

118TH CONGRESS
1ST SESSION

H. R. 6876

To require a pilot program on the participation of third-party logistics providers in the Customs Trade Partnership Against Terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2023

Ms. SLOTKIN (for herself, Mr. LUTTRELL, Mr. MENENDEZ, and Mrs. MILLER-MEEKS) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To require a pilot program on the participation of third-party logistics providers in the Customs Trade Partnership Against Terrorism, 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 “Customs Trade Part-
5 nership Against Terrorism Pilot Program Act of 2023”
6 or the “CTPAT Pilot Program Act of 2023”.

7 **SEC. 2. PILOT PROGRAM ON PARTICIPATION OF THIRD-**
8 **PARTY LOGISTICS PROVIDERS IN CTPAT.**

9 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—The Secretary of Homeland
2 Security shall carry out a pilot program to assess
3 whether allowing entities described in subsection (b)
4 to participate in CTPAT would enhance port secu-
5 rity, combat terrorism, prevent United States supply
6 chain security breaches, or otherwise satisfy the
7 goals of CTPAT.

8 (2) FEDERAL REGISTER NOTICE.—Not later
9 than one year after the date of the enactment of this
10 Act, the Secretary of Homeland Security shall pub-
11 lish in the Federal Register a notice for entities de-
12 scribed in subsection (b) to apply to participate in
13 the pilot program required under paragraph (1).

14 (b) ENTITIES DESCRIBED.—An entity described in
15 this subsection is—

16 (1) a non-asset-based third-party logistics pro-
17 vider that—

18 (A) arranges international transportation
19 of freight and is licensed or bonded by the Fed-
20 eral Maritime Commission, the Transportation
21 Security Administration, U.S. Customs and
22 Border Protection, or the Department of Trans-
23 portation; and

24 (B) satisfies such other requirements as
25 the Secretary of Homeland Security specifies in

1 the Federal Register notice required pursuant
2 to subsection (a)(2); or

3 (2) an asset-based third-party logistics provider
4 that—

5 (A) facilitates cross border activity and is
6 licensed or bonded by the Federal Maritime
7 Commission, the Transportation Security Ad-
8 ministration, U.S. Customs and Border Protec-
9 tion, or the Department of Transportation;

10 (B) manages and executes logistics services
11 using its own warehousing assets and resources
12 on behalf of its customers; and

13 (C) satisfies such other requirements as
14 the Secretary of Homeland Security specifies in
15 the Federal Register notice required pursuant
16 to subsection (a)(2).

17 (c) APPLICATION.—An entity that wants to partici-
18 pate in the pilot program under subsection (a)(1) shall
19 submit to the Secretary of Homeland Security an applica-
20 tion at such time, in such manner, and containing such
21 information as the Secretary may require.

22 (d) REQUIREMENTS.—In carrying out the pilot pro-
23 gram under subsection (a)(1), the Secretary of Homeland
24 Security shall—

25 (1) ensure that—

1 (A) not more than ten entities described in
2 paragraph (1) of subsection (b) participate in
3 the pilot program; and

4 (B) not more than ten entities described in
5 paragraph (2) of such subsection participate in
6 the pilot program;

7 (2) provide for the participation of each of such
8 categories of entities on a voluntary basis; and

9 (3) continue the pilot program for a period of
10 not less than one and not more than five years after
11 the date on which the Secretary publishes the Fed-
12 eral Register notice required pursuant to subsection
13 (a)(2).

14 (e) REPORT REQUIRED.—Not later than 180 days
15 after the termination of the pilot program under sub-
16 section (d)(3), the Secretary of Homeland Security shall
17 submit to the appropriate congressional committees a re-
18 port on the findings of, and any recommendations arising
19 from, the pilot program relating to the participation in
20 CTPAT of entities described in subsection (b), including
21 an assessment of participation by such entities.

22 (f) REPORT ON EFFECTIVENESS OF CTPAT.—

23 (1) IN GENERAL.—Not later than 18 months
24 after the date of the enactment of this Act, the
25 Comptroller General of the United States shall sub-

1 mit to the appropriate congressional committees a
2 report assessing the effectiveness of CTPAT.

3 (2) ELEMENTS.—The report required by sub-
4 section (a) shall include the following:

5 (A) An analysis of—

6 (i) security incidents in the United
7 States cargo supply chain during the five-
8 year period preceding submission of the re-
9 port that involved criminal activity, includ-
10 ing drug trafficking, human smuggling, or
11 terrorist activity; and

12 (ii) whether such incidents involved
13 entities participating in CTPAT or entities
14 not participating in CTPAT.

15 (B) An analysis of causes for the suspen-
16 sion or removal of entities from participating in
17 CTPAT as a result of security incidents during
18 the five-year period referred to in paragraph
19 (1).

20 (C) An analysis of the number of active
21 CTPAT participants involved in one or more se-
22 curity incidents while maintaining their status
23 as participants.

24 (D) An analysis of CTPAT's benefits for
25 its participants.

1 (E) Recommendations, as appropriate, to
2 the Commissioner of U.S. Customs and Border
3 Protection for improvements to CTPAT, includ-
4 ing with respect to preventing security incidents
5 in the United States cargo supply chain and en-
6 hancing CTPAT benefits for participants.

7 (g) DEFINITIONS.—In this section:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Homeland Security
12 and Governmental Affairs and the Committee
13 on Finance of the Senate; and

14 (B) the Committee on Homeland Security
15 and the Committee on Ways and Means of the
16 House of Representatives.

17 (2) CTPAT.—The term “CTPAT” means the
18 Customs Trade Partnership Against Terrorism es-
19 tablished under subtitle B of title II of the Security
20 and Accountability for Every Port Act of 2006 (6
21 U.S.C. 961 et seq.).

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