

# DFARS Procedures, Guidance, and Information

## PGI 247—Transportation

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*(Added October 4, 2011)*

### PGI 247.5—OCEAN TRANSPORTATION BY U.S.-FLAG VESSELS

#### PGI 247.574 Solicitation provisions and contract clauses.

1. Purpose. The purpose of this guidance is to inform contracting officers and program managers of procedures for security background checks when exercising the exemption provided by 10 U.S.C. 3504.

2. Background.

a. As specified in the clause at [252.247-7027](#), Riding Gang Member Requirements, the Government approving official must be specified in the contract in order to facilitate the collection and protection of information necessary to conduct a background check. That person is likely to be the program manager, contracting officer, or other designee, depending on the contract and agency. That Government official will contact COMSC N34 Director of Force Protection or COMSC Antiterrorism Officer at [mschg\\_n34\\_epic@navy.mil](mailto:mschg_n34_epic@navy.mil) in order to facilitate the collection and protection of information necessary to conduct a background check.

b. The Military Sealift Command (MSC) will use the procedures contained in COMSC Instruction 5521.1 series, Security Screening of Persons with Access to MSC Ships (FOUO). Applicable information from that instruction is contained in the procedures at paragraph 3 of this section. Force Protection for Military Sealift Command (COMSC N3) will act as the executive agent for DoD utilizing the U.S. Government's El Paso Intelligence Center (EPIC) to perform required background checks as required by 10 U.S.C. 3504.

c. All "exempt individuals" under paragraph (c)(1) of the clause at [252.247-7027](#), Riding Gang Member Requirements, requiring escorted or unescorted access to U.S.-flag vessels under DoD contracts for transportation services require this screening unless the head of the contracting activity waives this requirement if the individual possesses a valid U.S. Merchant Mariner's document issued under 46 U.S.C. chapter 73, or a transportation security card issued under section 70105 of such title.

d. Successful screening means that no derogatory information has been revealed or that any derogatory information has been determined by MSC (after risk analysis) to have no force protection or law enforcement impact.

e. In those cases where derogatory information pertaining to an exempted individual is detected after the vessel is in transit, COMSC N3 will coordinate with the DoD program manager or responsible official and the USTRANSCOM Force Protection

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Division ([USTC-IndustrialSecurity@ustranscom.mil](mailto:USTC-IndustrialSecurity@ustranscom.mil)) for information and further action and notice.

### 3. Procedures.

a. The program manager or responsible official will submit a request to COMSC N3 at least four working days in advance of the earliest time access is required using [EPIC Force Protection Crewlist Submission Instructions](#) (Enclosure 1) and [EPIC Force Protection Crewlist Submission Template](#) (Enclosure 2). The subject line of all vetting request e-mails will begin with “FOUO/PRIVACY SENSITIVE FOR OFFICIAL USE ONLY. ANY MISUSE OR UNAUTHORIZED DISCLOSURE MAY RESULT IN BOTH CIVIL AND CRIMINAL PENALTIES.” An account with EPIC is required prior to submitting a request. Contact Director of Force Protection for Military Sealift Command (COMSC N34) at [mschq\\_n34\\_epic@navy.mil](mailto:mschq_n34_epic@navy.mil) for guidance in establishing an account.

b. When COMSC N3 directs that a person not be granted access to a vessel or that they not be allowed to possess Government-furnished firearms or ammunition, the Government official specified in the contract (program manager, contracting officer, or other designee) shall ensure that the contractor carries out these actions.

c. To protect personal privacy, Government personnel are required to destroy any non-U.S. Government employee records, lists, or compilations of personnel data assembled in support of this program, upon receipt of a negative response from EPIC, or upon receipt of a COMSC N3 course of action resulting from positive response from EPIC.

4. Redress. Follow the procedures at COMSC Instruction 5521.1 series. In the event that an individual requests information regarding his/her case to determine why access has been denied or why authorization to possess Government-furnished firearms and ammunition is denied, the individual can take the following action:

a. Submit a letter requesting an explanation for the denial to the Director of Force Protection (N34), Military Sealift Command Headquarters, 914 Charles Morris Ct SE, Washington Navy Yard, DC 20398-0001. The letter must include an unsworn declaration at the bottom of the request for information that states “I declare under perjury or penalty under the laws of the United States of America that the foregoing is true and correct.”

b. N34 may provide an answer outlining the reasons for denial, if warranted by DoD. The information released will not disclose national security (classified), law enforcement-sensitive, or any material deemed by EPIC or DoD that may jeopardize an on-going investigation.

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c. Individuals may also submit information to N34 to rebut the factual basis for a denial of access, or denial of possession of Government-furnished firearms and ammunition, by providing evidence that an arrest warrant has been cleared, that criminal conviction data is erroneous or does not fit criteria listed at 18 U.S.C. 922(g) or section 6 of OPNAVINST 3591.1 series, Small Arms Training and Qualification.