

**Air Cargo Security Act (Introduced in Senate)**  
**S 165 IS**  
**108th CONGRESS**  
**1st Session**

**Latest Major Action:** *5/9/2003 Referred to House committee. Status: Referred to the House Committee on Transportation and Infrastructure.*

S. 165  
To improve air cargo security.

IN THE SENATE OF THE UNITED STATES

January 15, 2003  
Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN) introduced the following bill;  
which was read twice and referred to the Committee on Commerce, Science, and  
Transportation

A BILL  
To improve air cargo security.

Be it enacted by the Senate and House of Representatives of the United States of America  
in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Air Cargo Security Act'.

SEC. 2. INSPECTION OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

Section 44901(f) of title 49, United States Code, is amended to read as follows:

`(f) Cargo-

`(1) IN GENERAL- The Under Secretary of Transportation for Security shall establish  
systems to screen, inspect, or otherwise ensure the security of all cargo that is to be  
transported in--

`(A) passenger aircraft operated by an air carrier or foreign air carrier in air transportation  
or intrastate air transportation; or

`(B) all-cargo aircraft in air transportation and intrastate air transportation.

`(2) STRATEGIC PLAN- The Under Secretary shall develop a strategic plan to carry out  
paragraph (1).'

### SEC. 3. AIR CARGO SHIPPING.

(a) IN GENERAL- Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

`Sec. 44922. Regular inspections of air cargo shipping facilities

`The Under Secretary of Transportation for Security shall establish a system for the regular inspection of shipping facilities for shipments of cargo transported in air transportation or intrastate air transportation to ensure that appropriate security controls, systems, and protocols are observed, and shall enter into arrangements with the civil aviation authorities, or other appropriate officials, of foreign countries to ensure that inspections are conducted on a regular basis at shipping facilities for cargo transported in air transportation to the United States.'.

(b) ADDITIONAL INSPECTORS- The Under Secretary may increase the number of inspectors as necessary to implement the requirements of title 49, United States Code, as amended by this subtitle.

(c) CONFORMING AMENDMENT- The chapter analysis for chapter 449 of title 49, United States Code, is amended by adding at the end the following:

`44922. Regular inspections of air cargo shipping facilities.'.

### SEC. 4. CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

(a) IN GENERAL- Subchapter I of chapter 449 of title 49, United States Code, is further amended by adding at the end the following:

` 44923. Air cargo security

`(a) DATABASE- The Under Secretary of Transportation for Security shall establish an industry-wide pilot program database of known shippers of cargo that is to be transported in passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. The Under Secretary shall use the results of the pilot program to improve the known shipper program.

`(b) INDIRECT AIR CARRIERS-

`(1) RANDOM INSPECTIONS- The Under Secretary shall conduct random audits, investigations, and inspections of indirect air carrier facilities to determine if the indirect air carriers are meeting the security requirements of this title.

`(2) ENSURING COMPLIANCE- The Under Secretary may take such actions as may be appropriate to promote and ensure compliance with the security standards established under this title.

`(3) NOTICE OF FAILURES- The Under Secretary shall notify the Secretary of Transportation of any indirect air carrier that fails to meet security standards established under this title.

`(4) SUSPENSION OR REVOCATION OF CERTIFICATE- The Secretary, as appropriate, shall suspend or revoke any certificate or authority issued under chapter 411 to an indirect air carrier immediately upon the recommendation of the Under Secretary. Any indirect air carrier whose certificate is suspended or revoked under this subparagraph may appeal the suspension or revocation in accordance with procedures established under this title for the appeal of suspensions and revocations.

`(5) INDIRECT AIR CARRIER- In this subsection, the term `indirect air carrier' has the meaning given that term in part 1548 of title 49, Code of Federal Regulations.

`(c) CONSIDERATION OF COMMUNITY NEEDS- In implementing air cargo security requirements under this title, the Under Secretary may take into consideration the extraordinary air transportation needs of small or isolated communities and unique operational characteristics of carriers that serve those communities.'

(b) ASSESSMENT OF INDIRECT AIR CARRIER PROGRAM- The Under Secretary of Transportation for Security shall assess the security aspects of the indirect air carrier program under part 1548 of title 49, Code of Federal Regulations, and report the result of the assessment, together with any recommendations for necessary modifications of the program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 45 days after the date of enactment of this Act. The Under Secretary may submit the report and recommendations in classified form.

(c) REPORT TO CONGRESS ON RANDOM AUDITS- The Under Secretary of Transportation for Security shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on random screening, audits, and investigations of air cargo security programs based on threat assessments and other relevant information. The report may be submitted in classified form.

(d) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

(e) CONFORMING AMENDMENT- The chapter analysis for chapter 449 of title 49, United States Code, as amended by section 3, is amended by adding at the end the following:

`44923. Air cargo security.'

## SEC. 5. TRAINING PROGRAM FOR CARGO HANDLERS.

The Under Secretary of Transportation for Security shall establish a training program for any persons that handle air cargo to ensure that the cargo is properly handled and safeguarded from security breaches.

## SEC. 6. CARGO CARRIED ABOARD ALL-CARGO AIRCRAFT.

(a) IN GENERAL- The Under Secretary of Transportation for Security shall establish a program requiring that air carriers operating all-cargo aircraft have an approved plan for the security of their air operations area, the cargo placed aboard such aircraft, and persons having access to their aircraft on the ground or in flight.

(b) PLAN REQUIREMENTS- The plan shall include provisions for--

- (1) security of each carrier's air operations areas and cargo acceptance areas at the airports served;
- (2) background security checks for all employees with access to the air operations area;
- (3) appropriate training for all employees and contractors with security responsibilities;
- (4) appropriate screening of all flight crews and persons transported aboard all-cargo aircraft;
- (5) security procedures for cargo placed on all-cargo aircraft as provided in section 44901(f)(1)(B) of title 49, United States Code; and
- (6) additional measures deemed necessary and appropriate by the Under Secretary.

(c) Confidential Industry Review and Comment-

(1) CIRCULATION OF PROPOSED PROGRAM- The Under Secretary shall--

(A) propose a program under subsection (a) within 90 days after the date of enactment of this Act; and

(B) distribute the proposed program, on a confidential basis, to those air carriers and other employers to which the program will apply.

(2) COMMENT PERIOD- Any person to which the proposed program is distributed under paragraph (1) may provide comments on the proposed program to the Under Secretary not more than 60 days after it was received.

(3) FINAL PROGRAM- The Under Secretary of Transportation shall issue a final program under subsection (a) not later than 45 days after the last date on which

comments may be provided under paragraph (2). The final program shall contain time frames for the plans to be implemented by each air carrier or employer to which it applies.

(4) SUSPENSION OF PROCEDURAL NORMS- Neither chapter 5 of title 5, United States Code, nor the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the program required by this section.