

Suspend the Rules and Pass the Bill, H.R. 4176, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
1ST SESSION

H. R. 4176

To strengthen air cargo security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2017

Mr. THOMPSON of Mississippi (for himself and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To strengthen air cargo security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air Cargo Security
5 Improvement Act of 2018”.

1 **SEC. 2. ESTABLISHMENT OF AIR CARGO SECURITY DIVI-**
2 **SION.**

3 (a) IN GENERAL.—Subchapter II of chapter 449 of
4 title 49, United States Code, is amended by adding at the
5 end the following new section:

6 **“§ 44947. Air cargo security division**

7 “(a) ESTABLISHMENT.—Not later than 90 days after
8 the date of the enactment of this section, the Adminis-
9 trator of the Transportation Security Administration shall
10 establish an air cargo security division to carry out all pol-
11 icy and engagement with air cargo security stakeholders.

12 “(b) LEADERSHIP; STAFFING.—The air cargo secu-
13 rity division established pursuant to subsection (a) shall
14 be headed by an individual in the executive service within
15 the Transportation Security Administration and be staffed
16 by not fewer than four full-time equivalents, including the
17 head of the division.

18 “(c) STAFFING.—The Administrator of the Trans-
19 portation Security Administration shall staff the air cargo
20 security division with existing Transportation Security Ad-
21 ministration personnel.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 449 of title 49, United States
24 Code, is amended by inserting after the item related to
25 section 44946 the following new item:

“44947. Air cargo security division.”.

1 **SEC. 3. FEASIBILITY STUDY AND PILOT PROGRAM FOR**
2 **EMERGING TECHNOLOGIES.**

3 (a) STUDY.—Not later than 120 days after the date
4 of the enactment of this Act, the Administrator of the
5 Transportation Security Administration, in coordination
6 with the Under Secretary for Science and Technology of
7 the Department of Homeland Security, shall submit to
8 Committee on Homeland Security of the House of Rep-
9 resentatives and the Committee on Commerce, Science,
10 and Transportation of the Senate a feasibility study re-
11 garding expanding the use of computed tomography tech-
12 nology for the screening of air cargo transported on pas-
13 senger aircraft operated by an air carrier or foreign air
14 carrier in air transportation, interstate air transportation,
15 or interstate air commerce. Such study shall consider the
16 following:

17 (1) Opportunities to leverage computed tomog-
18 raphy systems used for screening passengers and
19 baggage.

20 (2) Costs and benefits of using computed to-
21 mography technology for screening air cargo.

22 (3) An analysis of emerging computed tomog-
23 raphy systems that may have potential to enhance
24 the screening of air cargo, including systems that
25 may address aperture challenges associated with
26 screening certain categories of air cargo.

1 (4) An analysis of emerging screening tech-
2 nologies, in addition to computed tomography, that
3 may be used to enhance the screening of air cargo.

4 (b) PILOT PROGRAM.—Not later than 120 days after
5 submission of the feasibility study required under sub-
6 section (a), the Administrator of the Transportation Secu-
7 rity Administration shall initiate a two-year pilot program
8 to achieve enhanced air cargo security screening outcomes
9 through the use of new or emerging screening tech-
10 nologies, such as computed tomography technology, as
11 identified through such study.

12 (c) UPDATES.—Not later than 60 days after the initi-
13 ation of the pilot program under subsection (b) and every
14 six months thereafter for two years, the Administrator of
15 the Transportation Security Administration shall brief the
16 Committee on Homeland Security of the House of Rep-
17 resentatives and the Committee on Commerce, Science,
18 and Transportation of the Senate on the progress of im-
19 plementation of such pilot program.

20 (d) DEFINITIONS.—In this section:

21 (1) AIR CARRIER.—The term “air carrier” has
22 the meaning given such term in section 40102 of
23 title 49, United States Code.

1 (2) AIR TRANSPORTATION.—The term “air
2 transportation” has the meaning given such term in
3 section 40102 of title 49, United States Code.

4 (3) FOREIGN AIR CARRIER.—The term “foreign
5 air carrier” has the meaning given such term in sec-
6 tion 40102 of title 49, United States Code.

7 (4) INTERSTATE AIR COMMERCE.—The term
8 “interstate air commerce” has the meaning given
9 such term in section 40102 of title 49, United
10 States Code.

11 (5) INTERSTATE AIR TRANSPORTATION.—The
12 term “interstate air transportation” has the mean-
13 ing given such term in section 40102 of title 49,
14 United States Code.

15 **SEC. 4. AIR CARGO REGULATION REVIEW.**

16 (a) REVIEW.—Not later than 150 days after the date
17 of the enactment of this Act, the Administrator of the
18 Transportation Security Administration shall submit to
19 the Committee on Homeland Security of the House of
20 Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate a report on ac-
22 tions to improve the Certified Cargo Screening Program
23 as established by the Administrator in September 2009.
24 The report shall—

1 (1) review the degree to which the Program is
2 effective at fully addressing evolving threats to air
3 cargo, particularly as air cargo volumes fluctuate;

4 (2) review any vulnerabilities in the Program
5 and effectiveness of information sharing with air
6 cargo security stakeholders; and

7 (3) include information on actions to be taken
8 to address findings in paragraphs (1) and (2), in-
9 cluding information on plans to issue new rule-
10 making, if necessary.

11 **SEC. 5. COMPTROLLER GENERAL REVIEW.**

12 (a) IN GENERAL.—Not later than two years after the
13 date of the enactment of this Act, the Comptroller General
14 of the United States shall—

15 (1) review the Department of Homeland Secu-
16 rity’s analysis and intelligence pre-screening proc-
17 esses and procedures for air cargo entering the
18 United States;

19 (2) review the pilot program conducted pursu-
20 ant to section 3;

21 (3) assess the effectiveness of the Department’s
22 risk-based strategy for examining air cargo and en-
23 suring compliance with air cargo security rules and
24 regulations; and

1 (4) review the Department's information shar-
2 ing procedures and practices for disseminating infor-
3 mation to relevant stakeholders on preventing, miti-
4 gating, and responding to air cargo related threats.

5 **SEC. 6. KNOWN SHIPPER PROGRAM REVIEW.**

6 The Administrator shall request the Air Cargo Sub-
7 committee of Aviation Security Advisory Committee (es-
8 tablished under section 44946 of title 49, United States
9 Code) to—

10 (1) conduct a comprehensive review and secu-
11 rity assessment of the known shipper program under
12 sections 1546.215 and 1548.17 of title 49, Code of
13 Federal Regulations;

14 (2) recommend whether the Known Shipper
15 Program should be modified or eliminated consid-
16 ering the full implementation of 100 percent screen-
17 ing under section 44901(g) of title 49, United States
18 Code; and

19 (3) report its findings and recommendations to
20 the Administrator of the Transportation Security
21 Administration.