



AIR CARGO SECURITY POLICY NEWSLETTER

US Air Cargo Security Act - Legislation for 100% screening for all-cargo aircraft December 6, 2010

US Representative Edward J. Markey author of the 2007 law that requires 100% screening of all air cargo transported on domestic passenger planes and all international passenger planes entering the United States has introduced the **Air Cargo Security Act** to expand the 100% screening mandate to aircraft that carry only cargo.

The main elements of the proposed legislation are:

*“(1) IN GENERAL.—The Secretary of Homeland Security shall establish systems to **inspect cargo** to ensure the security of all such cargo transported in all-cargo aircraft operated by an air carrier or foreign air*

carrier in air transportation or intrastate air transportation”.

“(2) MINIMUM STANDARDS.—The systems referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, personnel or other methods approved by the Administrator of the Transportation Security Administration, are used to screen cargo carried on all-cargo aircraft by such a carrier to provide a level of security commensurate with the level of security for the screening of passenger checked baggage in accordance to the implementation schedule set forth in paragraph (3)”.



“(3) IMPLEMENTATION SCHEDULE.—The Secretary shall ensure that A) not later than 18 months after the date of enactment of the Air Cargo Security Act, 50 percent of cargo described in paragraph (1) is screened; and (B) not later than 3 years after the date of enactment of such Act, 100 percent of such cargo is screened”.

Section 3 of the Bill entitled *“regular inspections of air cargo shipping facilities”*¹ requires annual reporting on the number of shipping facilities that have been inspected, on the number not in compliance....., on the specific consequences imposed for non-compliance, and *“on arrangements entered into with civilian authorities, and other appropriate officials of foreign countries to ensure regular inspections are conducted for cargo transported to the United States”*.

The above reporting requirements and a further Section 4, entitled *“training program for cargo handlers”* relate to compliance with the 100% screening requirement for US and foreign originated cargo on all-cargo aircraft (under the new rule).

The Air Cargo Security Act - H.R. 6140 is attached as an appendix to this newsletter.

¹ The definition of *“regular inspections of shipping facilities for shipments of cargo transported in air transportation or intrastate air transportation to ensure that appropriate security controls, system and protocols are observed”* could also include shipping facilities that have been accredited as Certified Cargo Screening Facilities (under the 2007 100% screening rule)

November 16, 2010: Markey Introduces Air Cargo Screening Bill in Wake of Thwarted Yemen Bomb Plot

Washington, D.C. – Rep. Edward J. Markey (D-MA), author of the 2007² law that requires 100% screening of all air cargo transported on domestic passenger planes and all international passenger planes entering the United States, today introduced the Air Cargo Security Act to expand the 100% screening mandate to aircraft that carry only cargo.

The Air Cargo Security Act strengthens security by directing the Secretary of the Department of Homeland Security (DHS) to:

- Develop a system to screen 100 percent of cargo transported on all-cargo aircraft within 3 years, with half of the cargo screened within 18 months;
- Establish a system for the regular inspection of shipping facilities for shipments of air cargo transported on all-cargo planes for purposes of ensuring that appropriate security controls, systems, and protocols are observed; and
- Enter into arrangements with government authorities 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.

² <http://www.gpo.gov/fdsys/pkg/FR-2009-09-16/pdf/E9-21794.pdf>



Captain Bob Thrush, President of the Independent Pilots Association, which represents the 2,600 professional airline pilots of United Parcel Service (UPS) Airlines, issued the following statement in support of the Air Cargo Security Act:

"As all-cargo airline pilots, we welcome Rep. Markey's introduction of new legislation which will increase air cargo security screening standards. Recently, we narrowly avoided a potentially devastating detonation of an Improvised Explosive Device (IED) onboard an all-cargo jet. Not only does this jeopardize the lives of the pilots flying the transport-category aircraft, but also those persons on the ground under the flight path. By acting now to shore up gaping holes in the screening process, we reduce the likelihood of terrorist organizations being successful in their efforts to bring down an all-cargo aircraft over a major U.S. city."

And Captain Paul Onorato, President the Coalition of Airline Pilots Association (CAPA), which represents more than 28,000 professional pilots, joined in support for the Air Cargo Security Act with the following statement:

"Cargo aircraft pilots are exposed to terrorist explosives, and cargo aircraft can be a threat to personnel and materiel on the ground. We continue to advocate for one level of security for all commercial flights and we are concerned that all-cargo aircraft could be targeted for terrorist attacks in the same manner as passenger aircraft. CAPA will continue to work closely with Congressman Markey to close the air cargo loophole in aviation security, and we welcome his legislation."

U.S. Screening All Airline Cargo Not Feasible, Napolitano Says

The screening mandate is *"an easy thing to say, but it's probably not the best way to go,"* Napolitano said in an interview airing this weekend on Bloomberg Television's *"Political Capital with Al Hunt."* *"Cargo is infinitely more complicated and comes in infinitely more shapes and sizes"* than passengers, she said.

Representative Edward Markey, a Massachusetts Democrat, on Nov. 16 introduced a bill with the screening requirement. Air cargo companies have resisted such screening, saying it hinders commerce. In 2007, Congress passed legislation co-sponsored by Markey that mandates 100 percent screening of all packages on passenger airlines.

A similar law covering cargo planes would "require some hundreds of treaties to be negotiated" so that foreign governments would allow the screening, Napolitano said.

She expressed some skepticism about a proposal by Representative John Mica, a Florida Republican set to become chairman of the House Transportation and Infrastructure Committee, to privatize airport security.

Napolitano said she was not familiar with the specifics of Mica's plan. *"We have one consistent security regime in the aviation environment for the United States,"* she said.



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111TH CONGRESS
2D SESSION

H. R. 6410

To improve air cargo security.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2010

Mr. MARKEY of Massachusetts (for himself, Mrs. LOWEY, Mrs. MALONEY, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To improve air cargo security.

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 Act”.

6 **SEC. 2. INSPECTION OF CARGO CARRIED ABOARD ALL-**
7 **CARGO AIRCRAFT.**

8 Section 44901 of title 49, United States Code, is
9 amended—

1 (1) by redesignating subsections “(g)” and
2 “(h)” as subsections “(h)” and “(i)”, respectively;
3 and

4 (2) by inserting after subsection (f) the fol-
5 lowing:

6 “(g) AIR CARGO ON ALL-CARGO AIRCRAFT.—

7 “(1) IN GENERAL.—The Secretary of Homeland
8 Security shall establish systems to inspect cargo to
9 ensure the security of all such cargo transported in
10 all-cargo aircraft operated by an air carrier or for-
11 eign air carrier in air transportation or intrastate air
12 transportation.

13 “(2) MINIMUM STANDARDS.—The systems re-
14 ferred to in paragraph (1) shall require, at a min-
15 imum, that equipment, technology, procedures, per-
16 sonnel or other methods approved by the Adminis-
17 trator of the Transportation Security Administra-
18 tion, are used to screen cargo carried on all-cargo
19 aircraft by such a carrier to provide a level of secu-
20 rity commensurate with the level of security for the
21 screening of passenger checked baggage in accord-
22 ance to the implementation schedule set forth in
23 paragraph (3).

24 “(3) IMPLEMENTATION SCHEDULE.—The Sec-
25 retary shall ensure that—

1 “(A) not later than 18 months after the
2 date of enactment of the Air Cargo Security
3 Act, 50 percent of cargo described in paragraph
4 (1) is screened; and

5 “(B) not later than 3 years after the date
6 of enactment of such Act, 100 percent of such
7 cargo is screened.

8 “(4) RESEARCH AND DEVELOPMENT OF NEW
9 TECHNOLOGIES.—The Secretary shall monitor and
10 evaluate the research and development of effective
11 cargo screening technologies.”.

12 **SEC. 3. AIR CARGO SHIPPING.**

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

16 **“§ 44922. Regular inspections of air cargo shipping**
17 **facilities**

18 “(a) REGULAR INSPECTIONS.—Not later than 30
19 days after the date of enactment of the Air Cargo Security
20 Act, the Secretary of Homeland Security shall—

21 “(1) establish a system for the regular inspec-
22 tion of shipping facilities for shipments of cargo
23 transported in air transportation or intrastate air
24 transportation to ensure that appropriate security
25 controls, systems, and protocols are observed; and

1 “(2) enter into arrangements with the civil
2 aviation authorities, or other appropriate officials, of
3 foreign countries to ensure that inspections are con-
4 ducted on a regular basis at shipping facilities for
5 cargo transported in air transportation to the United
6 States.

7 “(b) SCREENING METHODS.—In this section, ‘screen-
8 ing’ means using the methods of screening described in
9 section 44901(g).

10 “(c) REPORTS.—Not later than 210 days after the
11 date of enactment of the Air Cargo Security Act and each
12 year thereafter, the Secretary shall transmit to Congress
13 a report that states—

14 “(1) the number of shipping facilities that have
15 been inspected;

16 “(2) the number of facilities that are not in
17 compliance with appropriate security controls, sys-
18 tems, and protocols;

19 “(3) specific consequences imposed for a facility
20 not in compliance as determined by the Secretary;
21 and

22 “(4) the number of arrangements entered into
23 with civilian authorities, other appropriate officials,
24 of foreign countries to ensure regular inspections are

1 conducted for cargo transported in air transpor-
2 tation to the United States.”.

3 (b) **ADDITIONAL INSPECTORS.**—The Secretary may
4 increase the number of inspectors as necessary to imple-
5 ment the requirements of title 49, United States Code,
6 as “amended” by this Act.

7 (c) **CONFORMING AMENDMENT.**—The chapter anal-
8 ysis for chapter 449 of title 49, United States Code, is
9 amended by adding at the end the following:

“44922. Regular inspections of air cargo shipping facilities.”.

10 **SEC. 4. TRAINING PROGRAM FOR CARGO HANDLERS.**

11 The Secretary of Homeland Security shall establish
12 a training and evaluation program for any persons that
13 handle air cargo to ensure that the cargo is properly han-
14 dled and safeguarded from security breaches.

15 **SEC. 5. EFFECTIVE DATE.**

16 Except as otherwise provided, this Act and the
17 amendments made in this Act shall take effect 180 days
18 after the date of enactment of this Act.

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