

109TH CONGRESS
2D 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

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

“(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to—

“(i) detect any breach into a container;

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

“(iii) notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

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

“(C) REVIEW AND REVISION.—The Secretary shall review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every 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.

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