

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4899

To prohibit the entry of ocean shipping containers into the United States unless such containers have been scanned and sealed before loading on the vessel for shipment to the United States, either directly or via a foreign port.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2006

Mr. NADLER (for himself, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. WEINER, Mr. HASTINGS of Florida, Mr. SANDERS, Mr. ENGEL, Mrs. MALONEY, Mr. BISHOP of New York, Ms. SCHWARTZ of Pennsylvania, Mr. DEFAZIO, and Mr. HONDA) introduced the following bill; which was referred to the Committee on Homeland Security

---

## A BILL

To prohibit the entry of ocean shipping containers into the United States unless such containers have been scanned and sealed before loading on the vessel for shipment to the United States, either directly or via a foreign port.

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 “Sail Only if Scanned  
5 Act of 2006”.

1 **SEC. 2. REQUIREMENTS RELATING TO ENTRY OF OCEAN**  
2 **SHIPPING CONTAINERS INTO THE UNITED**  
3 **STATES.**

4 (a) REQUIREMENTS.—Section 70116 of title 46,  
5 United States Code, is amended by adding at the end the  
6 following new subsection:

7 “(c) REQUIREMENTS RELATING TO ENTRY OF  
8 OCEAN SHIPPING CONTAINERS.—

9 “(1) IN GENERAL.—An ocean shipping con-  
10 tainer may enter the United States, either directly  
11 or via a foreign port, only if—

12 “(A) the container is scanned with equip-  
13 ment that meets the standards established pur-  
14 suant to paragraph (2)(A) and a copy of the  
15 scan is provided to the Secretary, and

16 “(B) the container is secured with a seal  
17 that meets the standards established pursuant  
18 to paragraph (2)(B),

19 before the container is loaded on the vessel for ship-  
20 ment to the United States.

21 “(2) STANDARDS FOR SCANNING EQUIPMENT  
22 AND SEALS.—

23 “(A) SCANNING EQUIPMENT.—The Sec-  
24 retary shall establish standards for scanning  
25 equipment required to be used under paragraph  
26 (1)(A) to ensure that such equipment uses the

1 best-available technology, including technology  
2 to scan a container for radiation and density  
3 and, if appropriate, for atomic elements.

4 “(B) SEALS.—The Secretary shall estab-  
5 lish standards for seals required to be used  
6 under paragraph (1)(B) to ensure that such  
7 seals use the best-available technology, includ-  
8 ing technology to—

9 “(i) detect any breach into a con-  
10 tainer;

11 “(ii) identify the time and place of  
12 such breach;

13 “(iii) notify the Secretary of such  
14 breach before the container enters the Ex-  
15 clusive Economic Zone of the United  
16 States; and

17 “(iv) track the time and location of  
18 the container during transit to the United  
19 States, including by truck, rail, or vessel.

20 “(C) REVIEW AND REVISION.—The Sec-  
21 retary shall review and, if necessary, revise the  
22 standards established pursuant to subpara-  
23 graphs (A) and (B) not less than once every  
24 two years.

1           “(D) DEFINITION.—In subparagraph (B),  
2           the term ‘Exclusive Economic Zone of the  
3           United States’ has the meaning given the term  
4           ‘Exclusive Economic Zone’ in section 2101(10a)  
5           of this title.”.

6           (b) AUTHORIZATION OF APPROPRIATIONS.—There  
7           are authorized to be appropriated to carry out section  
8           70116(c) of title 46, United States Code, as added by sub-  
9           section (a) of this section, such sums as may be necessary  
10          for fiscal year 2007 and each subsequent fiscal year.

11          (c) REGULATIONS; EFFECTIVE DATE.—

12           (1) REGULATIONS.—

13           (A) INTERIM FINAL RULE.—The Secretary  
14           of Homeland Security shall issue an interim  
15           final rule as a temporary regulation to imple-  
16           ment section 70116(c) of title 46, United States  
17           Code, as added by subsection (a) of this section,  
18           not later than 90 days after the date of the en-  
19           actment of this section, without regard to the  
20           provisions of chapter 5 of title 5, United States  
21           Code.

22           (B) FINAL RULE.—The Secretary shall  
23           issue a final rule as a permanent regulation to  
24           implement section 70116(c) of title 46, United  
25           States Code, as added by subsection (a) of this

1 section, not later than one year after the date  
2 of the enactment of this section, in accordance  
3 with the provisions of chapter 5 of title 5,  
4 United States Code. The final rule issued pur-  
5 suant to that rulemaking may supersede the in-  
6 terim final rule issued pursuant to subpara-  
7 graph (A).

8 (2) EFFECTIVE DATE.—The requirements of  
9 section 70116(c) of title 46, United States Code, as  
10 added by subsection (a) of this section, apply with  
11 respect to any ocean shipping container entering the  
12 United States, either directly or via a foreign port,  
13 beginning one year after the date of the enactment  
14 of this Act.

○