



MDA CUI Supplier Background Screening Process

Supplier Frequently Asked Questions

1. **What government documentation requires that I have to disclose the information requested?**

MDA contract flowdowns from the customer to AR and to suppliers requires the background screening information.

2. **Our company has already been approved by the MDA through another customer.**

If your background screening process has already been approved by MDA, provide the MDA approval letter to your AR Buyer, who will have it documented in the AR system

3. **We don't have enough business from Aerojet Rocketdyne to justify the required screening.**

As a valued Aerojet Rocketdyne supplier, we expect full compliance with our contract requirements. Ensuring that all who deal with sensitive national security technical data do not represent a security risk is a reasonable requirement for all American companies. Employees who are dual citizens present a possible security risk that the MDA has reserved the right to specifically approve. Employers can manage their resources so that dual citizens are not used in support of MDA projects unless their access to CUI is specifically approved by MDA. The requirement to screen employees is a fundamental good business practice and can be accomplished at low cost to any company that does government business. For employers that do not wish to disclose employee information to AR, direct disclosure to the MDA is permissible. However, compliance is a requirement of the Missile Defense Agency that has been incorporated into your Purchase Orders that have been accepted and is not optional. AR considers a failure to comply as a material breach of the contract and may pursue appropriate remedies.

4. **Company policy or State law prohibits us from asking potential or current employees about dual citizenship.**

This concern is sometimes in response to the requirement a supplier identify those employees that may have access to CUI and who are dual citizens. AR is not authorized to waive this MDA requirement that is contractually imposed on AR by its customers. A supplier could satisfy its obligation to disclose dual citizens that may have access to CUI by (1) choosing, instead, to not make CUI accessible to its dual citizens, perhaps by assigning other employees to work that would require access to CUI or (2) by obtaining permission from its employees to disclose such information to AR.

5. **Some or all of our employees have a minimum interim Secret U.S. security clearance. Is the background screening process required for them?**

Employees with a minimum interim Secret U.S. security clearance, including dual citizens, are deemed adequately cleared by the MDA. The requirement for additional screening does not apply.



6. Our company has an employee who is not a U.S. Citizen, but is a “Green Card” holder granted U.S. permanent residence. Does that employee require clearance by the MDA?

No. The MDA does not require names and countries of U.S. Citizens or U.S. Persons. A U.S. Person includes:

- any individual who is granted U.S. citizenship; or
- any individual who is granted U.S. permanent residence ("Green Card" holder); or
- any individual who is granted status as a "protected person" under 8 U.S.C. 1324b(a)(3);

7. We supply only commercial items to AR. Do we have to submit our screening process?

As long as no MDA CUI is provided to support the procurement, your AR Buyer may proceed with awarding the PO for the commercial item(s).

8. How do we know if the documentation we get is MDA CUI? None of the documentation we receive is marked CUI.

The definition of CUI is very broad. Many of AR’s products contain parts that suppliers produce using AR or supplier drawings, which contain proprietary, export control, FOUO, or other limited distribution markings. Legacy documents may contain CUI even if they are not marked, accordingly. Due to the sensitive nature of information used on MDA programs for national defense, suppliers should err on the side of caution and protect information, which is not marked to indicate the applicability of restrictions on disclosure, from disclosure to persons who could have interests that are adverse to the United States. Items that are available commercially to the general public and not produced using information for which distribution must be limited likely do not involve CUI.

9. Is MDA approval good forever?

As long as a supplier does not change their approved employee background screening process, they only need to be approved once. Otherwise, the supplier is required to notify AR every time their process changes and MDA approval must be obtained for the revised process each time it changes. Note that the addition of any new dual citizen employees must be separately reported and approved by MDA every time there is a new employee that may have access to CUI. These dual citizen reporting requirements are separate from the “basic” requirement to request approval of a changed background screening process.

10. Does MDA publish a list of companies they have approved already?

Not at this time.

11. We are part of a larger corporate entity that has an approved process. Do we need to submit a background screening process letter?

A corporation can submit their letter including a statement that their corporate background screening process covers all companies within the corporation.



12. We are a small company or sole proprietor with the same employees for years. do we need to now go and get background checks?

If the personnel may have access to MDA CUI, background checks must be performed. If the supplier is a sole proprietor and unable to have a background check performed, contact the AR buyer for guidance.

13. Employment regulations prohibit us from releasing personnel data for dual citizens?

AR is not aware of any such prohibitions. Supplier is requested to cite laws and regulations which prohibit them from doing this. Provide the information to your AR Buyer, who will submit it internally for review. If you are concerned about releasing this information to AR, you may send information directly to MDA, keeping AR apprised of transmittal.

14. Does the requirement for the background screening process apply to foreign suppliers, and if so, are there any variations for foreign suppliers?

The same requirement applies to all suppliers, whether those supplier are U.S- or foreign-owned or controlled, with no variation in the elements required. This is a contractual MDA flowdown, not a FAR or DFARS flowdown.

15. What are our obligations regarding results of credit/criminal checks?

Supplier must determine for itself how to evaluate the results of credit/criminal checks. Supplier might consider the following:

Credit check considerations:

- Number of serious delinquencies, severity of debt, and risk posed by access to sensitive information.

Criminal check considerations:

- Severity of convictions, number of convictions, time since last conviction, risk posed by access to sensitive information.

16. Do we need to submit results of credit/criminal checks to AR?

Results of criminal and/or credit checks do not need to be submitted to AR unless the MDA makes a request for the results for a specific individual, typically a dual citizen.

17. Do we need to do checks on every employee?

No, only those employees that may have access to MDA CUI are required to have background checks.

18. California law prohibits us from asking about dual citizenship and/or credit checks.

- AR is not aware of any prohibitions in California law regarding asking about dual citizens.
- As to credit checks, California Labor Code § 1024.5, which generally prohibits employers from conducting credit checks as part of the employment process, has an exception that allows credit checks for personnel that require access to confidential, proprietary, or sensitive information such as MDA CUI.