

107TH CONGRESS
2D SESSION

S. 2426

To increase security for United States ports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2002

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To increase security for United States ports, 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 “Port Terrorism Pre-
5 vention Act of 2002”.

6 **SEC. 2. MANIFEST DISCREPANCIES.**

7 Section 431(b) of the Tariff Act of 1930 (19 U.S.C.
8 1431(b)) is amended—

9 (1) by striking “(b) PRODUCTION OF MANI-
10 FEST.—Any” and inserting the following:

11 “(b) PRODUCTION OF MANIFEST.—

1 “(1) REQUIREMENT.—Any”; and

2 (2) by striking “If any irregularity of omission”
3 and all that follows through the end period and in-
4 serting the following:

5 “(2) DISCREPANCIES.—Notwithstanding any
6 other provision of law, if any shortages or overages
7 of merchandise with respect to any manifest are not
8 reported to the Customs Service at the time a vessel
9 makes formal entry under section 434 or at the time
10 a vehicle or aircraft presents or transmits docu-
11 mentation under section 433(d), the owner or oper-
12 ator of the vessel, aircraft, or vehicle, or any party
13 responsible for such shortages or overages shall be
14 liable for any fine or penalty prescribed by law with
15 respect to such discrepancy. The Customs Service
16 may take appropriate action against any party re-
17 sponsible for not correcting such discrepancy. The
18 Secretary of the Treasury shall not permit any ves-
19 sel master or agent, any person in charge of a vehi-
20 cle, or any airline pilot to report shortages or over-
21 ages at any time that is inconsistent with the provi-
22 sion of this paragraph.”.

23 **SEC. 3. SPECIFIC DESIGNATION OF MERCHANDISE.**

24 (a) REGULATIONS.—Section 431(d)(1) of the Tariff
25 Act of 1930 (19 U.S.C. 1431(d)(1)) is amended—

1 (1) by striking “and” at the end of in subpara-
2 graph (C);

3 (2) in subparagraph (D) by striking the end pe-
4 riod and inserting a semicolon and “and”; and

5 (3) by adding at the end the following:

6 “(E) prohibit the use of certain descrip-
7 tions of merchandise, including ‘freight of all
8 kinds’, ‘hazardous not otherwise specified’, and
9 ‘said to contain’, or any other description that
10 does not provide adequate information regard-
11 ing the merchandise on any manifest required
12 by the Customs Service.”.

13 (b) AUTOMATED MANIFEST SYSTEM.—Not later
14 than 12 months after the date of enactment of this Act,
15 the Commissioner of Customs shall develop software to
16 carry out the automated manifest system that will reject
17 merchandise descriptions prohibited by section
18 431(d)(1)(E) of the Tariff Act of 1930 (19 U.S.C.
19 1431(d)(1)(E)).

20 **SEC. 4. PENALTIES FOR INACCURATE MANIFEST.**

21 Section 436(b) of the Tariff Act of 1930 (19 U.S.C.
22 1436(b)) is amended—

23 (1) by striking “\$5,000” and inserting
24 “\$10,000”; and

1 (2) by striking “and \$10,000” and inserting
2 “\$15,000 for the second violation, and \$20,000”.

3 **SEC. 5. STUDY AND REPORT ON AUTOMATED REVIEW**
4 **SYSTEMS.**

5 (a) STUDY AND REPORT.—

6 (1) REQUIREMENT.—Not later than 1 year
7 after the date of enactment of this Act, the Sec-
8 retary of the Treasury shall conduct a study of the
9 issues set forth in paragraph (2) and submit a re-
10 port to Congress setting forth the results of the
11 study and any recommendations to implement the
12 conclusions of the study.

13 (2) ISSUES TO BE STUDIED.—The issues to be
14 studied pursuant to paragraph (1) are—

15 (A) the manner in which data from mani-
16 fests and bills of lading are submitted to the
17 Customs Service;

18 (B) an assessment of the accuracy of such
19 data;

20 (C) the effectiveness of the automated suf-
21 ficiency programs;

22 (D) the advisability of modifying the proc-
23 ess for collecting data to be used in the auto-
24 mated reviews; and

1 (E) the ability to improve the data collec-
2 tion system.

3 (b) AUTHORIZATION OF APPROPRIATION.—There is
4 authorized to be appropriated \$500,000 to carry out the
5 study and prepare the report required by this section.

6 **SEC. 6. MANUAL INSPECTION.**

7 (a) INCREASED MANUAL INSPECTION.—

8 (1) REQUIREMENT.—The Customs Service shall
9 increase the number of manual inspections of mer-
10 chandise carried on vessels required to make entry
11 under section 434 of the Tariff Act of 1930 (19
12 U.S.C. 1434) with a view toward manually inspect-
13 ing 10 percent of all such merchandise.

14 (2) ADDITIONAL PERSONNEL.—The Secretary
15 of the Treasury shall employ a sufficient number of
16 new Customs Officers to perform the increased num-
17 ber of manual inspections described in paragraph
18 (1).

19 (b) AUTHORIZATION OF APPROPRIATION.—There is
20 authorized to be appropriated \$150,000,000 for fiscal year
21 2003 to be available for the procurement of at least 100
22 mobile scanning devices to assist in increasing the number
23 of manual inspections described in subsection (a)(1).

1 **SEC. 7. RESEARCH AND DEVELOPMENT GRANTS.**

2 (a) GRANTS AUTHORIZED.—The Secretary of the
3 Treasury is authorized to award grants to eligible entities
4 to research and develop technologies that can be used to
5 secure the ports of the United States.

6 (b) USE OF FUNDS.—Grants awarded pursuant to
7 subsection (a) may be used to develop technologies such
8 as—

9 (1) methods to increase the ability of the Cus-
10 toms Service to inspect merchandise carried on any
11 vessel that will arrive or has arrived at any port or
12 place in the United States;

13 (2) equipment that accurately detects explo-
14 sives, or chemical and biological agents that could be
15 used to commit terrorist acts in the United States,
16 including—

17 (A) field-portable and hand-held Raman
18 Lidar systems for standoff identification of sus-
19 pected chemical or biological agents; and

20 (B) hand-held mass spectrometers for de-
21 tection of gaseous agents;

22 (3) equipment that accurately detects nuclear
23 materials, including—

24 (A) hand-held gamma-ray detectors that
25 utilize cadmium zinc telluride crystals capable
26 of detailed spectral analysis;

1 (B) large-area, position-sensitive neutron
2 detectors that utilize He-3 chambers to provide
3 imaging capability;

4 (C) large-area, gamma-ray detection equip-
5 ment that utilizes tubes containing compressed
6 xenon; and

7 (D) scintillation-based detection equipment
8 capable of attachment to spreaders to signal the
9 presence of nuclear materials during the un-
10 loading of containers;

11 (4) improved tags and seals designed for use on
12 shipping containers to track the transportation of
13 the merchandise in such containers, including
14 “smart sensors” that are able to track a container
15 throughout its entire supply chain, detect hazardous
16 and radioactive materials within that container, and
17 transmit such information to the appropriate au-
18 thorities at a remote location;

19 (5) tools to mitigate the consequences of a ter-
20 rorist act at a port of the United States, including
21 a network of sensors to predict the dispersion of ra-
22 diological, chemical, or biological agents that might
23 be intentionally or accidentally released; and

24 (6) pilot projects that could be implemented
25 within 12 months at 1 of the Nation’s 5 largest

1 ports to demonstrate the effectiveness of a system of
2 radiation detection monitors located throughout the
3 port to detect nuclear or radiological material.

4 (c) APPLICATION.—Each eligible entity desiring a
5 grant under this section shall submit an application to the
6 Secretary of the Treasury at such time, in such manner,
7 and accompanied by such information as the Secretary
8 may reasonably require.

9 (d) ELIGIBLE ENTITY.—In this section, the term “el-
10 igible entity” means any national laboratory, nonprofit
11 private organization, institution of higher education, or
12 other entity that the Secretary of the Treasury determines
13 is eligible to receive a grant authorized by subsection (a).

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated \$50,000,000 for each of the
16 fiscal years 2003 through 2007 to carry out the provisions
17 of this section.

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