

117TH CONGRESS  
2D SESSION

# H. R. 6826

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2022

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

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## 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 2022”  
6 or the “CTPAT Pilot Program Act of 2022”.

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 shall publish in the Federal Reg-  
11      ister a notice for entities described in subsection (b)  
12      to apply to participate in the pilot program required  
13      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 **SEC. 3. REPORT ON EFFECTIVENESS OF CTPAT.**

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

1 piate congressional committees a report assessing the ef-  
2 fectiveness of CTPAT.

3 (b) ELEMENTS.—The report required by subsection  
4 (a) shall include the following:

5 (1) An analysis of—

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

11 (B) whether such incidents involved enti-  
12 ties participating in CTPAT or entities not par-  
13 ticipating in CTPAT.

14 (2) An analysis of causes for the suspension or  
15 removal of entities from participating in CTPAT as  
16 a result of security incidents during the five-year pe-  
17 riod referred to in paragraph (1).

18 (3) An analysis of the number of active CTPAT  
19 participants involved in one or more security inci-  
20 dents while maintaining their status as participants.

21 (4) An analysis of CTPAT's benefits for its  
22 participants.

23 (5) Recommendations, as appropriate, to the  
24 Commissioner of U.S. Customs and Border Protec-  
25 tion for improvements to CTPAT, including with re-

1       spect to preventing security incidents in the United  
2       States cargo supply chain and enhancing CTPAT  
3       benefits for participants.

4   **SEC. 4. DEFINITIONS.**

5       In this Act:

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

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

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

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

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