



EXEMPTION FROM TSA REGULATIONS

SUBJECT: Exemption from Certain Security Threat Assessment Requirements
Codified at 49 C.F.R. §§1540.203(c) and 209(c)(1)

COVERED PERSONS: Amazon.com Services, Inc.

EFFECTIVE DATE: March 26, 2020

EXPIRATION DATE: 120 days from effective date

I. ABSTRACT

On March 11, 2020, the World Health Organization declared the SARS-CoV-2 virus and Coronavirus Disease 2019 (COVID-19) to be a global pandemic. On March 13, 2020, the President of the United States declared a National Emergency to reduce the spread of COVID-19, to ensure that critical goods and services remain available, and to minimize adverse economic impacts on individuals and companies.¹ On March 18, 2020, the President issued Executive Order 13909, *Prioritizing and Allocating Health and Medical Resources to Respond to the Spread of Covid-19*, which declared: "... it is critical that all health and medical resources needed to respond to the spread of COVID-19 are properly distributed to the Nation's healthcare system and others that need them most at this time." As a result of COVID-19 and the associated restrictions or quarantines on individuals and shuttered retail establishments, many U.S. residents must rely on the home delivery of necessities, such as toiletries, food, beverages, and home goods, which has greatly increased the volume of air cargo shipments. Consequently, there is an exigent need for a significant number of new employees to handle, load, or otherwise support the air cargo supply chain.

The Transportation Security Administration (TSA) administers a regulatory program to address security in all modes of transportation, including air cargo operations. The regulations relevant here include requirements for certain individuals who work in the air cargo supply chain

¹ See Proclamation 9994, *Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak* (March 13, 2020). Published at 85 FR 15337 (March 18, 2020).

to successfully complete a security threat assessment (STA) to ensure they do not pose a threat to transportation or national security, or of terrorism.

TSA has statutory authority to grant an Exemption from a regulation if TSA determines the Exemption is in the public interest.² TSA has determined that it is in the public interest to grant a limited Exemption to Amazon for 120 days, to facilitate the expeditious completion of STAs of individuals who are needed to support the air cargo supply chain. The limited Exemption will allow Amazon to submit certain identifying information of its applicants to TSA through an expedited process that does not require engaging with the Indirect Air Carrier Management System (IACMS) or providing the documents, information, and fees that typically apply to this vetting program. TSA will conduct the STA and notify Amazon of the results for each applicant. Until TSA determines that an applicant is eligible, Amazon may not utilize that individual in functions covered by 49 CFR 1540.203. Within 120 days of the effective date of this Exemption, Amazon must submit the STA applications for these individual through the process required by 49 C.F.R. § 1540.203(c), and pay the required fees according to 49 C.F.R. § 1540.209(c)(1) at the same time. The Exemption will not reduce the level of security, but rather will defer some of the paperwork and fee submission requirements in the regulations until after TSA has initiated the vetting of the workforce. The Exemption applies only if Amazon adheres to the procedures set forth below.

II. EXEMPTION AND REQUIRED PROCEDURES

A. Exemption to Amazon

TSA grants to Amazon a limited Exemption from the requirements of:

1. 49 C.F.R. § 1540.203(c)
2. 49 C.F.R. § 1540.209(c)(1)

Under the terms of this limited Exemption, which will expire 120 days from the effective date, unless extended by TSA for the same exigent circumstances, Amazon must comply with the procedures in Paragraph B in lieu of the requirements of 49 C.F.R. §§ 1540.203(c) and 1540.209(c)(1).

B. Procedures Amazon Must Follow

1. For an initial STA of applicants, Amazon must submit to TSA the following information via email to TSA.OIA.PMD.Aviation@tsa.dhs.gov, in the provided spreadsheet sample, attached hereto as Appendix A, for each applicant:

² See 49 U.S.C. 114(q).

- Legal first name
- Legal last name
- Gender
- Address
- Address type: residential, business.
- Country of citizenship
- Date of birth
- Place of birth
- Address
- Current Employer
- Phone number (if available)
- Social Security Number (SSN) (Providing the SSN is voluntary, but failure to provide it may delay or prevent completing the STA)

2. Amazon must provide each applicant the Privacy Act Notice (PAN), attached as Appendix B, when Amazon collects the biographic information set forth above in #1.

3. Amazon must continue to verify work authorization by conducting E-Verify checks on applicants for the duration of this Exemption.

4. TSA will process the spreadsheet of initial applicants through the Transportation Vetting System (TVS). TSA will notify Amazon of the applicants who are deemed eligible to carry out air cargo functions that require an STA. TSA will notify Amazon if it is unable to determine whether an applicant is eligible to carry out air cargo functions requiring a STA and Amazon will not grant these individuals unescorted access to cargo. For these applicants, TSA will ask Amazon to submit the applicant information and associated fees through IACMS within three business days to begin adjudication of the applicant. These cases will process through the existing TSA Security Threat Assessment Board function for the current IACMS population. TSA will continually monitor the manual submissions and reconcile them against IACMS to ensure all cases are submitted into the system as required.

5. TSA will advise Amazon if, through recurrent vetting, TSA is no longer able to determine that an air cargo worker is eligible, and Amazon must immediately revoke the worker's unescorted access to cargo. For these workers, TSA will ask Amazon to submit the individual's information and associated fees through IACMS immediately to

begin adjudication. These cases will process through the existing TSA Security Threat Assessment Board function for the current IACMS population. TSA will continually monitor the manual submissions and reconcile them against IACMS to ensure all cases are submitted into the system as required.

6. Amazon must be in full compliance with standard process required by 49 C.F.R. §§1540.203(c) and 1540.209(c)(1) within 120 days of the effective date of this Exemption, including submission of full applications and associated fees through IACMS for all individuals submitted via spreadsheet as described in Section II.B.1 above.

7. All other regulatory requirements and standards, other than those explicitly referenced above in Section II.A of this Exemption, remain in full force and effect.

Upon request, TSA will consider granting this Exemption to other entities seeking to process STAs for 10,000 or more applicants to ensure expeditious delivery of products and services to the public during the COVID-19 National Emergency.

STACEY D FITZMAURICE Digitally signed by STACEY D FITZMAURICE
Date: 2020.03.26 14:56:35 -04'00'

Stacey Fitzmaurice
Executive Assistant Administrator
Operations Support
Transportation Security Administration

Date _____

APPENDIX A Spreadsheet

Instructions:

- 1) Please make sure to include header row with column names at the top (See SAMPLE)
- 2) Please use all CAPITAL letters for filling out spreadsheet
- 3) See below for which fields are required or not. Some fields are optional if information is available and will facilitate the process.

Fields to provide in a ROW across (see SAMPLE provided)	Required or Optional	Format
FIRST NAME	Required	
MIDDLE NAME	Optional	
LAST NAME	Required	
DATE OF BIRTH	Required	mm/dd/yyyy
AIRPORT CODE	Optional	3 characters
PLACE OF BIRTH	Required	Provide COUNTRY of Birth
CITIZENSHIP	Required	Provide COUNTRY of Birth
GENDER	Required	F or M
PASSPORT NUMBER	Optional	
PASSPORT COUNTRY	Required if Passport Number is populated	
ADDRESS TYPE	Required	R = Residence
ADDRESS1	Required	
ADDRESS2	Optional	
CITY	Required	
STATE	Required	
POSTAL_CODE	Required	
COUNTRY	Required	
EMPLOYER	Required	
ALIEN REGISTRATION NUMBER	Optional	
SSN	Optional	
TELEPHONE NUMBER	Optional	

SAMPLE

FIRST NAME	MIDDLE NAME	LAST NAME	DATE OF BIRTH	AIRPORT CODE	PLACE of BIRTH	CITIZENSHIP	GENDER	PASS-PORT NUMBER	PASS-PORT COUNTRY	ADDRESS TYPE
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APPENDIX B

Privacy Act Notice

Authority: 49 U.S.C. § 114 authorizes the collection of this information. **Purpose:** The information you provide will be used to qualify you or verify your status as a possible “Indirect Air Cargo” (IAC) employee. **Routine Uses:** This information will be disclosed to TSA personnel and contractors or other agents including IACs in the maintenance and operation of the known shipper program. TSA may also share the information with airport operators, foreign air carriers, IACs, law enforcement agencies, as well as for routine uses in the system of records notice for the Transportation Security Threat Assessment System (DHS/TSA 002). **Disclosure:** Providing this information is voluntary; however, failure to provide the information will prevent you from qualifying as an IAC employee.

APPENDIX C

Privacy Act Notice Perjury Certification

The information I have provided on this application is true, complete, and correct to the best of my knowledge and belief and is provided in good faith. I understand that a knowing and willful false statement, or an omission of a material fact, on this application ion can be punished by fine or imprisonment or both (see section 1001 of Title 18 United States Code), and may be grounds for denial of authorization or in the case of parties regulated under this section, removal of authorization to operate under this chapter, if applicable.

I acknowledge that if I do not successfully complete the security threat assessment, the Transportation Security Administration may notify my employer. If TSA or other law enforcement agency becomes aware that I may pose an imminent threat to an operator or facility, TSA may provide limited information necessary to reduce the risk of injury or damage to the operator or facility.