

Contractor & Industrial Security Program Frequently Asked Questions

Summary:

In *all of these* cases, common sense should be applied. How often do the individuals need access to the facility/tower/ equipment? How often does the facility/tower/equipment need servicing? How important (critical) is the facility/tower/equipment? Is it NAS related? What would happen if that facility/tower/equipment failed, was taken off-line, or was damaged? It may be more feasible to have these individuals sign in and out at an entry/exit point. This puts them on notice that they and their activities are being monitored. In some cases, it may be more feasible to conduct a security screening on the supervisor or manager responsible for sending technicians or other employees to the site and to have the technicians/other employees sign in and out at entry exit. This makes the manager/supervisor responsible for the individual's actions and he/she will be more likely to head off any damaging conduct. In cases where the facility is manned, then the individuals should be escorted to the area they require access to and escorted out of the facility. That does not mean the escort has to stand there and watch over them. It just ensures the individual goes where he/she says he needs to go.

In *all of these* cases, the requirement to provide the FAA/SSE with the names of the individuals who will be requiring access to our facilities/towers/land/equipment, etc., and the level, type, and date of the security screening or the requirement for the FAA to conduct a security screening *must* be included in the written agreement.

1. Question: When will the revised procurement security clauses be finalized and posted to the AMS?

Answer: The revised procurement security clauses are now final and have been posted to the AMS with approval dates of October

2001. The new security clause regarding identification media, keys, and vehicle decals is also final and available in the AMS. The revised lease clauses are expected to be finalized and posted by October 5th.

2. Question: Is there one and only one security clause for all leased facilities or is there a different clause to be used in GSA leases as opposed to non-GSA?

Answer: There is currently only one clause developed for leases. However, a separate clause is under development for GSA-controlled space.

3. Question: Can we wait to supplement existing leases with the security requirements until such time as the lease is up for renewal?

Answer: There is no blanket answer to this question! However, the rule of thumb should be that if the lease is due to expire in one year or more, modify it.

4. Question: Who are the security forms and quarterly listings specified in the clauses supposed to be sent to?

Answer: Per Order 1600.73, Chapter 1, paragraph 8b(10) for CO's and 8f(6) for CO/RECO's. The forms should be sent directly to the SSE. If, under exceptional circumstances, the forms cannot be sent directly to the SSE, they should be sent to the RECO in a sealed envelope and the CO/RECO must forward the unopened envelope to the SSE.

5. Question: Who follows up with contractor/lessors when they fail to submit the required security forms and/or list?

Answer: Follow-up is the responsibility of the CO/RECO. However, the SSE needs to let the CO/RECO know when there are

forms still outstanding. That is one of the reasons for the list of contractor employees from the Contractor!

6. Question: Can a party requiring access to a facility be escorted by the lessor, instead of undergoing investigation? For example, a plumber working in our spaces after working hours under escort by the building manager.

Answer: First of all, escort cannot be used as a substitute for a security screening. There are three factors that impact the answer to this question: the position must be low-risk, the access must be temporary or intermittent, and there will be no access other than to the facility/area requiring service/maintenance - certainly no access to sensitive information! For example, an on-call plumber who may not be the same person every time and who responds infrequently. Also, if the building manager is a FAA employee or an individual who has been properly investigated and cleared to serve as an escort, sure, he could be the escort, but only if the above circumstances apply.

7. Question: (a) Does a listing of contractor employees exempt from the investigative requirements based on a contract that is less than 180 days have to be provided to the SSE? (b) If so, who is required to provide the list, the operating office or the CO/RECO? Is the SSE supposed to notify the operating office of which contractor employees must be escorted? (c) If this is required of the CO/RECO, how would we even be expected to know of their existence?

Answer (a). Yes! All contractor employees, regardless of whether they require a security screening, must be identified to the FAA/SSE.

Answer (b). The responsibility lies with the contractor to submit a list of all contractor employees under a given contract to the CO/RECO. The CO/RECO must provide the SSE and the operating office with a copy of the list.

Answer (c). Answered by (b).

8. Question: What do I do when a Lessor refuses to allow a lease to be amended to include the security clause?

Answer: Negotiate, negotiate, negotiate. Don't just rely on mailings to get the job done. After *all avenues to negotiate* with the Lessor have been exhausted, your only option *may* be to move out!! We've got facilities doing that right now. For example, the CASFO in Houston! They've entered into a temporary lease until sufficient facilities can be found where the Lessor agrees to our terms. That may not be an option in some cases, especially in the case of towers, but it is a viable option! In cases where all avenues of negotiation have failed and moving out is not a viable option, the SSE can seek approval from ACP-300 through ACO-300 to allow the janitorial service workers, maintenance personnel, etc., to be escorted by an appropriately cleared person at all times during normal duty hours (day time) in lieu of a security screening. *This would be a case-by-case determination and would have to be supported by exceptional circumstances and documentation showing the failed negotiations!*

9. Question: We lease land and have a building located on that land. A utility company has an employee who physically accesses our site (unescorted) to read a utility meter. Does that utility employee need to have a security screening?

Answer: *If* the building houses NAS equipment, the meter is located outside of the building, *and* the utility company employee does not have any access to the building/equipment, **NO** security screening is required. Revision of the policy regarding this issue is under development and should be published in the form of a Management Board Memorandum by the end of October.

10. Question: We have a building that houses communication equipment in a remote location. By agreement with a Federal agency

or police department, we allow them access to that building so that they can establish their own communication system. Do the non-FAA employees who are allowed access to the building need a security screening?

Answer: *If* the non-FAA employees will also have access to the FAA's equipment, **YES** a security screening is required. However, employees of other Federal agencies should already have a security screening for their agencies. Similarly for the police department personnel. The SSE would require a list of those employees and the level, type, and date of the security screening. No additional security screening for the FAA should be necessary.

11. Question: Why are some DISCO/DOD* investigations accepted by the FAA and some are not?

Answer: Most if not all DISCO/DOD investigations are conducted for security clearance purposes. The majority of those investigations are a NAC. The minimum investigative requirement for most FAA contractor positions is a NACI. If the investigative requirement for the position is a fingerprint check, then we would accept the NAC as long as it is current.

12. Question: We have an equipment rack located in a building owned by the Forest Service in a remote location. Do all Forest Service employees need a security screening?

Answer: *If* the Forest Service employees will also have access to the FAA's equipment, **YES** a security screening is required. However, as the previous answer states, employees of other Federal agencies including the Forest Service should already have a security screening for their agency. The SSE would simply require a list of those employees and the level, type, and date of the security screening. No additional security screening for the FAA should be

necessary. Again, revision of the policy regarding this issue will be published shortly.

13. Question: We have antenna dishes located on control towers. Other Federal and non-Federal agencies also have antenna dishes located on those towers. Do they need a security screening?

Answer: *If* the non-FAA employees will also have access to the FAA's equipment and assuming they will need to access the control tower to gain access to the antenna dishes, a security screening *may* be required. Again, the answers to Questions 10 and 11 apply with regard to the other Federal agency employees. For industry employees, a security screening may not be necessary in that these employees may fall within the 180 day rule. However, in *all of these* cases, common sense should be applied. How often do these employees need access to the facility/tower? It may be more feasible to have these individuals sign in upon entry and escorted to the access area for the antenna dish, then escorted out of the facility.