

107TH CONGRESS
2^D SESSION

H. R. 5420

To amend title 46, United States Code, to require inspection of cargo destined for the United States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2002

Mr. NADLER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, 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 46, United States Code, to require inspection of cargo destined for the United States.

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 “Port Protection Act
5 of 2002”.

6 **SEC. 2. CONTAINERIZED CARGO INSPECTION.**

7 (a) IN GENERAL.—Subtitle II of title 46, United
8 States Code, is amended by adding at the end the fol-
9 lowing new part:

1 “PART K—CARGO SECURITY
2 **“CHAPTER 151—CONTAINERIZED AND**
3 **NONCONTAINERIZED CARGO**

“Sec.

“15101. Inspection of cargo containers and noncontainerized cargo destined for United States.

“15102. Inspection of container vessels prior to entry into United States port.

“15103. Denial of entry of container vessels.

4 **“§ 15101. Inspection of cargo containers and non-**
5 **containerized cargo destined for United**
6 **States.**

7 “(a) Effective January 1, 2004, the Secretary of
8 Homeland Security shall require for all containerized
9 cargo destined for the United States, that each cargo con-
10 tainer be inspected, the contents verified, and the con-
11 tainer sealed—

12 “(1) by personnel of the Department of Home-
13 land Security;

14 “(2) at a port or airport outside the United
15 States; and

16 “(3) before the container is loaded onto or re-
17 moved from the vessel or airplane, as applicable.

18 “(b)(1) In the case of any cargo container entering
19 the United States by any means other than a vessel or
20 an airplane, the Customs Service shall not permit the
21 entry of the container without a proper and intact inspec-
22 tion seal of the Department of Homeland Security.

1 “(2) The Customs Service shall not permit the entry
2 of any noncontainerized cargo by any means other than
3 a vessel or an airplane until it has inspected all such cargo
4 and has verified that it does not contain a chemical, bio-
5 logical, or nuclear weapon.

6 **“§ 15102. Inspection of cargo vessels prior to entry**
7 **into United States port**

8 “(a) The Commandant of the Coast Guard shall
9 board and inspect each vessel carrying cargo destined for
10 the United States, at least 200 miles from the United
11 States.

12 “(b) An inspection under this section shall include
13 physical inspection to verify that—

14 “(1) the cargo containers on the vessel have not
15 been tampered with; and

16 “(2) the remainder of the vessel, including but
17 not limited to noncontainerized cargo, the engine
18 room, living quarters, bathrooms, and hull, does not
19 contain a chemical, biological, or nuclear weapon.

20 **“§ 15103. Denial of entry of cargo vessels**

21 “The Secretary shall deny entry into the territorial
22 waters of the United States to any vessel that—

23 “(1) is carrying any cargo that does not comply
24 with the requirements under section 15101;

1 “(2) is not inspected in accordance with section
2 15102; or

3 “(3) that fails an inspection under section
4 15102.”.

5 (b) CONFORMING AMENDMENT.—The table of chap-
6 ters at the beginning of subtitle II of title 46, United States
7 Code, is amended by adding at the end the following:

 “PART K—CARGO SECURITY

“151. **Containerized and Noncontainerized Cargo**15101”.

