Transportation Security Administration, DHS § 1544.409  Integrity of screener tests.

(a) Cheating or other unauthorized conduct. (1) Except as authorized by the TSA, no person may—
(i) Copy or intentionally remove a test under this part;
(ii) Give to another or receive from another any part or copy of that test;
(iii) Give help on that test to or receive help on that test from any person during the period that the test is being given; or
(iv) Use any material or aid during the period that the test is being given.
(2) No person may take any part of that test on behalf of another person.
(3) No person may cause, assist, or participate intentionally in any act prohibited by this paragraph (a).

(b) Administering and monitoring screener tests. (1) Each aircraft operator must notify TSA of the time and location at which it will administer each screener readiness test required under § 1544.405(d).
(2) Either TSA or the aircraft operator must administer and monitor the screener readiness test. Where more than one aircraft operator or foreign air carrier uses a screening location, TSA may authorize an employee of one or more of the aircraft operators or foreign air carriers to monitor the test for a trainee who will screen at that location.
(3) If TSA or a representative of TSA is not available to administer and monitor a screener readiness test, the aircraft operator must provide a direct employee to administer and monitor the screener readiness test.

§ 1544.411  Continuing qualifications of screening personnel.

(a) Impairment. No individual may perform a screening function if he or she shows evidence of impairment, such as impairment due to illegal drugs, sleep deprivation, medication, or alcohol.
(b) Training not complete. An individual who has not completed the training required by § 1544.405 may be deployed during the on-the-job portion of training in the position to perform security functions provided that the individual—
(1) Is closely supervised; and
(2) Does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.
(c) Failure of operational test. No aircraft operator may use an individual to perform a screening function after that individual has failed an operational test related to that function, until that individual has successfully completed the remedial training specified in the aircraft operator's security program.
(d) Annual proficiency review. Each individual assigned screening duties shall receive an annual evaluation. The aircraft operator must ensure that a Ground Security Coordinator conducts and documents an annual evaluation of each individual who performs screening functions. An individual who performs screening functions may not continue to perform such functions unless the evaluation demonstrates that the individual—
(1) Continues to meet all qualifications and standards required to perform a screening function;
(2) Has a satisfactory record of performance and attention to duty based on the standards and requirements in the aircraft operator's security program; and
(3) Demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.
PART 1546—FOREIGN AIR CARRIER SECURITY

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Subpart A—General

§ 1546.1 Applicability of this part.

This part prescribes aviation security rules governing the following:

(a) The operation within the United States of each foreign air carrier holding a permit issued by the Department of Transportation under 49 U.S.C. 41302 or other appropriate authority issued by the former Civil Aeronautics Board or the Department of Transportation.

(b) Each law enforcement officer flying armed aboard an aircraft operated by a foreign air carrier described in paragraph (a) of this section.

§ 1546.3 TSA inspection authority.

(a) Each foreign air carrier must allow TSA, at any time or place, to make any inspections or tests, including copying records, to determine compliance of an airport operator, aircraft operator, foreign air carrier, indirect air carrier, or other airport tenants with—

(1) This subchapter and any security program under this subchapter, and part 1520 of this chapter; and

(2) 49 U.S.C. Subtitle VII, as amended.

(b) At the request of TSA, each foreign air carrier must provide evidence of compliance with this subchapter and its security program, including copies of records.

(c) TSA may enter and be present within secured areas, AOAs, SIDAs, and other areas where security measures required by TSA are carried out, without access media or identification media issued or approved by an airport operator or aircraft operator, in order to inspect or test compliance, or perform other such duties as TSA may direct.


Subpart B—Security Program

§ 1546.101 Adoption and implementation.

Each foreign air carrier landing or taking off in the United States must adopt and carry out, for each scheduled and public charter passenger operation or all-cargo operation, a security program that meets the requirements of—

(a) Section 1546.103(b) and subparts C, D, and E of this part for each operation with an aircraft having a passenger seating configuration of 61 or more seats;