

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 2017”.

6 **SEC. 2. ESTABLISHMENT OF AIR CARGO SECURITY OFFICE.**

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

1 **“§ 44947. Air cargo security office**

2 “(a) ESTABLISHMENT.—Not later than 90 days after
3 the date of the enactment of this section, the Adminis-
4 trator of the Transportation Security Administration shall
5 establish an air cargo security office to carry out all policy
6 and engagement with air cargo security stakeholders.

7 “(b) LEADERSHIP; STAFFING.—The air cargo secu-
8 rity office established pursuant to subsection (a) shall be
9 headed by an individual in the Senior Executive Service
10 and be staffed by not fewer than four full-time equivalents,
11 including the head of the office.”.

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

“44947. Air cargo security office.”.

16 **SEC. 3. PILOT PROGRAM FOR AIR CARGO COMPUTED TO-**
17 **MOGRAPHY.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of the enactment of this Act, the Administrator of
20 the Transportation Security Administration, in coordina-
21 tion with the Under Secretary for Science and Technology
22 of the Department of Homeland Security, shall conduct
23 a pilot program to test the expanded use of screening
24 equipment using computed tomography technology to
25 screen air cargo on passenger-carrying aircraft. Such pro-

1 gram shall conclude not later than two years after such
2 program is commenced.

3 (b) BRIEFINGS.—Not later than six months after the
4 beginning of the pilot program under subsection (a) and
5 every six months thereafter until the completion of such
6 program, the Administrator of the Transportation Secu-
7 rity Administration shall brief the Committee on Home-
8 land Security of the House of Representatives and the
9 Committee on Commerce, Science, and Transportation of
10 the Senate on the progress of such program.

11 (c) REPORT.—Not later than 90 days after comple-
12 tion of the pilot program under subsection (a), the Admin-
13 istrator of the Transportation Security Administration
14 shall submit to the Committee on Homeland Security of
15 the House of Representatives and the Committee on Com-
16 merce, Science, and Transportation of the Senate a report
17 on the results of such pilot program with, as appropriate,
18 a plan to integrate computed tomography technology into
19 domestic and international air cargo screening operations,
20 including at overseas last point of departure airports.

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

22 (a) REVIEW.—Not later than 150 days after the date
23 of the enactment of this Act, the Administrator of the
24 Transportation Security Administration shall submit to
25 the Committee on Homeland Security of the House of

1 Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate a report on ac-
3 tions to improve the Certified Cargo Screening Program
4 as established by the Administrator in September 2009.

5 The report shall—

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

9 (2) review any vulnerabilities in the Program
10 and effectiveness of information sharing with air
11 cargo security stakeholders; and

12 (3) include information on actions to be taken
13 to address findings in paragraphs (1) and (2), in-
14 cluding information on plans to issue new rule-
15 making, if necessary.

16 **SEC. 5. COMPTROLLER GENERAL REVIEW.**

17 (a) IN GENERAL.—Not later than one year after the
18 date of the enactment of this Act, the Comptroller General
19 of the United States shall—

20 (1) review the Department of Homeland Secu-
21 rity's analysis and intelligence pre-screening proc-
22 esses and procedures for the examination of air
23 cargo entering the United States;

1 (2) review the computed tomography technology
2 pilot program for air cargo screening on passenger-
3 carrying aircraft, conducted pursuant to section 3;

4 (3) assess the effectiveness of the Department’s
5 risk-based strategy for examining air cargo and en-
6 suring compliance with air cargo security rules and
7 regulations; and

8 (4) review the Department’s information shar-
9 ing procedures and practices for disseminating infor-
10 mation to relevant stakeholders on preventing, miti-
11 gating, and responding to air cargo related threats.

12 **SEC. 6. AIR CARGO ADVANCE SCREENING PROGRAM.**

13 (a) IN GENERAL.—Subtitle B of title IV of the
14 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)
15 is amended by adding at the end the following new section:

16 **“SEC. 420. AIR CARGO ADVANCE SCREENING PROGRAM.**

17 “(a) IN GENERAL.—The Secretary, consistent with
18 the requirements of the Trade Act of 2002 (Public Law
19 107–210), shall—

20 “(1) establish an air cargo advance screening
21 program (in this section referred to as the ‘ACAS
22 Program’) for the collection by U.S. Customs and
23 Border Protection of advance electronic information
24 from air carriers and other persons within the sup-

1 ply chain regarding cargo being transported to the
2 United States by air;

3 “(2) under such program, require that such in-
4 formation be transmitted by such air carriers and
5 other persons at the earliest point practicable prior
6 to loading of such cargo onto an aircraft destined to
7 or transiting through the United States;

8 “(3) establish appropriate communications sys-
9 tems with freight forwarders, shippers, and air car-
10 riers;

11 “(4) establish a system that will allow freight
12 forwarders, shippers, and air carriers to provide
13 shipment level data for air cargo, departing from
14 any location that is inbound to the United States;
15 and

16 “(5) coordinate with the Administrator of the
17 Transportation Security Administration to identify
18 opportunities in which the information furnished in
19 compliance with the ACAS Program could be used
20 by the Administrator.

21 “(b) INSPECTION OF HIGH-RISK CARGO.—Under the
22 ACAS Program, the Secretary shall ensure that all cargo
23 that has been identified as high risk is inspected—

24 “(1) prior to the loading of such cargo onto air-
25 craft at the last point of departure; or

1 “(2) at an earlier point in the supply chain, be-
2 fore departing for the United States.

3 “(c) CONSULTATION.—In carrying out the ACAS
4 Program, the Secretary shall consult with relevant stake-
5 holders, as appropriate, to ensure the implementation of
6 an operationally feasible and practical approach to the col-
7 lection of advance information with respect to cargo on
8 aircraft departing for the United States, and that the in-
9 spection of high-risk cargo recognizes the significant dif-
10 ferences among air cargo business models and modes of
11 transportation.

12 “(d) ANALYSIS.—The Secretary may analyze the in-
13 formation referred to in subsection (a) in the Depart-
14 ment’s automated targeting system and integrate such in-
15 formation with other intelligence to enhance the accuracy
16 of the risk assessment process under the ACAS Program.

17 “(e) NO DUPLICATION.—The Secretary shall carry
18 out this section in a manner that, after the ACAS Pro-
19 gram is fully in effect, ensures, to the greatest extent prac-
20 ticable, that the ACAS Program does not duplicate other
21 Department programs or requirements relating to the sub-
22 mission of air cargo data or the inspection of high-risk
23 cargo.

24 “(f) CONSIDERATION OF INDUSTRY.—In carrying out
25 the ACAS Program, the Secretary shall—

1 “(1) take into consideration that the content
2 and timeliness of the available data may vary among
3 entities in the air cargo industry and among coun-
4 tries, and shall explore procedures to accommodate
5 such variations while maximizing the contribution of
6 such data to the risk assessment process under the
7 ACAS Program;

8 “(2) test the business processes, technologies,
9 and operational procedures required to provide ad-
10 vance information with respect to cargo on aircraft
11 departing for the United States and carry out re-
12 lated inspection of high-risk cargo, while ensuring
13 minimization of delays and other negative impacts
14 on vital supply chains; and

15 “(3) consider the cost, benefit, and feasibility
16 before establishing any set time period for submis-
17 sion of certain elements of the data for air cargo
18 under this section in line with the regulatory guide-
19 lines specified in Executive Order No. 13563, and
20 any successor Executive order or regulation.

21 “(g) GUIDANCE.—The Secretary shall provide guid-
22 ance for participants in the ACAS Program regarding the
23 requirements for participation, including requirements for
24 transmitting shipment level data.

1 “(h) USE OF DATA.—The Secretary shall use the
2 data provided under the ACAS Program for targeting
3 shipments for screening and aviation security purposes
4 only.”.

5 (b) FINAL RULE.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of Home-
7 land Security shall issue a final regulation to implement
8 the ACAS Program under section 420 of the Homeland
9 Security Act of 2002 (as added by subsection (a) of this
10 section) to include the electronic transmission to U.S. Cus-
11 toms and Border Protection of data elements for targeting
12 cargo, including appropriate security elements of shipment
13 level data, as determined by the Secretary.

14 (c) REPORT.—Not later than 180 days after the date
15 of the commencement of the ACAS Program under section
16 420 of the Homeland Security Act of 2002 (as added by
17 subsection (a) of this section), the Secretary of Homeland
18 Security shall submit to the Committee on Homeland Se-
19 curity of the House of Representatives and the Committee
20 on Homeland Security and Governmental Affairs and the
21 Committee on Commerce, Science, and Transportation of
22 the Senate a report detailing the operational implementa-
23 tion of providing advance information under the ACAS
24 Program and the value of such information in targeting
25 cargo.

1 (d) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 419 the following new item:

“Sec. 420. Air cargo advance screening program.”.

5 **SEC. 7. THIRD PARTY CANINE CARGO SCREENING.**

6 Section 1307 of the Implementing Recommendations
7 of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is
8 amended—

9 (1) by striking subsections (f) and (g); and

10 (2) by adding after subsection (e) the following
11 new subsection:

12 “(f) THIRD PARTY CANINE TEAMS FOR AIR CARGO
13 SECURITY.—

14 “(1) IN GENERAL.—In order to enhance the
15 screening of air cargo and ensure that third party
16 explosives detection canine assets are leveraged for
17 such purpose, the Secretary of Homeland Security,
18 acting through the Administrator of the Transpor-
19 tation Security Administration, shall, not later than
20 180 days after the date of the enactment of this
21 subsection—

22 “(A) develop and issue standards for the
23 use of such third party explosives detection ca-
24 nine assets for the primary screening of air
25 cargo;

1 “(B) develop a process to identify qualified
2 non-Federal entities that will certify such ca-
3 nine assets that meet the standards established
4 by the Administrator under subparagraph (A);

5 “(C) ensure that such entities qualified to
6 certify such canine assets shall be independent
7 from entities that will train and provide canines
8 to end users of such canine assets;

9 “(D) establish a system of Transportation
10 Security Administration audits of the process
11 developed under subparagraph (B); and

12 “(E) provide that canines certified for the
13 primary screening of air cargo can be used by
14 air carriers, foreign air carriers, freight for-
15 warders, and shippers.

16 “(2) IMPLEMENTATION.—Beginning on the
17 date that the development of the process under para-
18 graph (1)(B) is complete, the Secretary, acting
19 through the Administrator, shall—

20 “(A) facilitate the deployment of third
21 party explosives detection canine assets under
22 paragraph (1) that meet the certification stand-
23 ards of the Administration, as determined by
24 the Administrator;

1 “(B) make such standards available to
2 vendors seeking to train and deploy such canine
3 assets; and

4 “(C) ensure that all costs for the training
5 and certification of canines, and for the use of
6 supplied canines, are borne by private industry
7 and not the Federal Government.

8 “(3) DEFINITIONS.—In this subsection:

9 “(A) AIR CARRIER.—The term ‘air carrier’
10 has the meaning given such term in section
11 40102 of title 49, United States Code.

12 “(B) FOREIGN AIR CARRIER.—The term
13 ‘foreign air carrier’ has the meaning given the
14 term in section 40102 of title 49, United States
15 Code.

16 “(C) THIRD PARTY EXPLOSIVES DETEC-
17 TION CANINE ASSET.—The term ‘third party
18 explosives detection canine asset’ means any ex-
19 plosives detection canine or handler not owned
20 or employed, respectively, by the Transportation
21 Security Administration.”.

22 **SEC. 8. KNOWN SHIPPER PROGRAM REVIEW.**

23 The Administrator shall request the Air Cargo Sub-
24 committee of Aviation Security Advisory Committee (es-

1 tablished under section 44946 of title 49, United States
2 Code) to—

3 (1) conduct a comprehensive review and secu-
4 rity assessment of the known shipper program under
5 1548.17 of title 49, Code of Federal Regulations;

6 (2) recommend whether the Known Shipper
7 Program should be modified or eliminated consid-
8 ering the full implementation of 100 percent screen-
9 ing under section 44901(g) of title 49, United States
10 Code; and

11 (3) report its findings and recommendations to
12 the Administrator of the Transportation Security
13 Administration.

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