipments tendered in this MAWB were received directly from a shipper, or other person with an established relationship with _____ (insert name of regulated agent or freight forwarder) for at least 180 calendar days, which has an established shipping address, and a payment, credit, or invoice history of at least 180 calendar days OR a person originating or tendering a shipment where _____ (insert name of regulated agent or freight forwarder) has an established business relationship or payment, credit, or invoice history with the consignee or bill-to party of at least 180 calendar days.

Note: A business relationship is defined as an association between persons ("persons" includes individuals and entities) that may also include a documented history of sales contacts or activities, other documented correspondence, or business records.

2. Direct shippers must have a business relationship with the foreign air carrier and:
 - a. Have tendered at least 13 shipments over the past 180 daysOR
 - b. Be certified under the CBP C-TPAT program.

III. CARGO SCREENING

- A. Screen each piece of cargo separately for unauthorized explosives, incendiaries, and other destructive substances using either X-ray or Advanced Technology X-ray (AT X-ray) equipment that is on the TSA Air Cargo Approved Screening Technology List (ACSTL) or is approved in writing by TSA through the foreign air carrier's International Industry Representative (IIR). Cargo in courier bags may be screened in accordance with Section III.D.

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- B. If the equipment described in Section III.A. is unavailable or inoperable or the cargo is too large for the equipment, screen each piece of cargo in accordance with Section III.C.1., 2., and 3.
- C. If any piece of screened cargo appears to contain both an electronic device or item and an organic mass or inorganic oxidizer (as identified by referencing the standard colors provided by the manufacturer of the equipment):
1. Screen the cargo using one of the following methods:
 - a. Conduct an internal Explosives Trace Detection (ETD) search by opening the piece and swiping all electronic items, any suspected organic masses or inorganic oxidizers, and all items the size of a 12-ounce (354-milliliter) soft drink can and larger. Swipe four sides and the top and bottom of each item. For the items that do not have four sides, samples are to be taken in four areas that would most likely have been touched during the packing process. The ETD equipment must be on the TSA ACSTL or be approved in writing by TSA through the foreign air carrier's IIR.
 - OR
 - b. Screen the piece with TSA-approved explosives detection canine, certified by the national authority of a country listed in Attachment II.
 2. Review the shipment documentation to determine if the transportation cost of the shipment far exceeds the value of the commodity and resolve any discrepancies by contacting the consignee listed on the house air waybill to verify their knowledge of the shipment and its contents. Maintain a record of the contact with the consignee for 90 calendar days after acceptance.
 3. If cargo cannot be screened as described in Section III.C.1. and 2., it must not be transported onboard any aircraft.
- D. Cargo in a courier bag weighing 35 kilograms (77 pounds) or less may be screened without opening the bag in accordance with the following requirements:
1. The X-ray or AT X-ray unit used must have a minimum power rating of 160 kilovolts (kv), and either be on the TSA ACSTL or be approved in writing by TSA through the foreign air carrier's IIR.
 2. Courier bags must go through the X-ray or AT X-ray one at a time.
 3. Courier bags containing commodities that are too dense to render a clear X-ray or AT X-ray image must be opened and the contents screened one piece at a time.
 4. Screen each bag using X-ray or AT X-ray unit with dual- or multi-view capabilities OR screen each bag using single-view equipment, rotate it 90 degrees vertically in either direction, and rescreen.
 5. If any piece in the courier bag appears to contain both an electronic device or item and organic mass or inorganic oxidizers, apply the measures in Section III.C.
 6. If the X-ray or AT X-ray image is unclear, shielded, or opaque or contains any unidentifiable anomalies, remove each piece from the bag and screen each piece.
- E. If unauthorized explosives, incendiaries, or other destructive substances or items are discovered:
1. The cargo must not be loaded or transported onboard any aircraft and must be isolated in a secure location, controlled, and physically guarded to prevent unauthorized access.

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2. Immediately notify the Air Carrier Management Representative (ACMR), host government authorities, and the Transportation Security Operations Center at +1-866-655-7023 (for callers from the 50 United States, Puerto Rico, and Canada) or +1-703-563-3240 (for all other callers).
3. Inform entities identified in Section III.E.2. of any additional cargo on the premises that was tendered or transferred with the suspect cargo.

ACKNOWLEDGMENT OF RECEIPT

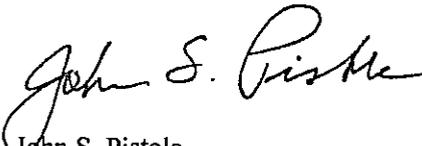
The foreign air carrier must immediately provide verbal or written confirmation to its IIR indicating receipt of this EA. No later than the effective date and time of this EA, the foreign air carrier must notify its IIR in writing how the security measures required have been or will be implemented.

DISSEMINATION REQUIRED

The foreign air carrier must immediately pass the information and measures set forth in this EA to all personnel necessary to implement and ensure compliance with this EA. All foreign air carrier personnel receiving this information must be briefed by the foreign air carrier on the restrictions governing dissemination. No other dissemination may be made without prior approval of the Administrator for the Transportation Security Administration. Unauthorized dissemination of this document or information contained herein is prohibited by 49 CFR part 1520.

APPROVAL OF ALTERNATIVE MEASURES

In accordance with 49 CFR 1546.105(d), the foreign air carrier may submit proposals for alternative measures to its IIR. The foreign air carrier must immediately notify its IIR whenever any procedure in this EA or an approved alternative measure cannot be carried out by the foreign air carrier.



John S. Pistole
Administrator

SENSITIVE SECURITY INFORMATION

Aviation Emergency Amendment

EA 1546-11-05

ATTACHMENT I

1. Somalia
2. Yemen

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ATTACHMENT II

1. France
2. The Netherlands
3. Poland
4. United Kingdom

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