

**National Intelligence Reform Act of 2004**  
**S.2845**  
**108th Congress**

TITLE V--AIR CARGO SAFETY

SEC. 501. SHORT TITLE.

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

SEC. 502. 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 Secretary of Homeland 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 Secretary shall develop a strategic plan to carry out paragraph (1) within 6 months after the date of enactment of the Air Cargo Security Improvement Act.

`(3) PILOT PROGRAM- The Secretary shall conduct a pilot program of screening of cargo to assess the effectiveness of different screening measures, including the use of random screening. The Secretary shall attempt to achieve a distribution of airport participation in terms of geographic location and size.'

SEC. 503. 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. 44925. Regular inspections of air cargo shipping facilities

`The Secretary of Homeland 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 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:

`44925. Regular inspections of air cargo shipping facilities'.

#### SEC. 504. 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:

` 44926. Air cargo security

`(a) DATABASE- The Secretary of Homeland 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 Secretary shall use the results of the pilot program to improve the known shipper program.

`(b) INDIRECT AIR CARRIERS-

`(1) RANDOM INSPECTIONS- The 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 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 Secretary shall notify the Secretary of Transportation of any indirect air carrier that fails to meet security standards established under this title.

`(4) WITHDRAWAL OF SECURITY PROGRAM APPROVAL- The Secretary may issue an order amending, modifying, suspending, or revoking approval of a security program of an indirect air carrier that fails to meet security requirements imposed by the Secretary if such failure threatens the security of air transportation or commerce. The affected indirect air carrier shall be given notice and the opportunity to correct its noncompliance unless the Secretary determines that an emergency exists. Any indirect air carrier that has the approval of its security program amended, modified, suspended, or

revoked under this section may appeal the action in accordance with procedures established by the Secretary under this title.

`(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 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 Secretary of Homeland 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 60 days after the date of enactment of this Act. The Secretary may submit the report and recommendations in classified form.

(c) REPORT TO CONGRESS ON RANDOM AUDITS- The Secretary of Homeland 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) 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:

`44926. Air cargo security'.

#### SEC. 505. TRAINING PROGRAM FOR CARGO HANDLERS.

The Secretary of Homeland Security shall establish a training program for any persons that handle air cargo to ensure that the cargo is properly handled and safe-guarded from security breaches.

#### SEC. 506. CARGO CARRIED ABOARD ALL-CARGO AIRCRAFT.

(a) IN GENERAL- The Secretary of Homeland 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 Secretary.

(c) Confidential Industry Review and Comment-

(1) CIRCULATION OF PROPOSED PROGRAM- The 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 Secretary not more than 60 days after it was received.

(3) FINAL PROGRAM- The Secretary of Homeland Security shall issue a final program under subsection (a) not later than 90 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.

#### SEC. 507. PASSENGER IDENTIFICATION VERIFICATION.

(a) PROGRAM REQUIRED- The Secretary of Homeland Security may establish and carry out a program to require the installation and use at airports in the United States of the identification verification technologies the Secretary considers appropriate to assist in the screening of passengers boarding aircraft at such airports.

(b) **TECHNOLOGIES EMPLOYED-** The identification verification technologies required as part of the program under subsection (a) may include identification scanners, biometrics, retinal, iris, or facial scanners, or any other technologies that the Secretary considers appropriate for purposes of the program.

(c) **COMMENCEMENT-** If the Secretary determines that the implementation of such a program is appropriate, the installation and use of identification verification technologies under the program shall commence as soon as practicable after the date of that determination.