

Report of Commissioner Carl W. Bentzel

***Cargo Theft: Evaluation
of the Challenge of
Combatting Cargo Theft
with Recommendations
on How to Reduce the
Impact of Cargo Theft***

Final Report





According to the ancient Athenian historian Thucydides:

In early times the Hellenes and the barbarians of the coast and islands, as communication by sea became more common, were tempted to turn pirate...indeed, this came to be the main source of their livelihood, no disgrace being yet attached to such an achievement, but even some glory.

Introduction

The nature of transportation and commerce make them endeavors rife with risk and vulnerability. The first property begot the first thieves, the first ships begot the first pirates, and the first laws on commerce and trade begot the first smugglers. All things are vulnerable in transition, but the commerce through which so much human wealth springs requires acceptance of this vulnerability and requires continued adjustment to successfully address risks and provide benefit. In the days since the primordial anarchy of ancient times the danger to our moveable wealth, our “cargo,” has been continual through the centuries.

The danger of cargo theft persists to the modern day. Its impacts are felt on much of our society, retailers, transportation companies, insurance companies, as well as all producers and consumers generally. It is estimated that over 28% of the U.S. GDP is related to trade, however, when the interconnected nature of trade that supports retail, manufacturing, and food production is considered, it suggests that a much higher percentage of the U.S. economy is reliant on international trade.

Compounding the challenge of modern-day cargo theft is that criminals now embrace online markets to fence stolen goods, allowing for easier, less traceable, and more anonymous ways to translate theft to private gain.

Cargo theft disrupts the reliable and efficient flow of goods. Cargo theft goes unnoticed by most people outside the transportation industry or the law enforcement community, but it is a serious problem affecting the entire transportation network. However, the transportation industry has not been able to provide data indicating the extent and cost of cargo theft nationwide.

The law enforcement community has not been able to provide such data. The data cannot be extracted with precision from the Uniform Crime Reporting (UCR) Program because cargo theft is not a specific offense for which data are collected. Cargo theft is not a specific statutory crime (rather, it is larceny, burglary, or robbery depending upon the circumstances); therefore, cargo theft data is included as a larceny-theft, burglary and robbery under the UCR Program. However, inconsistent

reporting by law enforcement agencies makes it difficult to retrieve reliable cargo theft data, according to many law enforcement officials.

In addition to the lack of a specific cargo theft offense in the UCR Program, underreporting by the private sector severely hampers the collection of cargo theft data, according to law enforcement authorities.

Many cargo theft losses are unreported by the private sector because of high insurance deductibles, rising insurance premiums, self-insurance, fear of negative publicity, between-party settlements, competitiveness within the industry, and their reputation for reliability, according to the AIMU (American Institute of Marine Underwriters).

Law enforcement officials also point out that not only is there underreporting by the private sector, but in many cases when the private sector does report cargo theft incidents, the reports are not timely. This untimely reporting has had a negative impact on the ability of law enforcement authorities to respond and investigate these cargo theft losses.¹

This statement, excerpted in part, was published by the Interagency Commission on Crime and Security in US Seaports in its Fall 2000 Report. Its findings are even more pertinent today than they were almost twenty-five years ago as surging volumes of cargo theft increasingly plague not just our Nation, but others as well.

This report I am issuing in 2024 will discuss the increasing volumes of cargo theft, the challenges of reporting accurate data surrounding cargo theft, the legal regime and enforcement policies directed to combat cargo theft, and finally, make recommendations on how to combat it.

Finally, I would like to thank my Counsel, John Young, and my former legal interns, George Shalloway and Leo Artus, for all their research, work, and outreach culminating in this report with recommendations.

¹ Report of the Interagency Commission on Crime and Security at U.S. Seaports. Interagency Commission on Crime and Security at US Seaports. <https://www.hsdl.org/c/view?docid=437742>.

Cargo Theft Increases

For the most part, cargo theft remains out of the purview of public recognition, hiding the significant financial consequences of these crimes. CargoNet, a private sector organization organized by companies engaged in the movement of cargo for the prevention of cargo theft, estimated in 2022 that cargo theft resulted in \$223,096,368 of lost value for that year.² In 2023, CargoNet estimated the total rose to \$331,965,445 in lost value. According to a recent article published in *The Loadstar*, “Cargo crime is really going through the roof everywhere, globally, according to the president and CEO of the Transport Asset Protection Association (TAPA) EMEA, Thorsten Neumann; but a reluctance to act by crime prevention authorities and a high cost of living is making the US a hotspot.”³

The rise on lost value is staggering and trends suggest that cargo theft is at a ten-year high.⁴ However, these worrying numbers are only estimates, and probably only amount to the tip of an iceberg in terms of the actual value of monetary losses caused by cargo theft. A more realistic estimate likely exceeds \$1 billion when adding the cost to insurers and lost business opportunity costs that retailers incur as stolen products are re-sold into commerce.

There has not been a new federal assessment in the scale of cargo theft in five years, but anecdotal responses from all segments of the intermodal transportation and cargo insurance industries indicate that there has been a widespread level of growth in cargo theft beginning with the onset of the COVID-19 pandemic. The growth of cargo theft loosely coincides with an explosion of “smash and grab” crimes conducted on the retail industry during the pandemic. However, cargo theft tends to require higher levels of planning and assessment and usually are part of a criminal conspiracy that could result in up to millions of dollars in loss. “Smash and grab” theft seems to occur on a more ad hoc basis and results in smaller volumes of loss at lower total monetary value. Clearly, the ability to resell stolen goods through the internet has increased the ease of translating stolen property to tangible financial gain without tangible risk of legal challenge.

² CCJ Staff. (Jan. 12, 2023). 2022 Saw Significant Uptick in Cargo Theft Activity. *Commercial Carrier Journal*. <https://www.ccjdigital.com/business/article/15305474/2022-saw-significant-uptick-in-cargo-theft-activity>.).

³ Goldstone, Charlotte. (February 2, 2024). The Golden State Fast Becoming a “goldmine” for organized Cargo Crime. *The Loadstar*. <https://theloadstar.com/golden-state-fast-becoming-a-goldmine-for-organised-cargo-crime/>.

⁴ Mahoney, Noi. (March 21, 2024). Cargo Theft Spiked 68 Percent in Q4. *FreightWaves*. <https://www.freightwaves.com/news/cargo-thefts-spiked-68-in-q4-led-by-food-and-beverage-freight>.

Illustrative of the increasing challenge in policing against cargo theft is an April 2024 survey and report published by the Transportation Intermediaries Association (TIA), *Framework to Combat Fraud* (TIA report). The accompanying survey of TIA members reported a 600% increase in cargo theft between November 2022 and March 2023, with an average cost of over \$400,000 of loss.

To get a true sense of the scale of the problem, it will be necessary to create accurate and frequent statistics on cargo theft. Further, to get a better sense of how to challenge cargo theft, better information on how cargo has been targeted is needed to allow law enforcement to more effectively target enforcement efforts. Finally, it is necessary to combat the use of other fraudulent practices facilitating cargo theft.

Uniform Crime Reporting Standards and Other Reports

The Federal Bureau of Investigation's (FBI) Universal Crime Reporting (UCR) program attempts to generate reliable statistics on crime for the use of law enforcement, legislators researchers, the media, and the public.⁵ The most recent UCR on cargo theft was completed in 2019 and reported \$139,677,562 of property stolen in 721 documented incidents.⁶ This number represents only reported events of cargo theft, likely a very small portion of the total value of theft.⁷ A UCR report is a national compilation of local agencies reporting crimes they have investigated.⁸ It is voluntary for local agencies to report, and many instances of cargo theft likely go unreported. Utilization of voluntary data on cargo theft from each state vastly understates the quantity and value of cargo theft, because the states have varied so much in descriptions of the crime, and the system of reporting theft.

Another challenging issue is that the actual state reports describing the crime unintentionally do not provide some of the critical information necessary to help combat the criminal enterprises conducting cargo theft. For the most part, cargo theft is conducted by organized crime and can occur anywhere through the transportation chain of custody (ship, train, truck, terminal or

⁵ Federal Bureau of Investigation. Crime/Law Enforcement Stats (Uniform Crime Reporting Program). <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr>.

⁶ Federal Bureau of Investigation. (2019) UCR Report Cargo Theft. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/additional-data-collections/cargo-theft/cargo-theft.pdf>.

⁷ *Id.*

⁸ U.S. Department of Health and Human Services. Uniform Crime Reporting System (UCR). Healthy People 2030. <https://health.gov/healthypeople/objectives-and-data/data-sources-and-methods/data-sources/uniform-crime-reporting-system-ucr>.

warehouse).Frequently, the information collected and reported on cargo theft is less than valuable in the effort to combat future theft patterns.

Federal and State Laws

There is a federal law establishing the ability to prosecute cargo theft, 18 U.S.C. §659, which was first enacted in 1948 as a consolidation of other statutes.⁹ In 2006, in partial response to the recommendations of the Interagency Commission on Crime and Security at US Seaports, the statute was amended to add coverage to “trailer”, “air cargo container”, and “or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility” in order to update and clarify that cargo theft covered the broad spectrum of intermodal cargo that serves much of the US supply chain.¹⁰

If one violates this statute, the penalty is a maximum sentence of ten-years for stolen goods valued greater than \$1,000.¹¹ If the goods are valued less than \$1,000, then the maximum penalty is three years imprisonment.¹² The authority to enforce this law is split between different federal agencies, such as the FBI and Homeland Security Investigations (HSI). Separately, the Federal Motor Carrier Safety Administration (FMCSA), has authority to challenge fraudulent broker licensing, and the Federal Maritime Commission (FMC) has the authority to determine whether ocean or non-vessel common carriers, marine terminals have engaged in unreasonable practices in the “receiving, handling, storing or delivery”, and take action where the unreasonable practices of the regulated parties had caused the cargo loss. However, the FBI is the lead federal agency in enforcing the federal law on cargo theft.¹³

⁹ 18 U.S.C.S. § 659 (LEXIS through Pub. L. No. 118-134).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Federal Bureau of Investigations. (November 12, 2010). Inside Cargo Theft a Growing Multi-Billion Dollar Problem. https://archives.fbi.gov/archives/news/stories/2010/november/cargo_111210/cargo_111210; U.S. Immigration and Customs Enforcement.(June 5, 2015). 12 N.J. Men Indicted in Alleged Cargo Theft Ring Worth \$1.2 Million. <https://www.ice.gov/news/releases/12-new-jersey-men-indicted-alleged-cargo-theft-ring-worth-15-million>; Federal Motor Carrier Safety Administration. (January 24, 2015). Broker and Carrier Fraud and Identity Theft. <https://www.fmcsa.dot.gov/mission/help/broker-and-carrier-fraud-and-identity-theft>.

The major challenge with federal law enforcement, is that it is already stretched too thin, and even if they are made aware of the theft, they do not have the necessary resources to consistently enforce these federal laws. For the most part, enforcement is left to a hodge podge of state, local, and private sector organizations. But, because of the interstate nature of the crime of cargo theft, and its relation to organized conspiracy, the federal government should take a leadership role in harmonizing the actions of responding to, and combatting, cargo theft.

State laws on cargo theft are not uniform. Let us consider the laws of California, Texas, and Florida since those are the states where cargo theft is most prevalent.¹⁴ California codified cargo theft as a crime under California Penal Code § 487h grand theft of cargo.¹⁵ California defines grand theft of cargo as, “(a) Every person who steals, takes, or carries away cargo of another, if the cargo taken is of a value exceeding nine hundred fifty dollars (\$950), except as provided in Sections 487, 487a, and 487d is guilty of grand theft.”¹⁶ Additionally, cargo is defined in section B of § 487h, “For the purposes of this section, “cargo” means any goods, wares, products, or manufactured merchandise that has been loaded into a trailer, railcar, or cargo container, awaiting or in transit.”¹⁷ The Texas statute on cargo theft is different than California’s statute and is codified in the Texas Penal Code §31.18 Cargo Theft.¹⁸ It contains a different, though similar, definition of cargo theft and includes liability for drivers who facilitate cargo theft.¹⁹

The Florida cargo theft statute is not called “cargo theft” but instead called “retail theft.” Florida’s retail theft statute is codified at Florida Statute §812.015.²⁰ The retail statute defines retail theft as “taking possession of or carrying away of merchandise, property, money, or negotiable documents; altering or removing a label, universal product code, or price tag; transferring merchandise from one container to another; or removing a shopping cart, with intent to deprive the merchant of

¹⁴ Mahoney, Noi. (March 21, 2024). Cargo Theft Spiked 68 Percent in Q4 led by food and beverage freight. *Freightwaves*. <https://www.freightwaves.com/news/cargo-thefts-spiked-68-in-q4-led-by-food-and-beverage-freight>.

¹⁵ CAL. PEN. CODE § 487h.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ TEX. PEN. CODE ANN §31.18

¹⁹ *Id.*

²⁰ FLA. STAT. §812.015

possession, use, benefit, or full retail value.”²¹ This definition never defines the word “cargo” and does not include the word in the statute.²²

The problem with the inconsistency in state law is that cargo theft, despite often involving actors that cross state lines, is usually prosecuted under state law.²³ Furthermore different state, federal agencies, or even private sector railroad employee who is commissioned as a railroad police officer may have jurisdiction over this crime creating a confusing enforcement environment. It is not always clear which crimes can be defined as cargo theft, sometimes not clear at what point in the transaction the theft occurred, and who has the authority to investigate and prosecute these offenses.

Reporting

Cargo theft is severely underreported in crime reporting statistics. There are several reasons for this. First, cargo theft is not mandatory to report.²⁴ Second, the law that criminalizes cargo theft at the federal level never mentions the term “cargo theft” and so includes no distinct definition of that term.²⁵ And third, since each state has their own statutes and reporting requirements, usually used in prosecution of the crime of cargo theft, it is not always identified synonymously to the federal crime of cargo theft. Because cargo theft is generally only prosecuted as a state crime, and the states have different criminal statutes, it can be difficult to form a unified assessment of offenses, and to use the assessment to coordinate law enforcement response.

Furthermore, carriers or logistics companies may not know the correct jurisdiction to report the crime to as they may not know exactly when the theft took place. They may also be reluctant to

²¹ *Id.*

²² *Id.*

²³ Federal Bureau of Investigations. (November 12, 2010). Inside Cargo Theft a Growing Multi-Billion Dollar Problem. https://archives.fbi.gov/archives/news/stories/2010/november/cargo_111210/cargo_111210; U.S. Immigration and Customs Enforcement. (June 5, 2015). 12 N.J. Men Indicted in Alleged Cargo Theft Ring Worth \$1.2 Million. <https://www.ice.gov/news/releases/12-new-jersey-men-indicted-alleged-cargo-theft-ring-worth-15-million>.

²⁴ Miller, Andrea. (January 22, 2024). Cargo theft spiked over 57% in 2023 vs 2022, data shows. CNBC. <https://www.cnbc.com/2024/01/22/cargo-theft-up-57percent-in-2023-vs-2022-new-cargonet-data-shows.html>.

²⁵ 18 U.S.C.S. § 659 (LEXIS through Pub. L. No. 118-134).

report cargo theft for fear of reputational damage or higher insurance premiums. Underreporting has been slightly ameliorated where enforcement officials have implemented confidential hotline tipping programs, but the issue continues to plague a realistic assessment of the scope of cargo theft.

Another challenge in addition to the differences in state law governing cargo theft is the reporting done pursuant to violations of state laws on cargo theft. The report filed under state law for incidences of cargo theft often lack sufficient, relevant information for enforcement agencies to take responsive action. The result is that the true prevalence and impact of cargo theft in the United States is unclear. Critical to be able to police against criminal conspiracies perpetuating cargo theft will be accurate crime information related to the ability to track and identify the parties that helped to perpetrate the crime. While action against cargo theft suffers from the differences between state statutes and the federal crime of cargo theft, perhaps even more important in aiding law enforcement in attacking cargo theft would be harmonizing information related to reporting information related to the theft of intermodal cargo.

Types of Cargo Theft

Theft can occur at time when cargo is under care and custody during maritime, railroad or trucking transport control. The typical actions occurring during cargo theft suggests criminal conspiracy and not usually a random crime. The actions surrounding cargo theft points that certain shipments have been identified and targeted for theft, and these are not instances of random “smash and grab” crime. Although during the pandemic several high-profile railroad invasions “smash and grab” crimes occurred on the Alameda Corridor emanating from the Ports of Long Beach and Los Angeles.²⁶ The preponderance of reporting indicates that the crime of cargo theft is usually part of a planned conspiracy involving multiple actors and sometimes part of organized criminal groups. An increasing area of concern related to cargo theft is theft promulgated during the trucking portion of an intermodal shipment utilizing trucking documentation that has been fraudulently obtained to

²⁶ McCarthy, Andrew C. (January 17, 2022). Where Are the FBI and the Los Angeles U.S. Attorney on Union Pacific Train Robberies? *National Review*. <https://www.nationalreview.com/corner/where-are-the-fbi-and-the-los-angeles-u-s-attorney-on-union-pacific-train-robberies/>.

cloak the actions of the illegal actor posing as a legitimate truck operator. This is defined as “strategic” cargo theft. As opposed to “straight” cargo theft, where the crime is achieved solely by theft or pilferage. Commonly, action taken to conduct “strategic” and “straight” cargo theft takes multiple actors assessing and identifying the most lucrative targets, and theft achievement is promulgated or obscured with the fraudulent paper transactions that cloak the transaction in legitimacy.

Information garnered from private sector interviews indicate that the primary location of much cargo theft has now shifted away from U.S. ports to intermodal rail and trucking locations. Previously, cargo theft was largely concentrated in pilferage while in the custody of an ocean shipping line or marine terminals. That avenue of cargo theft seems to have greatly abated after implementation of the *Maritime Transportation Security Act of 2002*. This law implemented new security requirements at U.S. ports, including criminal background checks, and implementing the Transportation Workers Identification Credential.

The preponderance of theft occurring on the intermodal rail segment occurs when the rail service is in temporary storage or immediately adjacent to rail ramp. At this stage of transportation, the theft often takes the form of directly breaking into containers to check on and steal their contents. Often the thieves will break in from the top of the container hiding the fact that the container has been broken into from ground-level viewpoints. Often retailers are not aware of this sort of theft until they survey inventory levels and evaluate inventory shrinkage from delivery orders. The *Uniform Crime Control Act of 1990* authorized railroad police to enforce the laws of the jurisdiction through which their railroad is established, but the railroads face many of the same challenges as other transportation model actors after action is transferred to local or state prosecution.

“Strategic” cargo theft uses deceptions such as fraud, forgery, or false identities to trick legitimate businesses into entrusting their cargo with thieves or sending the cargo to a false business. For example, a criminal organization may take on the identity of a different legitimate business, order cargo to be delivered to their own warehouse, where they may steal all cargo, or a portion of the cargo before relinquishing the diminished cargo load to the rightful owner. This method of theft

relies on the challenges faced by the FMCSA in determining when truck operating authority is no longer actively being used, and capable of being transmitted or fraudulently used by criminals to commit cargo theft.

Cargo theft may also often occur with the aid of an insider, be they a trucker, railyard worker or dock worker, or it may be perpetrated after scrutiny of business practices to identify when the cargo is easiest to steal. But usually the theft is part of a larger organized criminal conspiracy. Indications are that most theft occurs to targeted cargo that has been identified and has been planned for theft.

Private Efforts to Combat Cargo Theft

A number of private sector organizations are engaged in advocating best practices to avoid potential cargo theft, such as Cargo Net, TIA, and the Transported Asset Protection Association. But wide scale implementation of better policies for securement of cargo are not widely undertaken as practice. For instance, the TIA report included advice on how to logistics brokers on how to avoid the most common forms of cargo theft. It provides advice on how brokers can manage the risk of fraud when brokering loads. The report encourages creating a thoroughly vetted network of carriers, verifying paperwork provided by carriers, like operating authorities, insurance documents, and carrier safety ratings. The TIA report also advises members on what they should do after an incident of cargo theft has taken place. For example, how to determine which state or federal authority they should report the incident to. Finally, the report recommends that FMCSA more frequently updates information on trucking brokers to avoid the ability to use dormant trucking broker authority to pose as legitimate services in order effectuate theft.

There are several strategies that carriers and logistics companies are strongly recommended to employ in order to avoid cargo theft. They invest in security measures such as GPS tracking systems, surveillance cameras, and tamper evident seals. Due to the threat of inside jobs, many workplaces require employee training and background checks. Many companies also try to work largely with trusted partners for fear of fraud and “strategic” cargo theft.

Government Efforts to Combat Cargo Theft

Currently, there are several legislative efforts to combat cargo theft. However, the primary focus of these proposals has been in response to organized crime or group activities surrounding “smash and grab” theft which is primarily impacting retail stores at the local level. Congressman David Valadao introduced the *Safeguarding Out Supply Chains Act*²⁷ which proposes a task force under the purview of Homeland Security Investigations and in conjunction with the FBI.²⁸ This task force would be focused on combating organized crime groups targeting ocean, rail, trucking, and intermodal systems.²⁹ The program would be funded with \$100 million from fiscal years 2025 to 2029. A companion measure has not yet been introduced in the Senate.

California has also introduced a law to make it harder for resellers to sell stolen goods and is intended to target the increases of “smash and grab” crime through enhanced penalties.³⁰ This law is targeted primarily at “smash and grab” retail theft but importantly, provisions challenging the ease of reselling or fencing stolen cargo means this law is likely to also go towards fighting cargo theft.

Recommendations of Commissioner Bentzel

The primary federal agency with authority over cargo theft, is the FBI; however, the FMC is generally tasked with the efficient movement of the nation’s international intermodal supply chain. I believe that we are at a point where further action and coordination of efforts are necessary to avoid substantial economic loss, and to eliminate future prospect of criminal expansion of the trade in stolen goods. Hence, my interest in the problem surrounding the wave of theft in the nation’s supply chain, and my interest in making recommendations to help combat this theft.

Cargo theft is usually part of a relatively sophisticated criminal conspiracy, and it is my view that better information related to cargo theft will help enable law enforcement affirmatively to challenge the criminal enterprises engaged in its commission. The challenge is that the shipping

²⁷ H.R. 8834 -- Safeguarding Our Supply Chain Act (June 25, 2024).

²⁸ Ashley. (June 26, 2024). FBI and Homeland Security to team up to combat freight fraud and cargo theft under new bill. NICB. <https://www.nicb.org/news/regional-news/fbi-and-homeland-security-team-combat-freight-fraud-and-cargo-theft-under-new>.

²⁹ *Id.*

³⁰ Nguyen, Tran. (May 22, 2024). California advances legislation cracking down on stolen goods resellers and auto theft. *AP News*. <https://apnews.com/article/california-retail-theft-legislation-5f045e9d346b570a69d395e9492071f1f>.

industries are in control of the vast majority of information necessary to challenge cargo theft. In order to get the best information, it will be necessary to actively engage with ocean, railroad and trucking companies, marine terminals, shippers and brokers, and cargo insurers. Greater cooperation by the shipping industries can only be achieved through joint industry, state, and federal cooperation to combat. The crimes of theft are often acted upon under the authority of state laws that differ from federal law, and which are reported differently on a state-by-state basis. It is my view that given the differences in state and federal laws on cargo theft, it is probably most important to consider the adequacy of criminal reports on cargo theft to assess whether they can provide actionable information to facilitate law enforcement pursuit of the criminal ring perpetrating the crime.

I support Congressman Valadao's approach to the establishment of a Supply Chain Fraud and Theft Task Force (Task Force) as articulated in the provision of H.R. 8834. However, the legislation can be made stronger by:

- Soliciting the active participation of the shipping industries (ocean, railroad and trucking companies, marine terminals, shippers and brokers and cargo insurers). Without active participation of the private sector the activity will fail.
- Ensuring the Task Force is able to operate at a federal level, while also supporting and coordinating with state and local law enforcement.
- Identifying cargo theft reporting elements that will facilitate identification and help eliminate criminal conspiracies.
- Considering whether to formulate a state model law for cargo theft with reporting requirements or identify where state legal requirements could be supplemented by additional reporting requirements that would benefit enforcement against cargo theft crime.
- Considering how to promote state adoption of policies to harmonize laws and criminal reporting that will assist with cargo theft enforcement actions.
- Establishing a national hotline for the confidential transmission of reports on the commission of cargo theft, or tips related to crime.
- Evaluating online fencing of stolen cargo and make recommendations on how to curtail online fencing of stolen goods. The current ease of using online sales to fence stolen product will only continue to promote the continued growth of the threat of cargo theft.

Finally, I would endorse the recommendation by TIA that the FMCSA should consider a mechanism using carrier or broker data that can identify threats to potential action of fraudulent carriage or brokerage. While I concede that this is admittedly challenging given the scope of registered entities involved, it seems to me that there should be a mechanism to weed out suspect license holders.

At a very minimum, both the FMCSA, regulating motor carriers and motor carrier brokers, and the FMC, regulating ocean freight forwarders and non-vessel-operating common carriers, should be active participants in information on cargo theft to determine whether their regulated entities are acting fraudulently in order to restrict future activity.