

108TH CONGRESS  
1ST SESSION

# H. R. 3563

To coordinate cargo theft crime data collection and to amend title 18, United States Code, to make improvements relating to cargo theft prevention, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2003

Mr. STEARNS (for himself and Mr. UPTON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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

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## A BILL

To coordinate cargo theft crime data collection and to amend title 18, United States Code, to make improvements relating to cargo theft prevention, 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 “Cargo Theft Preven-  
5 tion Act”.

1 **SEC. 2. CARGO THEFT DATA COLLECTION.**

2 (a) IN GENERAL.—The Attorney General shall, with-  
3 in 18 months of enactment of this Act, issue regulations  
4 to—

5 (1) allow for the reporting of cargo theft of-  
6 fenses to the Attorney General by a carrier, facility,  
7 or cargo owner promptly after such carrier, facility,  
8 or cargo owner becomes aware of the offense, with  
9 such reports to contain information regarding the of-  
10 fense as specified in regulations, including the origin  
11 and destination of the shipment, the commodities  
12 stolen, the time and location of the theft, and other  
13 information regarding cargo theft, to the extent such  
14 information is available to the reporting party;

15 (2) create a database to contain the reports  
16 made under paragraph (1) and integrate them, to  
17 the extent feasible, with other noncriminal justice  
18 and intelligence data;

19 (3) prescribe procedures for access to the data-  
20 base created under paragraph (2) by appropriate  
21 Federal, State, and local governmental agencies,  
22 while protecting the privacy of the information in ac-  
23 cordance with other applicable Federal laws; and

24 (4) share the results and analysis of the infor-  
25 mation collected in paragraphs (1) and (2) with the  
26 appropriate Federal, State, and local government

1 agencies, for the purpose of assisting in the inves-  
2 tigation of cargo theft and in the arrest and pros-  
3 ecution of the perpetrators of cargo theft.

4 (b) CREATION OF DATABASES.—

5 (1) IN GENERAL.—United States Government  
6 agencies with significant regulatory or law enforce-  
7 ment responsibilities with respect to cargo theft, to  
8 the extent feasible, modify their information data-  
9 bases to ensure the collection and retrievability of  
10 data relating to crime and terrorism and related ac-  
11 tivities affecting cargo transportation.

12 (2) DESIGNATION OF COVERED AGENCIES.—

13 The Attorney General, after consultation with the  
14 Secretary of Homeland Security, shall designate the  
15 agencies included within the requirement of para-  
16 graph (1).

17 (c) OUTREACH PROGRAM.—The Attorney General, in  
18 consultation with the Secretary of the Treasury, the Sec-  
19 retary of Transportation, the National Maritime Security  
20 Advisory Committee established under section 70112 of  
21 title 46, United States Code, and appropriate Federal and  
22 State agencies, shall establish an outreach program to—

23 (1) work with State and local law enforcement  
24 officials to harmonize the reporting of data on cargo

1 theft among the States, localities and with the  
2 United States Government's reports; and

3 (2) disseminate cargo theft information to ap-  
4 propriate law enforcement officials.

5 (d) ANNUAL REPORT.—The Attorney General shall  
6 submit an annual report on the implementation of this sec-  
7 tion to the Committees on the Judiciary of the Senate and  
8 the House of Representatives.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to the Attorney General  
11 and Transportation Security Administration of the De-  
12 partment of Homeland Security such sums as are nec-  
13 essary for each of the fiscal years 2003 through 2007 to  
14 carry out the requirements of this section, such sums to  
15 remain available until expended.

16 (f) LIMITATION ON DISCLOSURE OF REPORTS AND  
17 DATA.—Any reports made pursuant to section 1(a)(1) and  
18 the data contained in the database created under section  
19 1(a)(2) shall be exempt from disclosure under the Free-  
20 dom of Information Act (5 U.S.C. 552).

21 **SEC. 3. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS**  
22 **OR VESSELS.**

23 (a) THEFT OF INTERSTATE OR FOREIGN SHIP-  
24 MENTS.—Section 659 of title 18, United States Code, is  
25 amended—

1 (1) in the first undesignated paragraph—

2 (A) by inserting “trailer,” after  
3 “motortruck,”;

4 (B) by inserting “air cargo container,”  
5 after “aircraft,”; and

6 (C) by inserting “, or from any intermodal  
7 container, trailer, container freight station,  
8 warehouse, or freight consolidation facility,”  
9 after “air navigation facility”;

10 (2) in the fifth undesignated paragraph, by  
11 striking “one year” and inserting “3 years”; and

12 (3) by inserting after the first sentence in the  
13 eighth undesignated paragraph the following: “For  
14 purposes of this section, goods and chattel shall be  
15 construed to be moving as an interstate or foreign  
16 shipment at all points between the point of origin  
17 and the final destination (as evidenced by the waybill  
18 or other shipping document of the shipment), re-  
19 gardless of any temporary stop while awaiting trans-  
20 shipment or otherwise.”.

21 (b) STOLEN VESSELS.—

22 (1) IN GENERAL.—Section 2311 of title 18,  
23 United States Code, is amended by adding at the  
24 end the following:

1 “‘Vessel’ means any watercraft or other contrivance  
2 used or designed for transportation or navigation on,  
3 under, or immediately above water.”.

4 (2) TRANSPORTATION AND SALE OF STOLEN  
5 VESSELS.—Sections 2312 and 2313 of title 18,  
6 United States Code, are each amended by striking  
7 “‘motor vehicle or aircraft’” and inserting “‘motor ve-  
8 hicle, vessel, or aircraft’”.

9 (c) REVIEW OF SENTENCING GUIDELINES.—Pursu-  
10 ant to section 994 of title 28, United States Code, the  
11 United States Sentencing Commission shall review the  
12 Federal Sentencing Guidelines to determine whether sen-  
13 tencing enhancement is appropriate for any offense under  
14 section 659 or 2311 of title 18, United States Code, as  
15 amended by this Act.

16 (d) ANNUAL REPORT OF LAW ENFORCEMENT AC-  
17 TIVITIES.—By December 31, 2006, and annually there-  
18 after, the Attorney General shall submit to Congress a re-  
19 port, which shall include an evaluation of law enforcement  
20 activities relating to the investigation and prosecution of  
21 offenses under section 659 of title 18, United States Code,  
22 as amended by this Act. The Attorney General’s report  
23 shall include an assessment of the effectiveness of the  
24 cargo theft data collection program provided for in section  
25 1 thereof.

1           (e) REPORTING OF CARGO THEFT.—The Attorney  
2 General shall take the steps necessary to ensure that re-  
3 ports of cargo theft collected by Federal, State, and local  
4 officials are reflected as a separate category in the Uni-  
5 form Crime Reporting System, or any successor system,  
6 by no later than December 31, 2005.

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