



U.S. Customs and
Border Protection

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PORT OF COLUMBUS PIPELINE

TO: International Air Carriers, Fixed Base Operators, Airport Tenants, Law Enforcement Agencies, Other Federal, State and Local Officials and Other Interested Parties

SUBJECT: Access to Customs and Border Protection Security Areas

The purpose of this pipeline is to provide guidance to all persons employed by airports or its tenants, including air carriers, who have a need for unescorted access to Customs and Border Protection (CBP) security areas at airports with international arrivals and departures. This includes numerous persons representing various specialties, such as ground crews, refueling personnel, baggage handlers, and ground service personnel, among others.

For the purposes of this pipeline, "CBP security area" means the Federal Inspection Service (FIS) areas at Port Columbus (CMH) and Rickenbacker (LCK) airports designated for the processing of arriving passengers, crew and baggage. It also includes aircraft and the deplaning, loading and ramp areas adjacent to all aircraft, arriving from or departing to foreign countries and other restricted areas designated by the port director.

CBP Security Program

CBP regulations in 19 CFR 122, Subpart S, require the establishment of a CBP Security Program when airport operators and air carriers engage in scheduled or public charter passenger and cargo operations arriving from or departing to foreign territories. Unescorted access to CBP security areas is only available to personnel who have legitimate business associated with the arrival or departure of international flights and who possess an airport identification card with unescorted access privileges to the Security Identification Display Area (SIDA) with a CBP access seal affixed.

The CBP security areas are divided into two zones as follows:

- Zone 1 encompasses the FIS area, including the aircraft (until all crew and passengers have exited into the FIS) and sterile corridors, as well as areas in which passengers and baggage arriving on international flights are processed.

- Zone 2 encompasses those areas outside the FIS but adjacent to the aircraft, including the ramp, tarmac, and baggage/cargo staging areas where activities related to international arrivals and departures occur.

A CBP access seal is not required for persons working arriving precleared flights carrying passengers only. However, Zone 2 is required for access to precleared aircraft arriving with international cargo. All persons working outbound passenger flights with an international destination are required to be in possession of a CBP access seal once the flight begins its outbound processing.

CBP access seals are also required for all persons working cargo flights arriving from and departing to international locations. This includes flights arriving on a permit to proceed from another U.S. port of entry with unreleased international cargo.

Application Requirements for Access to CBP Security Areas

Applications for an approved CBP access seal must be submitted to the CBP Security Program coordinator at 6431 Alum Creek Drive, Suite A, Groveport, Ohio 43125 on CBP Form 3078, Application for Identification Card. CBP Form 3078 is available as a fillable form, using Adobe Acrobat Reader, on the CBP website at <http://www.cbp.gov/xp/cgov/toolbox/forms/>. Applications must either be completed and printed from the fillable Adobe form or typed. Handwritten and incomplete applications will be rejected and returned to the applicant.

All applications for CBP access seals must be supported by the following:

- A written request on company letterhead, signed by an authorized official of the employer, with the following information:
 1. A description of the duties that the applicant will perform in a particular zone(s) while in the CBP security area.
 2. An attestation with the following statement:

“I, an authorized official of [the employer] attest that a background check has been conducted on the applicant, to the extent allowable by law. The background check includes, at a minimum, references and employment history, to verify representations made by the applicant relating to employment in the preceding 5 years. I also attest that to the best of my knowledge, the applicant meets the conditions necessary to perform functions associated with the employment in the CBP security area”.
- Proof of U.S. citizenship or authorized residency. Documents acceptable as proof of citizenship include a U.S. passport (unexpired or expired); a U.S. birth certificate along with a government-issued photo ID such as a driver’s license; a Certificate of U.S. Citizenship (Form N-560 or N-570), or; a Certificate of Naturalization (Form N-550 or N-570).

Documents that establish authorized residency include a Permanent Resident Card (Form I-551); an unexpired foreign passport with a temporary I-551 stamp; an unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, or I-688B), or; an unexpired foreign passport with an unexpired Arrival-Departure Record (Form I-94) for non-immigrant aliens authorized to work for a specific employer.

At the Port of Columbus, CBP will coordinate approved applications for access to CBP security areas with the Columbus Regional Airport Authority (CRAA) and authorize the CRAA in writing to include a CBP access seal for Zone 1, Zone 2, or both, on the employee's SIDA badge. Employers will receive a copy of these written authorizations. Applications for access to CBP security areas may be made in conjunction with the initial application for a CRAA issued SIDA badge or at a subsequent time. Approved access to CBP security areas will remain valid until expiration of the SIDA badge unless revoked or suspended.

If a person wishes to retain an approved CBP access seal after the expiration of their SIDA badge, a new application must be submitted for a CBP access seal no later than 60 days prior to the expiration of the SIDA badge. The new application must be filed in the same manner as the initial application as described above except that the written attestation referred to in item 2 above will not be required if there has been no change in the employment of the applicant since the last attestation was submitted to CBP.

Law enforcement officers and other Federal, State, or local officials whose official duties require access to the CBP security area need not make application for security area access but must request from the port director authorization for an approved CBP access seal on their SIDA badge.

Denial of Access

Access to CBP security areas will not be granted, and therefore a CBP access seal will not be authorized, to any person whose access to the CBP security area will, in the judgment of the port director, endanger the revenue or the security of the area or pose an unacceptable risk to public health, interest or safety, national security, or aviation safety. Specific grounds for denial of access to CBP security areas include, but are not limited to:

- A disqualifying offense committed by the applicant. An applicant commits a disqualifying offense if the applicant has been convicted of, or found not guilty of by reason of insanity, or has committed any act or omission involving, any offense listed in Attachment 1 in any jurisdiction during a 5-year period, or any longer period that the port director deems appropriate, prior to the date of the application.
- The arrest or charging of the applicant with a disqualifying offense listed in Attachment 1 on which prosecution or other disposition is pending.
- Evidence of a pending or past investigation establishing probable cause to believe that the applicant has engaged in any conduct which relates to, or which could lead to a conviction for, a disqualifying offense listed in Attachment 1. All lists must be in alphabetical order by last name and include the SIDA badge number.

- Any cause which would justify a demand for surrender of a CBP access seal or the revocation or suspension of access. A list of grounds or circumstances for revocation or suspension of an employee's access to CBP security areas are listed in Attachment 2.
- Denial or suspension of the applicant's unescorted access authority to a SIDA pursuant to regulations promulgated by the Transportation and Security Administration (TSA).
- Inability of the applicant's employer or CBP to complete a meaningful background check or investigation of the applicant.

The port director will give written notification to any person whose application for access to the CBP security area has been denied, fully stating the reasons for denial and setting forth specific appeal procedures. The employer will also be notified in writing that the applicant has been denied access to the area and that the detailed reasons for the denial have been furnished to the applicant.

Employer Responsibilities

The following are responsibilities of all employers operating in CBP airport security areas:

- Employers shall advise all employees of the provisions of the CBP regulations relative to CBP security areas, require employees to familiarize themselves with those provisions, and ensure employee compliance.
- Each employer must take appropriate steps to ensure that an employee uses an approved CBP access seal only in connection with activities relating to his employment.
- When an employee no longer requires access to the CBP security area for an extended period of time due to a change in duties, termination of employment, or other reason, or where the SIDA badge expires and a new application has not been approved, the employer shall notify the port director in writing.
- If an employer becomes aware of any *change in circumstances* of its employee, such as an arrest or conviction for a disqualifying offense, that constitutes a ground for a denial for access (Attachment 1) or revocation or suspension of access (Attachment 2) to CBP security areas, the employer must immediately advise the port director of that fact even though the employee may have separately reported that fact to the port director.
- Employers must retain records of background investigations on employee references and employment history for a period of one year following cessation of employment and must make them available to the port director upon request.
- Each employer must submit to the port director during the first month of each calendar quarter a report setting forth a current list of all its employees who have an approved CBP access seal. The quarterly report must list separately all additions to, and deletions from the previous quarterly report.

Employee Responsibilities

The following are responsibilities of all employees who have been granted access to CBP security areas:

- Employees must openly display their SIDA badge with a CBP access seal when in CBP

security areas.

- Employees may only enter zones for which they are authorized.
- Employees must promptly report to the port director the loss or theft of a SIDA badge with authorized access to CBP security areas.
- If after issuance of a CBP access seal to an employee, any circumstance arises, such as an arrest or conviction for a disqualifying offense that constitutes a ground for a denial (see Attachment 1) or revocation or suspension (see Attachment 2), the employee must within 24 hours advise the port director in writing of that *change in circumstance*. In the case of an arrest or prosecution for a disqualifying offense, the employee also must within 5 calendar days advise the port director in writing of the final disposition of that arrest or prosecution.
- If the CRAA suspends an employee's unescorted access authority to a SIDA, and the employee also has an approved CBP access seal, the employee must within 24 hours advise the port director in writing of the fact of, and basis for, the suspension.

Employer Bond Requirements

Employers of applicants for a CBP security seal must have on file with CBP a continuous importation, custodial, or international carrier bond on CBP Form 301 containing the bond conditions set forth in 19 CFR 113.62, 113.63, or 113.64. If the employer is not the principal on one of the above bonds on file with CBP, they must obtain an Airport CBP Security Area Bond, as set forth in Appendix A of 19 CFR 113. Employers of law enforcement officers and other Federal, State, or local government-related agencies may be waived at the discretion of the port director. Waiver of a bond does not relieve the agency or its employees from compliance with all other provisions of the CBP security program.

Violations of CBP Security Area Provisions

Violations of the CBP security area provisions shall subject an employer to liquidated damages of \$1,000 per default and are assessable against the employer's CBP bond. The following list is illustrative of bond violations which may warrant assessment of claims for liquidated damages:

- Unauthorized entry into a CBP security area or entry into a secure area for an unauthorized purpose [19 CFR 122.181].
- Failure to openly display or possess a SIDA badge with a CBP access seal or failure to surrender identification to a CBP officer upon demand [19 CFR 122.182(a)].
- Failure of employer to conduct an employment history background investigation on an employee to whom a CBP access seal has been issued [CFR 122.182(d)].
- Failure of employer to retain employment history background investigation records [19 CFR 122.182(d)].
- Failure of employer to notify the port director that an employee no longer requires access to a CBP security area and failure to return the SIDA badge with a CBP access seal to the CRAA [CFR 122.182(g)].
- Failure of employee to report to the port director a *change in circumstance* within 24 hours, the final disposition of an arrest or prosecution for a disqualifying offense within

5 days of the final disposition, or the suspension of unescorted access authority to a SIDA by the CRAA within 24 hours [19 CFR 122.84(b)].

- Failure of employer to immediately report to the port director a *change in circumstance* of an employee [19 CFR 122.184(c)].
- Failure of employer to submit to the port director quarterly reports listing all its employees who have an approved CBP access seal and all additions to, and deletions from the previous quarterly report [19 CFR 122.184(c)].
- Failure of employee to report to the port director the loss or theft of a SIDA badge with a CBP access seal to the port director [19 CFR 122.185].
- Presentation of identification by person other than to whom it was issued [19 CFR 122.186].

Should you have any questions concerning this pipeline, please contact CBP Officer Virginia Crabtree (Security Program Coordinator) at 614-497-1865, extension 122 or Craig L. Vette at 614-497-1865, extension 115.

/s/

Craig L. Vette
Port Director

Attachments

Disqualifying Offenses for Access to CBP Security Areas [19 CFR 122.183(4)]

- (i) Forgery of certificates, false marking of aircraft, and other aircraft registration violations (49 USC 46306);
- (ii) Interference with air navigation (49 USC 46308);
- (iii) Improper transportation of a hazardous material (49 USC 46312);
- (iv) Aircraft piracy in the special aircraft jurisdiction of the United States [49 USC 46502(a)];
- (v) Interference with flight crew members or flight attendants (49 USC 46504);
- (vi) Commission of certain crimes aboard aircraft in flight (49 USC 46506);
- (vii) Carrying a weapon or explosive aboard aircraft (49 USC 46505);
- (viii) Conveying false information and threats (49 USC 46507);
- (ix) Aircraft piracy outside the special aircraft jurisdiction of the United States [49 USC 46502(b)];
- (x) Lighting violations involving transportation of controlled substances (49 USC 46315);
- (xi) Unlawful entry into an aircraft or airport area that serves air carriers or foreign air carriers contrary to established security requirements (49 USC 46314);
- (xii) Destruction of an aircraft or aircraft facility (18 USC 32);
- (xiii) Murder;
- (xiv) Assault with intent to murder;
- (xv) Espionage;
- (xvi) Sedition;
- (xvii) Kidnapping or hostage taking;
- (xviii) Treason;
- (xix) Rape or aggravated sexual abuse;
- (xx) Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;
- (xxi) Extortion;
- (xxii) Armed or felony unarmed robbery;
- (xxiii) Distribution of, or intent to distribute, a controlled substance;
- (xxiv) Felony arson;
- (xxv) Felony involving:
 - (A) A threat;
 - (B) Willful destruction of property;
 - (C) Importation or manufacture of a controlled substance;
 - (D) Burglary;
 - (E) Theft;
 - (F) Dishonesty, fraud, or misrepresentation;
 - (G) Possession or distribution of stolen property;
 - (H) Aggravated assault;
 - (I) Bribery; or

- (J) Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than one year;
- (xxvi) Violence at an airport serving international civil violation (18 USC 37);
- (xxvii) Embezzlement;
- (xxviii) Perjury;
- (xxix) Robbery;
- (xxx) Crimes associated with terrorist activities;
- (xxxi) Sabotage;
- (xxxii) Assault with a deadly weapon;
- (xxxiii) Illegal use or possession of firearms or explosives;
- (xxxiv) Any violation of a U.S. Immigration law;
- (xxxv) Any violation of a Customs law or any other law administered or enforced by CBP involving narcotics or controlled substances, commercial fraud, currency or financial transactions, smuggling, failure to report, or failure to declare;
- (xxxvi) Airport security violation; or
- (xxxvii) Conspiracy or attempt to commit any of the offenses or acts listed in (i) through (xxxv) above.

Grounds or Circumstances for Revocation or Suspension of an Employee's Access to CBP Security Areas [19 CFR 122.187(2)]

- (i) There is probable cause to believe that an approved CBP access seal was obtained through fraud, a material omission, or the misstatement of a material fact;
- (ii) The employee is or has been convicted of, or found not guilty of by reason of insanity, or there is probable cause to believe that the employee has committed any act or omission involving an offense listed in Attachment 1;
- (iii) The employee has been arrested for, or charged with, an offense listed in Attachment 1 and prosecution or other disposition of the arrest or charge is pending;
- (iv) The employee has engaged in any other conduct that would constitute a ground for denial of access to CBP security areas;
- (v) The employee permits the approved CBP access seal to be used by any other person or refuses to openly display or produce it upon the proper demand of a CBP officer;
- (vi) The employee uses the approved CBP access seal in connection with a matter not related to his employment or not constituting a duty described in the Written justification required from the employer;
- (vii) The employee refuses or neglects to obey any proper order of a CBP officer, or a CBP order, rule, or regulation;
- (viii) For all employees of the bond holder, if the bond required by 19 CFR 122.182(c) is determined to be insufficient in amount or lacking sufficient sureties, and a satisfactory new bond with good and sufficient sureties is not furnished within a reasonable time;
- (ix) The employee no longer requires access to the CBP security area for an extended period of time at the airport of issuance because of a change in duties, termination of employment, or other reason; or
- (x) The employee or employer fails to provide the notification of a change in circumstances as required under 19 CFR 184(b) or (c) or the employee fails to report the loss or theft of a CBP access seal.