

107TH CONGRESS
2^D SESSION

S. 2534

To reduce crime and prevent terrorism at America's seaports.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2002

Mr. BIDEN (for himself and Mr. SPECTER) introduced the following bill; which
was read twice and referred to the Committee on Finance

A BILL

To reduce crime and prevent terrorism at America's seaports.

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 “Reducing Crime and
5 Terrorism at America's Seaports Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) With the vast majority of America's over-
9 seas trade moving by sea, United States seaports are
10 critical to the Nation's commerce. The United States
11 marine transportation system moves more than
12 2,000,000,000 tons of domestic and international

1 freight, imports 3,300,000,000 tons of domestic oil,
2 transports 134,000,000 passengers by ferry, serves
3 78,000,000 Americans engaged in recreational boat-
4 ing, and hosts more than 5,000,000 cruise ship pas-
5 sengers. The sheer magnitude of traffic and activity
6 on America's marine systems makes it a prime tar-
7 get for criminal and terrorist activity.

8 (2) The presence at seaports of crimes and con-
9 spiracies associated with those crimes jeopardizes
10 United States citizens and property (including crit-
11 ical infrastructures) and potentially threatens na-
12 tional security, especially where the illegal transfer
13 of goods involves weapons, munitions and critical
14 technology.

15 (3) Ports connect American consumers with
16 global products and United States farmers and man-
17 ufacturers with overseas markets. So, in addition to
18 the threats described above, the presence of crime at
19 seaports undermines the free and steady flow of
20 commerce, making the security of ports an impor-
21 tant factor in building and sustaining a stable na-
22 tional economy.

23 (4) The ability of Federal, State, and local gov-
24 ernments to secure ports is compromised in part by
25 inadequate and outdated requirements that enable

1 criminals to evade detection by underreporting and
2 misreporting the content of cargo. Vessel manifest
3 information is often wrong or incomplete, making it
4 difficult to assess risks or control the import and ex-
5 port of cargo.

6 (5) While by all accounts the amount of crime
7 at United States seaports is great (for example, the
8 cost of cargo crime alone amounts to an estimated
9 \$12,000,000,000 per year), there exists no national
10 data collection and reporting systems that capture
11 serious crime in seaports. Indeed, the Interagency
12 Commission on Crime and Security in United States
13 Seaports (“Interagency Commission”) concluded
14 that it was unable to determine the full extent of se-
15 rious crime at the Nation’s 361 United States sea-
16 ports, primarily because there is no consolidated
17 database that coordinates Federal, State, or local in-
18 formation on crime at seaports.

19 (6) Moreover, as the Interagency Commission
20 concluded, cargo is especially “vulnerable to theft,
21 pilferage, and unauthorized access” during transport
22 of goods between facilities within a seaport or where
23 lax security practices exist at cargo-handling facili-
24 ties.

1 (7) Comprehensive and effective port security
2 will require an interagency, intergovernmental strat-
3 egy that works to prevent and deter criminal and
4 terrorist activity and, where those efforts fail, detect
5 any wrongdoing before harm or destruction results.
6 Such a strategy must be developed through partner-
7 ships between the public and private sectors, and
8 with the objective of protecting the Nation without
9 sacrificing the country’s economic health.

10 **SEC. 3. INCREASED PENALTIES FOR NONCOMPLIANCE**
11 **WITH MANIFEST REQUIREMENTS.**

12 (a) REPORTING, ENTRY, CLEARANCE REQUIRE-
13 MENTS.—Section 436(b) of the Tariff Act of 1930 (19
14 U.S.C. 1436(b)) is amended by—

15 (1) striking “or aircraft pilot” and inserting “,
16 aircraft pilot, operator, or owner of such vessel, vehi-
17 cle, or aircraft,”;

18 (2) striking “\$5,000” and inserting “\$10,000”;

19 and

20 (3) striking “\$10,000” and inserting
21 “\$25,000”.

22 (b) CRIMINAL PENALTY.—Section 436(c) of the Tar-
23 iff Act of 1930 (19 U.S.C. 1436(c)) is amended by strik-
24 ing “\$2,000” and inserting “\$10,000”.

1 (c) FALSITY OR LACK OF MANIFEST.—Section
2 584(a)(1) of the Tariff Act of 1930 (19 U.S.C.
3 1584(a)(1)) is amended by striking “\$1,000” and insert-
4 ing “\$10,000”.

5 **SEC. 4. ADEQUATE CARGO DESCRIPTION ON A MANIFEST.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Customs Service shall issue guidelines for
8 shippers regarding what constitutes an adequate cargo de-
9 scription on a manifest in accordance with Federal law
10 as amended by this Act.

11 **SEC. 5. CRIMINAL PENALTY FOR INTENTIONAL FALSIFICA-**
12 **TION OF A CERTIFICATE OF ORIGIN.**

13 (a) IN GENERAL.—Chapter 27 of title 18, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 554. False certifications relating to exports**

17 “Whoever knowingly transmits in interstate or for-
18 eign commerce any false or fraudulent certificate of origin,
19 invoice, declaration, affidavit, letter, paper, or statement,
20 whether written or otherwise, which represents explicitly
21 or implicitly that goods, wares, or merchandise to be ex-
22 ported qualify for purposes of any international trade
23 agreement to which the United States is a signatory shall
24 be fined under this title or imprisoned not more than 5
25 years, or both.”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-
2 ysis for chapter 27 of title 18, United States Code, is
3 amended by inserting at the end the following:

“554. False certifications relating to exports.”.

4 **SEC. 6. MANDATORY ADVANCED ELECTRONIC INFORMA-**
5 **TION FOR CARGO AND PASSENGERS AND**
6 **OTHER IMPROVED CUSTOMS REPORTING**
7 **PROCEDURES.**

8 (a) CARGO INFORMATION.—

9 (1) IN GENERAL.—Section 431(b) of the Tariff
10 Act of 1930 (19 U.S.C. 1431(b)) is amended—

11 (A) by striking “Any manifest” and insert-
12 ing “(1) Any manifest”; and

13 (B) by adding at the end the following new
14 paragraph:

15 “(2)(A) In addition to any other requirement under
16 this section, for every land, air, or vessel carrier required
17 to present a manifest pursuant to this title, the pilot, mas-
18 ter, operator, person in charge, or owner of such carrier
19 (or the authorized agent of such owner or operator) shall
20 transmit pursuant to an electronic data interchange sys-
21 tem information described in subparagraph (B) prior to
22 lading of cargo and in advance of entry or clearance in
23 such manner, time, and form as the Secretary shall pre-
24 scribe. The Secretary may exclude any class of vessel, vehi-

1 cle, or aircraft for which he concludes the requirements
2 of this subparagraph are not necessary.

3 “(B) The information described in this subparagraph
4 is as follows:

5 “(i) The port of arrival or departure, whichever
6 is applicable.

7 “(ii) The carrier code (SCAC, IATA, prefix,
8 etc.) master or house as applicable.

9 “(iii) The flight, voyage, or trip number.

10 “(iv) The date of scheduled arrival or date of
11 scheduled departure, as the case may be.

12 “(v) The request for permit to proceed to the
13 destination, if applicable.

14 “(vi) The numbers and quantities from the car-
15 rier’s master air waybill, bills of lading, or ocean
16 bills of lading.

17 “(vii) The first port of lading of the cargo (for
18 inbound, the foreign lading port; for outbound, the
19 United States city where the carrier takes receipt of
20 the cargo).

21 “(viii) A description (or HTS or Schedule B
22 number) and weight of the cargo or, for a sealed
23 container, the shipper’s declared description and
24 weight of the cargo.

1 “(ix) The shipper’s name and address, or an
2 identification number, from all air waybills and bills
3 of lading.

4 “(x) The consignee’s name and address, or an
5 identification number, from all air waybills and bills
6 of lading.

7 “(xi) Notice that actual boarded quantities are
8 not equal to air waybill or bills of lading quantities,
9 except that a carrier is not required by this clause
10 to verify boarded quantities of cargo in sealed con-
11 tainers.

12 “(xii) Transfer or transit information for the
13 cargo while it has been under the control of the car-
14 rier.

15 “(xiii) Warehouse or other location of the cargo
16 while it has been under the control of the carrier.

17 “(xiv) The carrier customer’s name and ad-
18 dress, or an identification number (e.g., forwarder,
19 nonvessel operating common carrier, consolidator).

20 “(xv) Mode of transportation.

21 “(xvi) The conveyance name, national flag, and
22 tail number, vessel number, or train number, as ap-
23 plicable.

24 “(xvii) Country of origin (inbound) or ultimate
25 destination (outbound), as applicable.

1 “(xviii) Shipper’s reference number (booking or
2 bill number, etc.).

3 “(xix) Hazardous material indicator.

4 “(xx) License information (license code, license
5 number, or exemption code).

6 “(xxi) Container number (for containerized
7 shipments).

8 “(xxii) Representative certifying container
9 empty (as applicable).

10 “(xxiii) Any additional information that the
11 Secretary by regulation determines is reasonably
12 necessary to ensure aviation, maritime, and surface
13 transportation safety pursuant to those laws en-
14 forced and administered by the Customs Service.

15 “(3) The Secretary by regulation shall require non-
16 vessel operating common carriers and any other entity re-
17 quired to file manifest information to meet the require-
18 ments of subparagraphs (A) and (B).

19 “(4) Ship’s company representatives shall examine
20 and seal empty containers prior to lading aboard vessels
21 entering or departing from the United States, and provide
22 certification, as applicable, under paragraph
23 (2)(B)(xxii).”.

24 (2) CONFORMING AMENDMENTS.—

1 (A) REGULATIONS.—Subparagraphs (A)
2 and (C) of section 431(d)(1) of such Act are
3 each amended by inserting “or subsection
4 (b)(2)” before the semicolon.

5 (B) MANIFESTS.—Section 431(a) of such
6 Act is amended to read as follows:

7 “(a) IN GENERAL.—

8 “(1) INBOUND MANIFESTS.—The Secretary
9 may require the presentation of a manifest for mer-
10 chandise destined for the United States, including in
11 advance of arrival and prior to lading at the foreign
12 port.

13 “(2) OUTBOUND MANIFESTS.—The Secretary
14 may require the presentation of a manifest for mer-
15 chandise leaving the United States in advance of de-
16 parture, including prior to lading at the United
17 States port of departure.

18 “(3) RESPONSIBLE PARTIES.—The Secretary
19 may require such manifest in manner, time, and
20 form as the Secretary may prescribe, of any party
21 transporting passengers or merchandise into or out
22 of the United States by air, land, or sea, including
23 of masters, persons in charge of vehicles, pilots of
24 aircraft, nonvessel operating common carriers, own-

1 ers of such vessels, vehicles, or aircraft, or their
2 agents.”.

3 (C) AUTOMATION PROGRAM.—Section
4 411(b) of such Act (19 U.S.C. 1411(b)), is
5 amended by striking the second sentence and
6 inserting “The Secretary may, by regulation,
7 require the electronic submission of information
8 described subsection (a) or any other informa-
9 tion required to be submitted to Customs sepa-
10 rately pursuant to this chapter.”.

11 (b) DOCUMENTATION OF CARGO.—Part II of title IV
12 of the Tariff Act of 1930 is amended by inserting after
13 section 431 the following new section:

14 **“SEC. 431A. DOCUMENTATION OF WATERBORNE CARGO.**

15 “(a) APPLICABILITY.—This section shall apply to all
16 cargo to be exported moving by a vessel carrier from a
17 port in the United States.

18 “(b) DOCUMENTATION REQUIRED.—(1) No shipper
19 of cargo subject to this section (including an ocean trans-
20 portation intermediary that is a nonvessel-operating com-
21 mon carrier (as defined in section 3(17)(B) of the Ship-
22 ping Act of 1984 (46 U.S.C. App. 1702(17)(B)) may ten-
23 der or cause to be tendered to a vessel carrier cargo sub-
24 ject to this section for loading on a vessel in a United

1 States port, unless such cargo is properly documented pur-
2 suant to this subsection.

3 “(2) For the purposes of this subsection, cargo shall
4 be considered properly documented if the shipper submits
5 to the vessel carrier or its agent a complete set of shipping
6 documents no later than 72 hours prior to departure of
7 the vessel.

8 “(3) A complete set of shipping documents shall
9 include—

10 “(A) for shipments for which a shipper’s export
11 declaration is required a copy of the export declara-
12 tion or, if the shipper files such declarations elec-
13 tronically in the Automated Export System, the
14 complete bill of lading, and the master or equivalent
15 shipping instructions including the Internal Trans-
16 action Number (ITN); or

17 “(B) for those shipments for which a shipper’s
18 export declaration is not required, a shipper’s export
19 declaration exemption statement and such other doc-
20 uments or information as the Secretary may by reg-
21 ulation prescribe.

22 “(4) The Secretary shall by regulation prescribe the
23 time, manner, and form by which shippers shall transmit
24 documents or information required under this subsection
25 to the Customs Service.

1 “(c) LOADING UNDOCUMENTED CARGO PROHIB-
2 ITED.—(1) No marine terminal operator (as defined in
3 section 3(14) of the Shipping Act of 1984 (46 U.S.C. App.
4 1702(14))) may load, or cause to be loaded, any cargo
5 subject to this section on a vessel unless instructed by the
6 vessel carrier operating the vessel that such cargo has
7 been properly documented in accordance with this section.

8 “(2) When cargo is booked by 1 vessel carrier to be
9 transported on the vessel of another vessel carrier, the
10 booking carrier shall notify the operator of the vessel to
11 which cargo has been transported that the cargo has been
12 properly documented in accordance with this section. The
13 operator of the vessel may rely on such notification in re-
14 leasing the cargo for loading aboard the vessel.

15 “(d) REPORTING OF UNDOCUMENTED CARGO.—A
16 vessel carrier shall notify the United States Customs Serv-
17 ice of any cargo tendered to such carrier that is not prop-
18 erly documented pursuant to this section and that has re-
19 mained in the marine terminal for more than 48 hours
20 after being delivered to the marine terminal, and the loca-
21 tion of the cargo in the marine terminal. For vessel car-
22 riers that are members of vessel sharing agreements (or
23 any other arrangement whereby a carrier moves cargo on
24 another carrier’s vessel), the vessel carrier accepting the
25 booking shall be responsible for reporting undocumented

1 cargo, without regard to whether it operates the vessel on
2 which the transportation is to be made.

3 “(e) ASSESSMENT OF PENALTIES.—Whoever violates
4 subsection (b) of this section shall be liable to the United
5 States for civil penalties in a monetary amount up to the
6 value of the cargo, or the actual cost of the transportation,
7 whichever is greater.

8 “(f) SEIZURE OF UNDOCUMENTED CARGO.—(1) Any
9 cargo that is not properly documented pursuant to this
10 section and has remained in the marine terminal for more
11 than 48 hours after being delivered to the marine terminal
12 operator shall be subject to search, seizure, and forfeiture.

13 “(2) The shipper of any such cargo is liable to the
14 marine terminal operator and to the ocean carrier for de-
15 murrage and other applicable charges for any undocu-
16 mented cargo which has been notified to or searched or
17 seized by the Customs Service for the entire period the
18 cargo remains under the order and direction of the Cus-
19 toms Service. Unless the cargo is seized by the Customs
20 Service and forfeited, the marine terminal operator and
21 the ocean carrier shall have a lien on the cargo for the
22 amount of the demurrage and other charges.

23 “(g) EFFECT ON OTHER PROVISIONS.—Nothing in
24 this section shall be construed, interpreted, or applied to
25 relieve or excuse any party from compliance with any obli-

1 gation or requirement arising under any other law, regula-
2 tion, or order with regard to the documentation or car-
3 riage of cargo.”.

4 (c) PASSENGER INFORMATION.—Part II of title IV
5 of the Tariff Act of 1930, as amended by subsection (b),
6 is further amended by inserting after section 431A the fol-
7 lowing:

8 **“SEC. 431B. PASSENGER AND CREW MANIFEST INFORMA-**
9 **TION REQUIRED FOR CARRIERS.**

10 “(a) IN GENERAL.—For each person arriving or de-
11 parting on an air, land, or vessel carrier, the pilot, master,
12 operator, or owner of such carrier (or the authorized agent
13 of such owner or operator) shall provide by electronic
14 transmission manifest information described in subsection
15 (b) in advance of such entry or clearance in such manner,
16 time, and form as the Secretary shall prescribe.

17 “(b) INFORMATION DESCRIBED.—The information
18 described in this subsection shall include for each person:

19 “(1) Full name.

20 “(2) Date of birth and citizenship.

21 “(3) Gender.

22 “(4) Passport number and country of issuance.

23 “(5) United States visa number or resident
24 alien card number, as applicable.

25 “(6) Passenger name record.

1 “(7) Such additional information that the Sec-
2 retary, by regulation, determines is reasonably nec-
3 essary to secure passengers and merchandise pursu-
4 ant to the laws enforced or administered by the Cus-
5 toms Service.”.

6 (d) DEFINITION.—Section 401 of the Tariff Act of
7 1930 is amended by adding at the end the following:

8 “(t) LAND, AIR, AND VESSEL CARRIER.—The terms
9 ‘land carrier’, ‘air carrier’, and ‘vessel carrier’ mean a car-
10 rier that transports by land, air, or water, respectively,
11 goods or passengers for payment or other consideration,
12 including money or services rendered.”.

13 (e) OTHER REQUIREMENTS FOR IMPROVED REPORT-
14 ING PROCEDURES.—In addition to the promulgation of
15 manifesting information, the United States Customs Serv-
16 ice shall improve reporting of goods arriving at United
17 States ports—

18 (1) by promulgating regulations to require, not-
19 withstanding sections 552 and 553 of the Tariff Act
20 of 1930 (19 U.S.C. 1552 and 1553), at such times
21 as Customs may require prior to the arrival of an
22 in-bond movement of goods at the initial port of un-
23 lading, that—

24 (A) information shall be filed electronically
25 identifying the consignor, consignee, country of

1 origin, and the Harmonized Tariff Schedule of
2 the United States 6-digit classification of the
3 goods; and

4 (B) such information shall not be consid-
5 ered the entry for the goods under sections 552
6 or 553 of that Act (19 U.S.C. 1552 and 1553;
7 and

8 (2) by distributing the information reported
9 under the regulations promulgated under paragraph
10 (1) or section 431(b)(2), 431A, or 431B of the Tar-
11 iff Act of 1930 on a real-time basis to any Federal,
12 State, or local government agency that has a regu-
13 latory or law enforcement interest in the goods.

14 (f) EFFECTIVE DATE.—The amendments made by
15 subsections (a) through (d) of this section shall take effect
16 45 days after the date of enactment of this Act.

17 **SEC. 7. UNIFORM SYSTEM OF SECURING OR SEALING AT**
18 **LOADING ALL CONTAINERS ORIGINATING IN**
19 **OR DESTINED FOR THE UNITED STATES.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Customs Service shall—

22 (1) develop a uniform system of securing or
23 sealing at loading all containers originating in or
24 destined for the United States; and

1 (2) submit a report to Congress regarding its
2 proposed system.

3 (b) CONTENTS.—The report shall include—

4 (1) information regarding appropriate container
5 security standards and details regarding implemen-
6 tation of the system (including necessary record-
7 keeping);

8 (2) guidelines that should be followed at each
9 interchange and when a carrier receives a container
10 that is compromised (a container with no seal, bro-
11 ken seal, or seal discrepancy); and

12 (3) the availability of technology to assist with
13 implementation of the uniform container security
14 system.

15 **SEC. 8. VIOLENCE AT UNITED STATES SEAPORTS.**

16 (a) IN GENERAL.—Chapter 27 of title 18, United
17 States Code, as amended by subsection (b), is amended
18 by adding at the end the following:

19 **“§ 555. Violence at United States seaports**

20 “(a) OFFENSE.—A person who unlawfully and inten-
21 tionally, using any device, substance, or weapon—

22 “(1) performs an act of violence against a per-
23 son at a seaport serving international maritime or
24 maritime vessels that causes or is likely to cause se-

1 rious bodily injury (as defined in section 1365 of
2 this title) or death; or

3 “(2) destroys or seriously damages the facilities
4 of a seaport serving international maritime or mari-
5 time vessels not in service located thereon or dis-
6 rupts the services of the seaport;

7 if such an act endangers or is likely to endanger safety
8 at that seaport, or attempts or conspires to do such an
9 act, shall be fined under this title, imprisoned not more
10 than 20 years, or both, and if the death of any person
11 results from conduct prohibited by this subsection, shall
12 be fined under this title, punished by imprisonment for
13 any term of years or for life, or both.

14 “(b) JURISDICTION.—There is jurisdiction over the
15 prohibited activity in subsection (a) if—

16 “(1) the prohibited activity takes place in the
17 United States; or

18 “(2)(A) the prohibited activity takes place out-
19 side the United States; and

20 “(B)(i) the offender is later found in the United
21 States; or

22 “(ii) the offender or a victim is a national of
23 the United States (as defined in section 101(a)(22)
24 of the Immigration and Nationality Act (8 U.S.C.
25 1101(a)(22))).”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-
 2 ysis for chapter 27 of title 18, United States Code, is
 3 amended by inserting at the end the following:

“555. Violence at United States seaports.”.

4 **SEC. 9. INCREASED PENALTIES FOR THEFT FROM CUS-**
 5 **TOMS.**

6 (a) INCREASED PENALTIES FOR THEFT FROM CUS-
 7 TOMS CUSTODY.—Section 549 of title 18, United States
 8 Code, is amended by striking “two years” and inserting
 9 “10 years”.

10 (b) INCREASED PENALTIES FOR THOSE WHO STEAL
 11 FUNDS EARMARKED FOR THE PAYMENT OF CUSTOMS
 12 DUTIES, TAXES, OR FEES.—

13 (1) IN GENERAL.—Section 542 of title 18,
 14 United States Code, is amended—

15 (A) by inserting at the end of the title the
 16 following: “, theft, embezzlement, or
 17 misapplication of duties”;

18 (B) by striking the dash at the end of the
 19 second undesignated paragraph and inserting “;
 20 or”;

21 (C) by inserting after the second undesignated
 22 paragraph the following:

23 “Whoever embezzles, steals, abstracts, purloins, will-
 24 fully misapplies, willfully permits to be misapplied, or
 25 wrongfully converts to his own use, or to the use of an-

1 other, monies, funds, credits, assets, securities, or other
2 property entrusted to his or her custody or care, or to the
3 custody or care of another for the purpose of paying any
4 lawful duties—”; and

5 (D) by striking “two years” and inserting
6 “5 years”.

7 (2) CONFORMING AMENDMENT.—The table of
8 sections for chapter 27 of title 18, United States
9 Code, is amended by striking the item relating to
10 section 542 and inserting the following:

“542. Entry of goods by means of false statements, theft, embezzlement, or
misapplication of duties.”.

11 **SEC. 10. ATTEMPTED VIOLATIONS OF THE TRADING WITH**
12 **THE ENEMY ACT.**

13 Section 16 of the Trading with the Enemy Act (50
14 U.S.C. App. 16) is amended—

15 (1) in subsection (a), by inserting “or attempt
16 to violate” after “violate” each place it appears; and

17 (2) in subsection (b)(1), by inserting “or at-
18 tempts to violate” after “violates”.

19 **SEC. 11. EXEMPTION FOR UNDERCOVER INVESTIGATIONS**
20 **INTO UNLAWFUL ARMS TRAFFICKING FROM**
21 **SANCTIONS ON STATE SPONSORS OF INTER-**
22 **NATIONAL TERRORISM.**

23 Section 40(h) of the Arms Export Control Act (22
24 U.S.C. 2780(h)) is amended to read as follows:

1 “(h) EXEMPTIONS.—

2 “(1) IN GENERAL.—The prohibitions contained
3 in this section do not apply with respect to—

4 “(A) any transaction subject to reporting
5 requirements under title V of the National Se-
6 curity Act of 1947 (50 U.S.C. 413 et seq; relat-
7 ing to congressional oversight of intelligence ac-
8 tivities); or

9 “(B) any transaction conducted by a
10 United States law enforcement agent if—

11 “(i) the President determines that the
12 transaction is essential to the national se-
13 curity interests of the United States or
14 that there exists an imminent threat of
15 harm to United States persons or property;
16 and

17 “(ii) within 48 hours of the trans-
18 action, the President satisfies the require-
19 ments of subsection (g)(2) with respect to
20 the transaction.

21 “(2) STATUTORY CONSTRUCTION.—Nothing in
22 paragraph (1)(B) supersedes, modifies, or otherwise
23 affects any requirement in law applicable to the li-
24 censing or interagency approval of any shipment or

1 to any interagency guideline that controls the review
2 or conduct of any undercover investigation.”.

3 **SEC. 12. ENHANCED DATA COLLECTION PILOT PROGRAM.**

4 (a) IN GENERAL.—The Attorney General shall—

5 (1) promulgate regulations to require the re-
6 porting by a carrier and port owner or operator
7 which is the victim of a cargo theft offense to the
8 Attorney General of information on the cargo theft
9 offense (including such offenses occurring outside
10 such ports) that identifies the port of entry, the port
11 where the shipment originated, where the theft oc-
12 curred, and any other information specified by the
13 Attorney General;

14 (2) create a database for reports made under
15 the regulations and integrate them, to the extent
16 feasible, with other noncriminal justice and intel-
17 ligence data, such as insurer bill of lading, cargo
18 contents and value, point of origin, and lienholder
19 filings; and

20 (3) prescribe by regulation procedures for ac-
21 cess to the database created under paragraph (2) by
22 appropriate Federal, State, and local governmental
23 agencies and private companies or organizations,
24 while limiting access to information contained in the
25 database in accordance with Federal laws relating to

1 the protection of individual privacy and nonpublic
2 business information.

3 (b) HARMONIZATION OF DATA.—

4 (1) FEDERAL AGENCIES.—Each Federal agency
5 designated under paragraph (2) shall, to the extent
6 feasible, modify its information databases to ensure
7 the collection and retrievability of data relating to
8 crime and terrorism and related activities at or af-
9 fecting United States ports.

10 (2) DESIGNATION OF AGENCIES.—The Attorney
11 General, after consultation with the Secretaries of
12 the Treasury and Transportation, shall designate
13 agencies with significant regulatory or law enforce-
14 ment responsibilities at United States ports to which
15 paragraph (1) applies.

16 (c) COORDINATION WITH OTHER FEDERAL, STATE,
17 AND LOCAL AGENCIES.—The Attorney General, in con-
18 sultation with the Secretaries of the Treasury and Trans-
19 portation, the National Maritime Security Advisory Com-
20 mittee established under section 7(d) of the Ports and
21 Maritime Safety Act (33 U.S.C. 2116(d)), and appro-
22 priate Federal and State agencies, shall establish an out-
23 reach program to work with State and local law enforce-
24 ment officials to harmonize the reporting of data on cargo
25 theft among the States, localities, and with the United

1 States Government's reports and to work with local port
2 security committees to disseminate cargo theft informa-
3 tion to appropriate law enforcement officials.

4 (d) LIMITED PROGRAM.—

5 (1) IN GENERAL.—This section shall apply for
6 a period of 3 years to the Port of Charleston, in
7 Charleston, South Carolina; Port of Los Angeles, in
8 Los Angeles, California; Philadelphia Regional Port
9 Authority, in Philadelphia, Pennsylvania; and Port
10 of Wilmington, in Wilmington, Delaware.

11 (2) REPORT.—At the end of the 3-year period
12 provided in subsection (d), the Attorney General
13 shall report to the Committees on the Judiciary of
14 the Senate and the House of Representatives on the
15 implementation of this section and make rec-
16 ommendations regarding the merits of applying this
17 section to all United States seaports.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Attorney General
20 such sums as are necessary for each of fiscal years 2002
21 through 2006 to carry out the requirements of this sec-
22 tion, such sums to remain available until expended.

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