

TSA VOLUNTARY DISCLOSURE PROGRAM POLICY

I. PURPOSE

The Transportation Security Administration (TSA) believes that transportation security is well-served by creating incentives for disclosing parties to identify and correct their own instances of regulatory noncompliance and to invest resources and effort to improve transportation security. TSA's revised Voluntary Disclosure Program (VDP) Policy (Policy), issued on and effective as of October 1, 2017, encourages disclosing parties to take prompt and effective corrective action to ensure that the same or similar noncompliance does not recur. TSA's goal is to obtain compliance, reduce vulnerabilities and sustain the highest levels of security.

II. APPLICABILITY

This Policy applies to aircraft operators, foreign air carriers, indirect air carriers, certified cargo screening facilities, airport operators, flight training providers, all freight and passenger railroad carriers, certain facilities that ship or receive specified hazardous materials by rail, and rail transit systems (collectively referred to as "disclosing parties") when voluntarily disclosing their noncompliance to the Transportation Security Administration (TSA). This Policy does not apply to egregious or intentional noncompliance of TSA's regulatory requirements or to those involving criminal activity or fraud, all of which present an unacceptable risk to security. Except for exceptional circumstances, this Policy will not apply to repeat noncompliance when the noncompliance has already been addressed through this Policy or through the Resolution Corrective Action (RCA) Policy For U.S. Locations.¹ The VDP Policy is implemented by TSA's Office of Security Operations – Compliance Division, and the Office of Global Strategies – Global Compliance.

III. APPLICABLE TSA REGULATIONS

This Policy applies to the following Transportation Security Regulations (TSRs) and relevant security programs:

- 49 C.F.R. Part 1520, Protection of Sensitive Security Information;
- 49 C.F.R. Part 1540, Civil Aviation Security: General Rules (but not 49 C.F.R. § 1540.103);
- 49 C.F.R. Part 1542, Airport Security;
- 49 C.F.R. Part 1544, Aircraft Operator Security: Air Carriers and Commercial Operators;
- 49 C.F.R. Part 1546, Foreign Air Carrier Security;
- 49 C.F.R. Part 1548, Indirect Air Carrier Security;
- 49 C.F.R. Part 1549, Certified Cargo Screening Program;
- 49 C.F.R. Part 1550, Aircraft Security Under General Operating and Flight Rules;
- 49 C.F.R. Part 1552, Flight Schools;
- 49 C.F.R. Part 1554, Aircraft Repair Station Security;
- 49 C.F.R. Part 1560, Secure Flight Program;

¹ The Resolution Corrective Action (RCA) Policy For U.S. Locations is only applicable for flights within the U.S.

- 49 C.F.R. Part 1562, Operations in the Washington, DC, Metropolitan Area;
- 49 C.F.R. Part 1570, General Rules (but not 49 C.F.R. §§ 1570.5, 1570.7. and 1570.13);
- 49 C.F.R. Part 1572, Credentialing and Security Threat Assessments; and
- 49 C.F.R. Part 1580, Rail Transportation Security.

IV. KEY TERMS

The following key terms and phrases are defined to ensure a standard interpretation and understanding of this Policy.

- a) Designated TSA Official (DTO). This person is a TSA official responsible for oversight and coordination of the resolution of the matter disclosed under this Policy.
 1. The DTO for voluntary disclosures by airport operators, flight schools, aircraft repair stations, as well as those involving 49 C.F.R. parts 1562, 1570, 1572 and 1580, is the Federal Security Director (FSD) who has responsibility for the area where the noncompliance occurred. The FSD is also the DTO for noncompliance by aircraft operators and foreign air carriers if such noncompliance occurs only in the FSD's area of responsibility.
 2. The DTO for voluntary disclosures by all disclosing parties at non-U.S. locations is the International Industry Representative (IIR).
 3. The DTO for voluntary disclosures by aircraft operators, foreign air carriers, or other disclosing parties, involving noncompliance at multiple U.S. locations involving more than one FSD is the Principal Security Inspector (PSI) for the particular disclosing party.
- b) Voluntary Disclosure Report (VDR). This report, which must be provided to the DTO by an official or the corporate security contact, whose name has been previously provided to TSA, for the disclosing party within four (4) business days after the initial notification of an instance of noncompliance, must include a description and summary of the noncompliance, a description of the immediate action taken to terminate the cause of the noncompliance and a summary and analysis of supporting materials. See, Section VIII, Voluntary Disclosure Report of Disclosing Party, for requirements of this report.
- c) Letter of VDR Acceptance. This letter, issued by the DTO, advises the disclosing party that the VDR has been accepted and that the information for the Corrective Action Plan (CAP) must be provided to the DTO no later than forty-five (45) calendar days of this letter's date.
- d) Corrective Action Plan (CAP). This is an agreement containing a detailed plan, created and approved by the DTO from information provided by the disclosing party, and signed by an official of the disclosing party and the DTO. The CAP must describe, among other things, the proposed corrective action(s) to be taken, any corrective action(s) that have already been implemented by the disclosing party, and a deadline for its completion. When appropriate, a disclosing party may work with an airport consortium on a CAP. Corrective

actions must demonstrably prevent recurrence of the noncompliance. See, Section X, Content of Corrective Action Plan.

- e) Supporting Materials. For purposes of a CAP, supporting materials include, but are not limited to, all written documentation, audio and video recordings, electronic data, and photographs that support the conclusion that there was noncompliance as well as the analysis of the noncompliance by the disclosing party and the associated CAP.
- f) Letter of VDP Acceptance. This letter is issued by a DTO for covered instances of noncompliance when a CAP, which has been approved for implementation by the TSA, has been signed by the TSA and an official or the corporate security contact for the disclosing party whose name has been previously provided to TSA.
- g) Implementation Period. The implementation period will begin on the date that the DTO issues the Letter of VDP Acceptance to the disclosing party and last until the first successful joint test is conducted. If there are multiple corrective actions in a CAP, each corrective action will have its own implementation period. Each corrective action implementation period will end on the date of its respective first successful joint test.
- h) Letter of VDP Rejection. This letter is issued by a DTO, on a case by case basis, as provided for in this Policy, including, but not limited to, if: (1) the disclosed instance of noncompliance is not covered under this Policy; (2) the disclosing party fails to provide the DTO with timely VDR or timely or complete information for a CAP to be completed; (3) the VDR or CAP is not approved by the DTO; (4) the disclosing party fails to sign the CAP; (5) any amendments to a CAP are not accepted by the DTO; (6) the CAP is not implemented to the satisfaction of the DTO; and (7) an inability to resolve any dispute under Section XIII, Dispute Resolution of this Policy. After issuance of this letter, the implementation period of a CAP will end and TSA will proceed with an investigation into the disclosed noncompliance which was the subject of that CAP.
- i) VDP Letter of Correction (VDP LOC). This letter is issued by a DTO for covered instances of noncompliance voluntarily disclosed to TSA by a disclosing party when all corrective actions, contained in a CAP, have been completed to TSA's satisfaction. This letter, which is not appealable, will state that it does not constitute a formal adjudication of the matter and that it is part of the Compliance History of the disclosing party and will serve as evidence that the disclosing party knew about the security requirement(s), identified in the VDP LOC.

V. VOLUNTARY DISCLOSURE PROGRAM POLICY CONDITIONS

In evaluating whether an instance(s) of noncompliance is covered by this Policy, the following six conditions must be met:

1. The disclosing party has immediately notified the appropriate DTO of the instance of noncompliance after discovery by the disclosing party and before TSA learns of the noncompliance by some other means.
2. The disclosing party has provided a Voluntary Disclosure Report (VDR) within the required time frame set forth in the disclosing party's TSA-approved Security Program pertaining to TSA notification of security incidents or no later than four (4) business days after detecting the noncompliance and before the agency has learned of it by other means.²
3. The disclosed noncompliance does not implicate 49 C.F.R. §§ 1540.103, 1570.5, 1570.7, and 1570.13 or egregious or intentional deviations from TSA's regulatory requirements nor those involving criminal activity or fraud.
4. Immediate action satisfactory to the appropriate DTO was taken upon discovery to terminate the conduct that resulted in the noncompliance.
5. The disclosing party provided timely and complete information to the DTO for the CAP.
6. The DTO approved the CAP and TSA personnel have confirmed the CAP has been completed to TSA's satisfaction and successfully validated by TSA.

Ordinarily, this Policy will not apply when TSA becomes aware of an instance(s) of noncompliance before the disclosing party notifies the appropriate DTO of its noncompliance with the exception of disclosure in the context of airport consortia.

- a) Several airports have an established consortium of law enforcement and aviation security interests whose purpose is to exchange information concerning airport security. Membership in each consortium is voluntary and usually includes aircraft operator and airport operator certificate holders as well as a TSA representative. Consortium membership also may include persons and entities that do not hold certificates including law enforcement personnel and airport tenants.
- b) The purpose of an airport consortium may include conducting vulnerability assessments in order to identify actual or potential security weaknesses, and to examine assessment findings with a view toward collaborating on security improvements. During consortium assessment activities, an instance of noncompliance by a disclosing party may be discovered by someone other than the disclosing party and brought forward for discussion by the consortium members. Because a TSA representative is a member of the consortium, TSA may become aware of an instance(s) of noncompliance during this discussion at the same time or before the disclosing party becomes aware of the noncompliance.

² Noncompliance within the U.S. observed during joint testing between the disclosing party and the TSA, as described in Section X. of this Policy, may be handled through this Policy if it is related to the corrective measures in the CAP being tested. In addition, this Policy may also be applicable if TSA learns of noncompliance by means of an emergency communication made by the disclosing party. To the extent that a disclosing party discovers noncompliance with a TSA security requirement, including through any self-testing, disclosure through this policy is required to obtain the protections afforded by this policy. TSA's Vulnerability Mitigation Policy For U.S. Locations provides guidance on mitigating vulnerabilities identified by TSA or a disclosing party that do not involve noncompliance of a TSA security requirement.

- c) In this context, notwithstanding the requirement that a disclosing party notify the appropriate DTO of its noncompliance before the agency has learned of it by other means, the instance(s) of noncompliance will be covered by this Policy provided all other elements of the Policy are met in the following situations:
- (i) if TSA initially becomes aware of an instance(s) of noncompliance before or at the same time the disclosing party does, because of information disclosed by a person or entity other than the disclosing party during an airport consortium activity or meeting; or
 - (ii) if TSA becomes aware of an instance(s) of noncompliance at the same time the disclosing party does during consortia assessments that involve both TSA personnel and a disclosing party.
- d) The disclosing party responsible for the noncompliance must report the instance(s) of noncompliance and follow the procedures outlined in Section VI irrespective of whether TSA became aware of the noncompliance during consortia assessments before or at the same time as the responsible disclosing party.

VI. VOLUNTARY DISCLOSURE PROGRAM POLICY PROCEDURES

Disclosing parties that wish to apply for the VDP must take the following steps:

- a) Initial Notification to TSA. This Policy applies only when notification of noncompliance is made to the DTO by an official or the corporate security contact of the disclosing party, whose name has been previously provided to TSA, immediately after the noncompliance has been discovered by the disclosing party, and before TSA learns of the noncompliance by some other means.³ The initial notification must be made electronically by emailing the DTO and copying TSAVDP@tsa.dhs.gov. The subject line of the initial notification email must include the name of the disclosing party and “Initial Disclosure Notification Request for VDP Acceptance.”

The initial notification must include, to the extent possible, the following information:

1. A brief description of the instance(s) of noncompliance, where it occurred, an estimate of the time that it remained undetected, as well as how and when it was discovered.
2. Verification that, upon discovery, immediate action was taken to terminate the conduct that resulted in the instance of noncompliance.
3. The name, title and contact information for the individual making the initial notification.

³ See, Footnote 2.

4. An acknowledgment that the VDR will be provided to the DTO within four (4) business days of the initial notification to TSA.
 - b) The DTO may accept Initial Notifications that are not made immediately when it is determined that a later notification is justified based on the specific circumstances.

VII. TSA RESPONSE TO INITIAL NOTIFICATION

Upon receipt of the Initial Notification, TSA will email the individual who provided the initial notification, and acknowledge that the initial notification has been received by TSA.

VIII. VOLUNTARY DISCLOSURE REPORT OF DISCLOSING PARTY

The VDR must be provided to the DTO by an official or the corporate security contact whose name has been previously provided to TSA for the disclosing party within four (4) business days of the date of the TSA email response acknowledging receipt of the initial notification.

While a disclosing party must include all the information specified below, the structure of the VDR can be modified by the disclosing party to fit its particular needs.

If the disclosing party fails to submit the VDR by the deadline or a revised deadline date, as approved in writing by the DTO, the DTO will issue a Letter of VDP Rejection to the disclosing party advising that the noncompliance will not be handled under this Policy and that TSA will proceed with an investigation.

The following information must be provided to the DTO by the disclosing party in the VDR:

- a) General
 1. Date of creation of report by disclosing party.
 2. Type of disclosing party, and other identifying information including entity number or equivalent.
 3. Company name and address.
 4. Company official filing report including name, position and telephone number.
 5. Date and time of initial notification to TSA.
- b) Description of noncompliance
 1. Citation of TSA regulation(s), Security Program(s), Security Directives and/or Emergency Amendments involved in the instance(s) of noncompliance.

2. Date of noncompliance discovered.
3. Location of discovery.
4. Company official who discovered each instance(s) including name, position and telephone number.
5. Date and time of initial notification to TSA.
6. Name of DTO notified.
7. Company official making notification including name, position and telephone number.
8. Duration of time each instance(s) of noncompliance remained undetected.

c) Summary of noncompliance

The summary must be a brief statement that describes the nature of each instance of noncompliance and identifies the specific equipment, facilities, procedures, checkpoint, gate, cargo, and/or individuals associated with each instance of noncompliance.

d) Immediate action

1. Date and time when immediate action was taken to terminate the conduct that resulted in the noncompliance.
2. Description of immediate action which outlines the immediate steps that were taken to terminate the cause of the occurrence of the noncompliance.
3. Company official responsible for taking the immediate action including name, position and telephone number.

e) Summary and analysis of supporting material

1. Description of the scope of the noncompliance and explanation of how it was detected, why it occurred, including conclusions reached regarding possible or probable deficiencies at any location(s).
2. Supporting materials associated with each instance of noncompliance should be attached including a statement regarding how the disclosing party determined the extent of the noncompliance.

IX. TSA REVIEW OF VOLUNTARY DISCLOSURE REPORT

- a) Upon receipt and review of the VDR, the DTO will evaluate it. If the VDR is acceptable to TSA, the DTO will notify the disclosing party, in writing, that it has been accepted.
- b) If the VDR is not acceptable, the DTO will work with the disclosing party to resolve any issues. Any revisions to the VDR must be submitted to the DTO for approval by a mutually agreed upon date. If the revised VDR is not approved by the DTO, the DTO will issue a Letter of VDP Rejection to the disclosing party advising that the instance(s) of noncompliance will not be handled under the VDP and that TSA will proceed with an investigation.

X. CONTENT OF A CORRECTIVE ACTION PLAN

The disclosing party must provide the information for the CAP to the DTO no later than forty-five (45) calendar days from the date of the DTO's written notification of acceptance of the VDR. A CAP may be submitted with a VDR.

The information, provided by a disclosing party for a CAP, must be sufficiently robust to address the root cause(s) and reduce each identified instance of noncompliance. As such, the following information must be provided to the DTO by the disclosing party together with any supporting materials:

- a) Description of each instance of noncompliance identified including:
 1. The location (addressing whether the noncompliance was at a specific station or many identified stations), the specific equipment, facilities, procedures, checkpoint, gate, cargo and/or individuals associated with each instance of noncompliance; and
 2. Any other relevant information.
- b) A root cause analysis for the cause of each noncompliance (if possible), including supporting materials that confirm the root cause analysis of each noncompliance.
- c) A description of the planned corrective action for each instance of noncompliance. The analysis should include the following steps:
 1. Brainstorm potential actions that will address the root cause(s) and resolve the noncompliance without creating other instances of noncompliance;
 2. Test and validate each potential action to determine which will result in the most effective and sustainable CAP;
 3. Perform an analysis of the viability of potential corrective actions;
 4. Identify and describe how each action will resolve the noncompliance; and

5. Identify individuals responsible for implementing those actions.
 - d) Whether procedural or organizational changes are necessary to resolve the noncompliance, and if so, a description of those changes.
 - e) Name, title and contact information for the official at the disclosing party who will be responsible for coordinating and monitoring the implementation and completion of the CAP.
 - f) The date by which each planned corrective action will be implemented.
 - g) A statement by the disclosing party that, upon implementation of each corrective action, it will immediately notify the DTO.
 - h) When joint testing⁴ will be conducted to validate each corrective action successfully implemented.
 - i) Signature and title of the disclosing party's official submitting the information to be used by TSA to create the CAP.

TSA encourages the disclosing party to discuss the information for a CAP with the DTO before submitting information for the CAP. When appropriate, a disclosing party may work with an airport consortium on a CAP.

If the disclosing party fails to submit the required information to the DTO for the creation of the CAP within forty-five (45) calendar days, or fails to request in writing an extended deadline, which is subsequently approved in writing by the DTO, the DTO will issue a Letter of VDP Rejection advising that the instance(s) of noncompliance will not be handled under this Policy and that TSA will proceed with an investigation.

XI. ACCEPTANCE AND IMPLEMENTATION OF CORRECTIVE ACTION PLAN

- a) A DTO must evaluate the information received from the disclosing party for inclusion in the CAP to determine whether it proposes sustainable corrective actions to reduce each instance of noncompliance.
- b) The failure to provide a root cause analysis will not preclude a DTO's acceptance of the disclosing party's information for a CAP. While it is strongly recommended that the disclosing party provide a root cause analysis whenever possible, if a root cause analysis is not possible by the date the CAP is signed, it must not delay the signing of the agreement.
- c) Upon determining that the information, provided by the disclosing party, supports sustainable corrective actions, the DTO will create the CAP, sign it and send it to the

⁴ See, Footnote 2.

disclosing party for execution by an official or corporate security contact for the disclosing party whose name has been previously provided to TSA. Upon receipt of the signed CAP from the disclosing party, the DTO will send the disclosing party a Letter of VDP Acceptance advising that it may begin to implement the CAP. The CAP implementation period will begin on the date that the DTO issues the Letter of CAP Acceptance to the disclosing party. If there are multiple corrective actions in a CAP, each corrective action will have its own implementation period. Each corrective action implementation period will end on the date of the first successful joint test.

- d) Upon receipt of a CAP signed by the DTO, the disclosing party will have ten (10) business days to either sign and return the CAP to the DTO or provide the DTO with the reasons, in writing, why the disclosing party will not sign the CAP.
- e) TSA will monitor⁵ the implementation period for each corrective action by conducting routine inspections and outreach activity to ensure that the disclosing party is satisfactorily performing the requirements of the CAP.
- f) During the implementation period, TSA may advise and assist the disclosing party in correcting any identified issues. In unusual circumstances, if changes need to be made to the approved actions outlined in the CAP, the disclosing party must submit an amended CAP, identifying the changes that need to be made, and the reasons for the changes, to the DTO for approval. If the amended CAP is approved, the DTO will provide written notification to the disclosing party. If the amended CAP is not acceptable, TSA will work with the disclosing party to resolve any issues. If the issue cannot be resolved, the matter will be handled pursuant to the provisions in Section XIII, Dispute Resolution, in this Policy.
- g) At U.S. locations, upon notification by a disclosing party that a corrective action(s) has been implemented, the DTO will arrange for a joint test to be conducted by TSA and the disclosing party to verify the successful implementation.
- h) At non-U.S. locations, upon notification by a disclosing party that a corrective action(s), identified in the CAP, has been implemented, the DTO will confirm successful implementation.⁶
- i) Except for egregious and intentional acts or those involving criminal activity or fraud, TSA will not take any administrative or civil enforcement action on any noncompliance covered by a CAP during any implementation period.
- j) After the end of any implementation period, but prior to the issuance of the VDP LOC, a failure of a validated corrective action, identified in a CAP, may be considered a new instance of noncompliance and TSA may conduct an investigation.

⁵ and ⁶ TSA's process at non-U.S. locations may vary, based on access.

- k) If the DTO is satisfied that the corrective action(s), identified in the CAP, has been successfully implemented, TSA will send the disclosing party a VDP LOC advising that the corrective action(s) are approved and are part of the disclosing party's approved TSA Security Program. The VDP LOC is part of the compliance history of a disclosing party.
- l) After the issuance of the VDP LOC, TSA will continue to test each validated corrective action. See Section XV, Repeated Instances of Noncompliance.
- m) If the DTO is advised that the joint test⁷ revealed that the corrective action(s) was not successful, TSA will work with the disclosing party to resolve any issues which prevented successful implementation of the corrective action. A failure of a joint test is not considered an instance of noncompliance.

XII. BREACH OF CORRECTIVE ACTION PLAN

A disclosing party will be in breach of the CAP if it fails to carry out any provision of the CAP in accordance with the terms and conditions contained therein or any amendment to the CAP, approved in writing, by the TSA. In the event that there is a breach of the CAP, TSA will provide the disclosing party with a written notification and description of the breach. The disclosing party shall have thirty (30) business days from receipt of TSA's notification to remedy any breach. In the event that the disclosing party does not remedy the breach to TSA's satisfaction within thirty (30) business days or sooner, TSA will conduct an investigation into the disclosed instance(s) of noncompliance which was to have been resolved through the CAP.

XIII. DISPUTE RESOLUTION

Any dispute arising under this policy must be referred to either the Director of Compliance, TSA Office of Security Operations, or the Director of Global Compliance, TSA Office of Global Strategies, as appropriate, for resolution.

- a) After any referral under this paragraph involving an issue that arises before approval of a CAP or any amendment thereto approved in writing by TSA, should there be an inability to resolve the issue with the disclosing party, a Letter of VDP Rejection will be issued to the disclosing party and TSA will proceed with an investigation.
- b) After any referral under this paragraph involving an issue that arises after approval of a CAP or any amendment thereto approved in writing by TSA, should there be an inability to resolve the issue with the disclosing party, a Letter of VDP Rejection will be issued to the disclosing party and TSA will proceed with an investigation.

⁷ See, Footnote 5.

XIV. DISCLOSURE OF RECORDS PROVIDED TO TSA

Supporting materials submitted to TSA for review, pursuant to the Voluntary Disclosure Program, will be protected to the full extent allowed by law.

XV. REPEATED INSTANCES OF NONCOMPLIANCE

- a) After the initial disclosure to TSA and until the issuance of a Letter of VDR Acceptance or a Letter of VDP Rejection, if any repeated similar instance(s) of noncompliance is discovered by TSA, TSA will make a determination whether to proceed with an investigation.

After the initial disclosure to TSA and until the issuance of a Letter of VDR Acceptance or a Letter of VDP Rejection, if a repeated similar instance(s) of noncompliance is voluntarily disclosed through this Policy, TSA will make a determination whether to proceed with an investigation.

If, however, any repeated similar instance(s) of noncompliance involves egregious or intentional deviations from TSA's regulatory requirements or those involving criminal activity or fraud, all of which present an unacceptable risk to security, TSA will proceed with an investigation.

- b) After the issuance of the Letter of VDR Acceptance and until issuance of the Letter of VDP Acceptance or a Letter of VDP Rejection, if any repeated similar instance(s) of noncompliance is discovered by TSA, TSA will make a determination whether to proceed with an investigation.

After the issuance of the Letter of VDR Acceptance and until issuance of the Letter of VDP Acceptance or a Letter of VDP Rejection, if a repeated similar instance(s) of noncompliance is voluntarily disclosed through this Policy, TSA will make a determination whether to proceed with an investigation.

If, however, any repeated similar instance(s) of noncompliance involves egregious or intentional deviations from TSA's regulatory requirements or those involving criminal activity or fraud, all of which present an unacceptable risk to security, TSA will proceed with an investigation.

- c) After issuance of the Letter of VDP Acceptance and until issuance of the VDP LOC or a Letter of VDP Rejection, if any repeated similar instance(s) of noncompliance is discovered by TSA, TSA will make a determination whether to proceed with an investigation.

After issuance of the Letter of VDP Acceptance and until issuance of the VDP LOC or a Letter of VDP Rejection, if a repeated similar instance(s) of noncompliance is voluntarily

disclosed through this Policy, TSA will make a determination whether to proceed with an investigation.

If, however, any repeated similar instance(s) of noncompliance involves egregious or intentional deviations from TSA's regulatory requirements or those involving criminal activity or fraud, all of which present an unacceptable risk to security, TSA will proceed with an investigation.

- d) While an amendment to the CAP is under consideration by a DTO, if any repeated similar instance(s) of noncompliance is discovered by TSA, TSA will make a determination whether to proceed with an investigation.

While an amendment to the CAP is under consideration by a DTO, if a repeated similar instance(s) of noncompliance is voluntarily disclosed through this Policy, TSA will make a determination whether to proceed with an investigation.

If, however, any repeated similar instance(s) of noncompliance involves egregious or intentional deviations from TSA's regulatory requirements or those involving criminal activity or fraud, all of which present an unacceptable risk to security, TSA will proceed with an investigation.

- e) After the issuance of an VDP LOC or Letter of VDP Rejection, if a subsequent instance of repeated similar noncompliance is voluntarily disclosed through this Policy, TSA will make a determination whether the noncompliance will be covered under the VDP Policy.

After the issuance of a VDP LOC or a Letter of VDP Rejection, if the TSA discovers a similar repeated instance(s) noncompliance to what had been voluntarily disclosed, TSA will make a determination whether the noncompliance will be covered under the VDP Policy or TSA's Resolution Correction Action (RCA) Policy at U.S. Locations.

XVI. CONCLUSION

While not required, TSA encourages disclosing parties to identify instances of noncompliance with transportation security requirements and work with TSA to resolve such noncompliance through the successful implementation of CAPs.

XVII. EFFECTIVE DATE OF TSA VOLUNTARY DISCLOSURE PROGRAM POLICY

The effective date of the TSA Voluntary Disclosure Program Policy is the date on which it is issued. This Policy remains effective unless otherwise terminated or amended by TSA.