

111TH CONGRESS
2^D SESSION

H. R. 6275

To amend title 49, United States Code, to improve air cargo security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. MARKEY of Massachusetts (for himself, Ms. LORETTA SANCHEZ of California, and Mr. JONES) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 49, United States Code, to improve 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 Act of 2010”.

6 **SEC. 2. FEDERAL AIR CARGO SCREENING PROGRAM.**

7 Section 44901 of title 49, United States Code, is
8 amended by adding at the end the following:

1 “(1) FEDERAL AIR CARGO SCREENING PROGRAM.—

2 “(1) IN GENERAL.—Not later than one year
3 after the date of enactment of this subsection, the
4 Secretary of Homeland Security, acting through the
5 Assistant Secretary of Homeland Security (Trans-
6 portation Security Administration), shall establish
7 and operate, at each airport in the United States
8 that serves passengers, Federal air cargo screening
9 centers for the screening of cargo transported on
10 passenger 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 Assistant
14 Secretary shall establish standards for the equip-
15 ment, technology, procedures, personnel, and meth-
16 ods utilized to conduct screening pursuant to this
17 subsection. The standards shall provide a level of se-
18 curity commensurate with the level of security for
19 the screening of passenger checked baggage.

20 “(3) COORDINATION WITH OTHER AIR CARGO
21 SECURITY PROGRAMS.—The Assistant Secretary
22 shall ensure that the screening conducted pursuant
23 to this subsection is coordinated with the Certified
24 Cargo Screening Program and any other air cargo
25 security program established under subsection (g).

1 “(4) AUTHORITY TO CONTRACT.—The Assist-
2 ant Secretary is authorized to enter into contracts
3 with nongovernmental entities (including air carriers
4 and foreign air carriers) to conduct air cargo screen-
5 ing pursuant to this subsection.

6 “(5) AIR CARGO SCREENING FEE.—

7 “(A) IN GENERAL.—The Assistant Sec-
8 retary shall impose and collect a uniform fee for
9 air cargo screening pursuant to this subsection
10 in an amount that the Assistant Secretary esti-
11 mates will result in an aggregate collection of
12 fees equal to the amount the Assistant Sec-
13 retary estimates for the following costs:

14 “(i) The salary, benefits, overtime, re-
15 tirement, and other costs relating to
16 screening personnel, the supervisors and
17 managers of such personnel, and Federal
18 law enforcement personnel deployed at
19 Federal air cargo screening centers estab-
20 lished under this subsection.

21 “(ii) The costs of training personnel
22 deployed at Federal air cargo screening
23 centers established under this subsection
24 and the acquisition, operation, and mainte-

1 nance of equipment used by such per-
2 sonnel.

3 “(iii) The costs of performing back-
4 ground investigations of personnel de-
5 ployed at Federal air cargo screening cen-
6 ters established under this subsection.

7 “(iv) The costs of capital improve-
8 ments relating to air cargo screening at
9 airports.

10 “(v) Any other costs the Assistant
11 Secretary considers necessary and appro-
12 priate.

13 “(B) IMPOSITION OF FEES.—

14 “(i) IN GENERAL.—The Assistant
15 Secretary shall impose the fee under sub-
16 paragraph (A) after publication of notice
17 of such fee in the Federal Register and
18 shall begin the collection of fees not later
19 than one year after the date of enactment
20 of this subsection.

21 “(ii) SUBSEQUENT MODIFICATION OF
22 FEES.—The Assistant Secretary may mod-
23 ify, after publication of notice of such
24 modification in the Federal Register, the

1 imposition or collection of fees under sub-
2 paragraph (A).

3 “(iii) LIMITATION ON COLLECTION.—

4 No fee may be collected pursuant to sub-
5 paragraph (A) unless the fee is related to
6 the payment of the costs specified in such
7 subparagraph.

8 “(C) ADMINISTRATION OF FEES.—

9 “(i) DEPOSIT OF AMOUNTS COL-
10 LECTED.—Amounts collected from the fee
11 imposed under subparagraph (A) shall be
12 deposited in the Air Cargo Security Fund
13 established under paragraph (6).

14 “(ii) FEES NOT SUBJECT TO TAX.—

15 For purposes of section 4261 of the Inter-
16 nal Revenue Code of 1986, a fee imposed
17 under subparagraph (A) shall not be treat-
18 ed as an amount paid for taxable transpor-
19 tation.

20 “(D) RECEIPTS CREDITED AS OFFSETTING

21 COLLECTIONS.—Notwithstanding section 3302
22 of title 31, United States Code, any fee col-
23 lected pursuant to subparagraph (A)—

24 “(i) shall be credited as offsetting col-

25 lections to the account that finances the

1 activities and services for which the fee is
2 imposed; and

3 “(ii) shall be available for expenditure
4 without further appropriation only to pay
5 the costs of activities and services for
6 which the fee is imposed.

7 “(E) REFUNDS.—The Assistant Secretary
8 may refund a fee paid pursuant to subpara-
9 graph (A) by mistake or in excess of that re-
10 quired.

11 “(6) AIR CARGO SECURITY FUND.—

12 “(A) ESTABLISHMENT.—There is estab-
13 lished in the Department of Homeland Security
14 a fund to be known as the ‘Air Cargo Security
15 Fund’ consisting of amounts deposited under
16 paragraph (5)(C)(i).

17 “(B) AVAILABILITY OF AMOUNTS.—
18 Amounts in the Air Cargo Security Fund shall
19 remain available until expended by the Assist-
20 ant Secretary for the costs specified in para-
21 graph (5)(A).

22 “(7) SCREENING DEFINED.—In this subsection,
23 the term ‘screening’ has the same meaning given the
24 term under subsection (g)(5).”.