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Air Cargo Security Improvement Act

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

Introduced: Jan 15, 2003

Current Status: Referred to the House Committee on Transportation and Infrastructure.

Latest Action: Referred to the House Committee on Transportation and Infrastructure. (May 9, 2003)

Official Text: https://www.congress.gov/bill/108th-congress/senate-bill/165

Sponsor

Name: Sen. Hutchison, Kay Bailey [R-TX]

Party: Republican • State: TX • Chamber: Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Feinstein, Dianne [D-CA]	D · CA		Jan 15, 2003

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Apr 24, 2003
Transportation and Infrastructure Committee	House	Referred To	May 9, 2003

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
108 HR 2455	Related bill	Jun 13, 2003: Referred to the Subcommittee on Aviation.
108 HR 1103	Related bill	Mar 6, 2003: Referred to the Subcommittee on Aviation.

Air Cargo Security Improvement Act - (Sec. 2) Amends Federal aviation law to require the screening of cargo that is to be transported in passenger aircraft operated by domestic and foreign air carriers in interstate and intrastate air transportation (currently, only those transported by all-cargo aircraft). Directs the Under Secretary of Transportation for Security under the Transportation Security Administration (TSA) to develop a strategic plan to carry out such screening. Requires the Under Secretary to conduct a pilot program of screening of cargo to assess the effectiveness of different screening measures, including the use of random screening.

(Sec. 3) Directs the Under Secretary of Transportation for Security to establish: (1) a system for the regular inspection of shipping facilities for air cargo transported domestically and of foreign shipping facilities for air cargo transported to the United States; (2) an industry-wide pilot program database of known shippers of cargo, and use the results of the pilot program to improve the known shipper program; (3) a training program for persons that handle air cargo to ensure that the cargo is properly handled and safeguarded from security breaches; and (4) a program to require air carriers operating all-cargo aircraft to have an approved plan for the security of their air operations area, the cargo placed aboard the aircraft, and persons having access to their aircraft on the ground or in flight.

Authorizes the Under Secretary of Transportation for Security to increase the number of inspectors as necessary to implement such inspections.

(Sec. 4) Directs the Under Secretary of Transportation for Security to 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 Act.

(Sec. 7) Directs the Secretary of Homeland Security to report to specified congressional committees on the potential impact of TSA's proposed Computer Assisted Passenger Prescreening system (CAPPS II) on the privacy and civil liberties of U.S. citizens.

(Sec. 8) Authorizes a person to provide training (including in flight training, training in a simulator, any other form or aspect of training, except classroom instruction) in the United States in the operation of an aircraft to an individual who is an alien or to any other individual specified by the Under Secretary of Homeland Security for Border and Transportation Security only if: (1) that person has notified the Under Secretary of Homeland Security for Border and Transportation Security (currently, the Attorney General) that the individual has requested such training and furnished the individual's identification; and (2) the Under Secretary of Homeland Security for Border and Transportation Security (currently, the Attorney General) has not directed, within 30 days (currently, within 45 days) after being notified, that person not to provide such training because it has been determined that the individual presents a risk to aviation security or national security. Exempts from such requirements any alien individual who holds a nonimmigrant visa and who has earned a FAA type rating in an aircraft or has undergone type-specific training, or holds a current pilot's license or foreign equivalent commercial pilot's license that permits the person to fly an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds, if the person providing the training has notified the Under Secretary of Homeland Security for Border and Transportation Security that the individual has requested such training and furnished that individual's visa information. Provides that anytime the Under Secretary of Homeland Security for Border and Transportation Security determines that an individual receiving training presents a risk to aviation or national security that he or she immediately notify the person providing the training of such determination and that person immediately terminate such training.

Directs the Under Secretary of Homeland Security for Border and Transportation Security to require flight schools to conduct a security awareness program for flight school employees (including certified instructors who provide instruction but who are not flight school employees) to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.

Requires overseas U.S. Embassies and Consulates that possess fingerprint collection equipment to provide fingerprinting services to such aliens if the Under Secretary of Homeland Security for Border and Transportation Security requires their fingerprinting, and to submit the fingerprints to the Under Secretary of Homeland Security for Border and Transportation Security and any other appropriate agency.

Directs the Secretary of Homeland Security to report to specified congressional committees on the effectiveness of the flight school training requirements in reducing risks to aviation security and national security.

(Sec. 9) Requires the Under Secretary of Transportation for Security to develop guidelines to provide air carriers guidance in detecting false or fraudulent passenger identification, taking into account the use of new technology, current identification measures, training of personnel, and issues related to the types of identification available to the public.

(Sec. 10) Authorizes the Under Secretary of Transportation for Security to establish a program to require the installation and use at U.S. airports of identification verification technologies to assist in the screening of passengers boarding aircraft. Allows such identification verification technologies to include identification scanners, biometrics, retinal, iris, or facial scanners, or any other technologies deemed appropriate for the program.

(Sec. 11) Directs the Under Secretary of Transportation for Security and the Administrator of the FAA to report jointly to Congress on the use of blast-resistant cargo container technology on passenger aircraft.

(Sec. 12) Expresses the sense of Congress that a flight deck crew member of a cargo aircraft should be armed with a firearm to defend the aircraft against attacks by terrorists that could result in its use as a weapon of mass destruction or for other terrorist purposes.

Authorizes the training and arming of flight deck crew members (pilots) of all-cargo air transportation flights to prevent acts of criminal violence or air piracy.

(Sec. 13) Directs the Secretary of Homeland Security to report to specified congressional committees on how best to defend turbo and jet passenger aircraft from Man-Portable Air Defense Systems (shoulder-fired missiles), including actions taken to date, countermeasures, risk mitigation, and other activities.

(Sec. 14) Authorizes appropriations for FY 2004 through 2008.

## Actions Timeline

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- **May 9, 2003:** Received in the House.
- **May 9, 2003:** Message on Senate action sent to the House.
- **May 9, 2003:** Referred to the House Committee on Transportation and Infrastructure.
- **May 8, 2003:** Measure laid before Senate by unanimous consent. (consideration: CR S5929-5939; text of measure as reported in Senate: CR S5929-5931)
- **May 8, 2003:** Committee amendments withdrawn by Unanimous Consent.
- **May 8, 2003:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text as passed Senate: CR S5936-5939)
- **May 8, 2003:** Passed Senate with an amendment by Unanimous Consent. (text as passed Senate: CR S5936-5939)
- **Apr 24, 2003:** Committee on Commerce, Science, and Transportation. Reported by Senator McCain under authority of the order of the Senate of 4/11/2003 with amendments. With written report No. 108-38.
- **Apr 24, 2003:** Committee on Commerce, Science, and Transportation. Reported by Senator McCain under authority of the order of the Senate of 4/11/2003 with amendments. With written report No. 108-38.
- **Apr 24, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 76.
- **Mar 13, 2003:** Committee on Commerce, Science, and Transportation. Ordered to be reported with amendments favorably.
- **Jan 15, 2003:** Introduced in Senate
- **Jan 15, 2003:** Sponsor introductory remarks on measure. (CR S850-851)
- **Jan 15, 2003:** Read twice and referred to the Committee on Commerce, Science, and Transportation.