

109TH CONGRESS
1ST SESSION

H. R. 785

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2005

Mr. STEARNS introduced the following bill; which was referred to the Committee on the Judiciary

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”.

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

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

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

11 (2) create a database to contain the reports
12 made under paragraph (1) and integrate them, to
13 the extent feasible, with other noncriminal justice
14 and intelligence data;

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

20 (4) share the results and analysis of the infor-
21 mation collected in paragraphs (1) and (2) with the
22 appropriate Federal, State, and local government
23 agencies, for the purpose of assisting in the inves-
24 tigation of cargo theft and in the arrest and pros-
25 ecution of the perpetrators of cargo theft.

1 (b) CREATION OF DATABASES.—

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

9 (2) DESIGNATION OF COVERED AGENCIES.—

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

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

20 (1) work with State and local law enforcement
21 officials to harmonize the reporting of data on cargo
22 theft among the States, localities and with the
23 United States Government's reports; and

24 (2) disseminate cargo theft information to ap-
25 propriate law enforcement officials.

1 (d) ANNUAL REPORT.—The Attorney General shall
 2 submit an annual report on the implementation of this sec-
 3 tion to the Committees on the Judiciary of the Senate and
 4 the House of Representatives.

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

12 (f) LIMITATION ON DISCLOSURE OF REPORTS AND
 13 DATA.—Any reports made pursuant to section 1(a)(1) and
 14 the data contained in the database created under section
 15 1(a)(2) shall be exempt from disclosure under the Free-
 16 dom of Information Act (5 U.S.C. 552).

17 **SEC. 3. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS**
 18 **OR VESSELS.**

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

22 (1) in the first undesignated paragraph—

23 (A) by inserting “trailer,” after
 24 “motortruck,”;

1 (B) by inserting “air cargo container,”
2 after “aircraft,”; and

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

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

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

18 (b) STOLEN VESSELS.—

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

22 “‘Vessel’ means any watercraft or other contrivance
23 used or designed for transportation or navigation on,
24 under, or immediately above water.”.

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

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

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

23 (e) REPORTING OF CARGO THEFT.—The Attorney
24 General shall take the steps necessary to ensure that re-
25 ports of cargo theft collected by Federal, State, and local

- 1 officials are reflected as a separate category in the Uni-
- 2 form Crime Reporting System, or any successor system,
- 3 by no later than December 31, 2005.

