

107TH CONGRESS  
1ST SESSION

# S. 1214

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## AN ACT

To amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, 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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Port and Maritime Security Act of 2001”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—PORT AND MARITIME SECURITY

- Sec. 101. Findings.  
 Sec. 102. National Maritime Security Advisory Committee.  
 Sec. 103. Initial security evaluations and port vulnerability assessments.  
 Sec. 104. Establishment of local port security committees.  
 Sec. 105. Maritime facility security plans.  
 Sec. 106. Employment investigations and restrictions for security-sensitive positions.  
 Sec. 107. Maritime domain awareness.  
 Sec. 108. International port security.  
 Sec. 109. Counter-terrorism and incident contingency plans.  
 Sec. 110. Maritime security professional training.  
 Sec. 111. Port security infrastructure improvement.  
 Sec. 112. Screening and detection equipment.  
 Sec. 113. Revision of port security planning guide.  
 Sec. 114. Shared dockside inspection facilities.  
 Sec. 115. Mandatory advanced electronic information for cargo and passengers and other improved customs reporting procedures.  
 Sec. 116. Prearrival messages from vessels destined to United States ports.  
 Sec. 117. Maritime safety and security teams.  
 Sec. 118. Research and development for crime and terrorism prevention and detection technology.  
 Sec. 119. Extension of seaward jurisdiction.  
 Sec. 120. Suspension of limitation on strength of Coast Guard.  
 Sec. 121. Additional reports.  
 Sec. 122. 4-year reauthorization of tonnage duties.  
 Sec. 123. Definitions.

#### TITLE II—ADDITIONAL MARITIME SAFETY AND SECURITY RELATED MEASURES

- Sec. 201. Extension of Deepwater Port Act to natural gas.  
 Sec. 202. Assignment of Coast Guard personnel as sea marshals and enhanced use of other security personnel.  
 Sec. 203. National Maritime Transportation Security Plan.  
 Sec. 204. Area maritime security committees and area maritime security plans.  
 Sec. 205. Vessel security plans.  
 Sec. 206. Protection of security-related information.  
 Sec. 207. Enhanced cargo identification and tracking.  
 Sec. 208. Enhanced crewmember identification.

## 3 **TITLE I—PORT AND MARITIME** 4 **SECURITY**

### 5 **SEC. 101. FINDINGS.**

- 6 The Congress makes the following findings:

1           (1) There are 361 public ports in the United  
2 States which have a broad range of characteristics,  
3 and all of which are an integral part of our Nation's  
4 commerce.

5           (2) United States ports conduct over 95 percent  
6 of United States overseas trade. Over the next 20  
7 years, the total volume of imported and exported  
8 goods at ports is expected to more than double.

9           (3) The variety of trade and commerce that are  
10 carried out at ports has greatly expanded. Bulk  
11 cargo, containerized cargo, passenger transport and  
12 tourism, intermodal transportation systems, and  
13 complex domestic and international trade relation-  
14 ships have significantly changed the nature, conduct,  
15 and complexity of port commerce.

16           (4) The United States is increasingly dependent  
17 on imported energy for a substantial share of sup-  
18 ply, and a disruption of supply would seriously harm  
19 consumers and our economy.

20           (5) The top 50 ports in the United States ac-  
21 count for about 90 percent of all the cargo tonnage.  
22 Twenty-five United States ports account for 98 per-  
23 cent of all container shipments. Cruise ships visiting  
24 foreign destinations embark from 16 ports. Ferries

1 in the United States transport 113,000,000 pas-  
2 sengers and 32,000,000 vehicles per year.

3 (6) In the larger ports, the activities can stretch  
4 along a coast for many miles, including public roads  
5 within their geographic boundaries. The facilities  
6 used to support arriving and departing cargo are  
7 sometimes miles from the coast.

8 (7) Ports often are a major locus of Federal  
9 crime, including drug trafficking, cargo theft, and  
10 smuggling of contraband and aliens. The criminal  
11 conspiracies often associated with these crimes can  
12 pose threats to the people and critical infrastruc-  
13 tures of port cities. Ports that accept international  
14 cargo have a higher risk of international crimes like  
15 drug and alien smuggling and trade fraud.

16 (8) Ports are often very open and exposed and,  
17 by the very nature of their role in promoting the free  
18 flow of commerce, are susceptible to large scale ter-  
19 rorism that could pose a threat to coastal, Great  
20 Lake, or riverain populations. Port terrorism could  
21 pose a significant threat to the ability of the United  
22 States to pursue its national security objectives.

23 (9) United States ports are international  
24 boundaries, however, unlike United States airports

1 and land borders, United States ports receive no  
2 Federal funds for security infrastructure.

3 (10) Current inspection levels of containerized  
4 cargo are insufficient to counter potential security  
5 risks. Technology is currently not adequately de-  
6 ployed to allow for the nonintrusive inspection of  
7 containerized cargo. Additional promising technology  
8 is in the process of being developed that could in-  
9 spect cargo in a nonintrusive and efficient fashion.

10 (11) The burgeoning cruise ship industry poses  
11 a special risk from a security perspective.

12 (12) Effective physical security and access con-  
13 trol in ports is fundamental to deterring and pre-  
14 venting potential threats to port operations, and  
15 cargo shipments.

16 (13) Securing entry points, open storage areas,  
17 and warehouses throughout the port, controlling the  
18 movements of trucks transporting cargo through the  
19 port, and examining or inspecting containers, ware-  
20 houses, and ships at berth or in the harbor are all  
21 important requirements that should be implemented.

22 (14) Identification procedures for arriving  
23 workers are important tools to deter and prevent  
24 port cargo crimes, smuggling, and terrorist actions.

1           (15) On April 27, 1999, the President estab-  
2           lished the Interagency Commission on Crime and  
3           Security in United States Ports to undertake a com-  
4           prehensive study of the nature and extent of the  
5           problem of crime in our ports, as well as the ways  
6           in which governments at all levels are responding.

7           (16) The Commission has issued findings that  
8           indicate the following:

9                   (A) Frequent crimes in ports include drug  
10                  smuggling, illegal car exports, fraud (including  
11                  Intellectual Property Rights and other trade  
12                  violations), and cargo theft.

13                  (B) Data about crime in ports has been  
14                  very difficult to collect.

15                  (C) Internal conspiracies are an issue at  
16                  many ports, and contribute to Federal crime.

17                  (D) Intelligence and information sharing  
18                  among law enforcement agencies needs to be  
19                  improved and coordinated at many ports.

20                  (E) Many ports do not have any idea about  
21                  the threats they face from crime, terrorism, and  
22                  other security-related activities because of a  
23                  lack of credible threat information.

24                  (F) A lack of minimum physical, proce-  
25                  dural, and personnel security standards at ports

1 and at terminals, warehouses, trucking firms,  
2 and related facilities leaves many ports and port  
3 users vulnerable to theft, pilferage, and unau-  
4 thorized access by criminals.

5 (G) Access to ports and operations within  
6 ports is often uncontrolled.

7 (H) Coordination and cooperation between  
8 law enforcement agencies in the field is often  
9 fragmented.

10 (I) Meetings between law enforcement per-  
11 sonnel, carriers, marine terminal operators, and  
12 port authorities regarding security are not  
13 being held routinely in the ports. These meet-  
14 ings could increase coordination and coopera-  
15 tion at the local level.

16 (J) Security-related equipment such as  
17 small boats, cameras, and vessel tracking de-  
18 vices is lacking at many ports.

19 (K) Detection equipment such as large-  
20 scale x-ray machines is lacking at many high-  
21 risk ports.

22 (L) A lack of timely, accurate, and com-  
23 plete manifest (including in-bond) and trade  
24 (entry, importer, etc.) data negatively impacts  
25 law enforcement's ability to function effectively.

1 (M) Criminal organizations are exploiting  
2 weak security in ports and related intermodal  
3 connections to commit a wide range of cargo  
4 crimes. Levels of containerized cargo volumes  
5 are forecasted to increase significantly, which  
6 will create more opportunities for crime while  
7 lowering the statistical risk of detection and  
8 interdiction.

9 (17) United States ports are international  
10 boundaries that—

11 (A) are particularly vulnerable to threats  
12 of drug smuggling, illegal alien smuggling,  
13 cargo theft, illegal entry of cargo and contra-  
14 band;

15 (B) may present weaknesses in the ability  
16 of the United States to realize its national secu-  
17 rity objectives; and

18 (C) may serve as a vector or target for ter-  
19 rorist attacks aimed at the population of the  
20 United States.

21 (18) It is in the best interests of the United  
22 States—

23 (A) to be mindful that United States ports  
24 are international ports of entry and that the  
25 primary obligation for the security of inter-



1 national ports of entry lies with the Federal  
2 government;

3 (B) to be mindful of the need for the free  
4 flow of interstate and foreign commerce and the  
5 need to ensure the efficient movement of cargo  
6 in interstate and foreign commerce and the  
7 need for increased efficiencies to address trade  
8 gains;

9 (C) to increase United States port security  
10 by establishing a better method of communica-  
11 tion amongst law enforcement officials respon-  
12 sible for port boundary, security, and trade  
13 issues;

14 (D) to formulate requirements for physical  
15 port security, recognizing the different char-  
16 acter and nature of United States ports, and to  
17 require the establishment of security programs  
18 at ports;

19 (E) to provide financial incentives to help  
20 the States and private sector to increase phys-  
21 ical security of United States ports;

22 (F) to invest in long-term technology to fa-  
23 cilitate the private sector development of tech-  
24 nology that will assist in the nonintrusive timely  
25 detection of crime or potential crime;

1 (G) to harmonize data collection on port-  
2 related and other cargo theft, in order to ad-  
3 dress areas of potential threat to safety and se-  
4 curity;

5 (H) to create shared inspection facilities to  
6 help facilitate the timely and efficient inspection  
7 of people and cargo in United States ports;

8 (I) to improve Customs reporting proce-  
9 dures to enhance the potential detection of  
10 crime in advance of arrival or departure of car-  
11 goes; and

12 (J) to promote private sector procedures  
13 that provide for in-transit visibility and support  
14 law enforcement efforts directed at managing  
15 the security risks of cargo shipments.

16 **SEC. 102. NATIONAL MARITIME SECURITY ADVISORY COM-**  
17 **MITTEE.**

18 (a) IN GENERAL.—Section 7 of the Ports and Water-  
19 ways Safety Act (33 U.S.C. 1226) is amended by adding  
20 at the end the following:

21 “(d) NATIONAL MARITIME SECURITY ADVISORY  
22 COMMITTEE.—

23 “(1) IN GENERAL.—The Secretary shall estab-  
24 lish a National Maritime Security Advisory Com-  
25 mittee, comprised of not more than 21 members ap-

1 pointed by the Secretary. The Secretary may require  
2 that a prospective member undergo a background  
3 check or obtain an appropriate security clearance be-  
4 fore appointment.

5 “(2) ORGANIZATION.—The Secretary—

6 “(A) shall designate a chairperson of the  
7 Advisory Committee;

8 “(B) shall approve a charter, including  
9 such procedures and rules as the Secretary  
10 deems necessary for the operation of the Advi-  
11 sory Committee;

12 “(C) shall establish a law enforcement sub-  
13 committee and, with the consent of the Sec-  
14 retary of the Treasury and the Attorney Gen-  
15 eral, respectively, include as members of the  
16 subcommittee representatives from the Customs  
17 Service and the Immigration and Naturalization  
18 Service;

19 “(D) may establish other subcommittees to  
20 facilitate consideration of specific issues, includ-  
21 ing maritime and port security, border protec-  
22 tion, and maritime domain awareness issues,  
23 the potential effects on national energy security,  
24 the United States economy, and the environ-  
25 ment of disruptions of crude oil, refined petro-

1           leum products, liquified natural gas, and other  
2           energy sources; and

3           “(E) may invite the participation of other  
4           Federal agencies and of State and local govern-  
5           ment agencies of State, including law enforce-  
6           ment agencies, with an interest or expertise in  
7           anti-terrorism or maritime and port security  
8           and safety related issues.

9           “(3) MATERIAL AND MISSION SUPPORT.—In  
10          carrying out this subsection, the Secretary may ac-  
11          cept contributions of funds, material, services, and  
12          the use of personnel and facilities from public or pri-  
13          vate entities, by contract or other arrangement, if  
14          the confidentiality of security-sensitive information is  
15          maintained and access to such information is limited  
16          appropriately. The Secretary shall deposit any funds  
17          accepted under this paragraph as miscellaneous re-  
18          ceipts in the general fund of the Treasury.

19          “(4) FUNCTIONS.—The Advisory Committee  
20          shall—

21                 “(A) advise, consult with, report to, and  
22                 make recommendations to the Secretary on  
23                 ways to enhance the security and safety of  
24                 United States ports; and

1 “(B) provide advice and recommendations  
2 to the Secretary on matters related to maritime  
3 and port security and safety, including—

4 “(i) longterm solutions for maritime  
5 and port security issues;

6 “(ii) coordination of security and safe-  
7 ty operations and information between and  
8 among Federal, State, and local govern-  
9 ments and area and local port security  
10 committees and harbor safety committees;

11 “(iii) conditions for maritime security  
12 and safety loan guarantees and grants;

13 “(iv) development of a National Mari-  
14 time Transportation Security Plan;

15 “(v) development and implementation  
16 of area and local maritime security plans;

17 “(vi) protection of port energy trans-  
18 portation facilities; and

19 “(vii) helping to ensure that the pub-  
20 lic and area and local port security com-  
21 mittees are kept informed about maritime  
22 security enhancement developments.

23 “(5) TERMINATION.—The Advisory Committee  
24 shall terminate on September 30, 2005.”.

1 (b) FUNDING FOR FYs 2003–2005.—Of the amounts  
 2 made available under section 122(b) there may be made  
 3 available to the Secretary of Transportation for activities  
 4 of the National Maritime Security Advisory Committee es-  
 5 tablished under section 7(d) of the Ports and Waterways  
 6 Safety Act (33 U.S.C. 1226(d)) \$1,000,000 for each of  
 7 fiscal years 2003 through 2005, such sums to remain  
 8 available until expended.

9 (c) AUTHORIZATION OF APPROPRIATIONS FOR FY  
 10 2002.—There are authorized to be appropriated to the  
 11 Secretary of Transportation \$1,000,000 for fiscal year  
 12 2002 for activities of the Advisory Committee, such sums  
 13 to remain available until expended.

14 **SEC. 103. INITIAL SECURITY EVALUATIONS AND PORT VUL-**  
 15 **NERABILITY ASSESSMENTS.**

16 (a) IN GENERAL.—Section 7 of the Ports and Water-  
 17 ways Safety Act (33 U.S.C. 1226), as amended by section  
 18 102, is further amended by adding at the end the fol-  
 19 lowing:

20 “(e) INITIAL SECURITY EVALUATIONS AND PORT  
 21 VULNERABILITY ASSESSMENTS.—

22 “(1) DEVELOPMENT OF STANDARDS.—The Sec-  
 23 retary, in consultation with appropriate public and  
 24 private sector officials and organizations, shall de-  
 25 velop standards and procedures for conducting ini-

1        tial security evaluations and port vulnerability as-  
2        sessments.

3            “(2) INITIAL SECURITY EVALUATIONS.—The  
4        Secretary shall conduct an initial security evaluation  
5        of all port authorities, waterfront facilities, and pub-  
6        lic or commercial structures located within or adja-  
7        cent to the marine environment. The Secretary shall  
8        consult the local port security committee while devel-  
9        oping the initial security evaluation, and may require  
10       each port authority, waterfront facility operator, or  
11       operator of a public or commercial structure located  
12       within or adjacent to the marine environment to  
13       submit security information for review by the local  
14       port security committee.

15           “(3) PORT VULNERABILITY ASSESSMENTS.—  
16        The Secretary shall review initial security evalua-  
17        tions and conduct a port vulnerability assessment for  
18        each port for which the Secretary determines such  
19        an assessment is appropriate. If a port vulnerability  
20        assessment has been conducted within 5 years by or  
21        on behalf of a port authority or marine terminal op-  
22        erator, and the Secretary determines that it was  
23        conducted in a manner that is generally consistent  
24        with the standards and procedures specified under  
25        this subsection, the Secretary may accept that as-

1        sessment rather than conducting another port vul-  
2        nerability assessment for that port.

3            “(4) REVIEW AND COMMENT OPPORTUNITY.—  
4        The Secretary shall make each initial security eval-  
5        uation and port vulnerability assessment for a port  
6        available for review and comment by the local port  
7        security committee, officials of the port authority,  
8        marine terminal operator representatives, and rep-  
9        resentatives of other entities connected to or affili-  
10       ated with maritime commerce or port security as the  
11       Secretary determines to be appropriate, based on the  
12       recommendations of the local port security com-  
13       mittee.

14           “(5) UNAUTHORIZED DISCLOSURE.—The Sec-  
15       retary shall ensure that all initial security evalua-  
16       tions, port vulnerability assessments, and any associ-  
17       ated materials are properly safeguarded from unau-  
18       thorized disclosure.

19           “(6) MATERIAL AND MISSION SUPPORT.—In  
20       carrying out responsibilities under this Act, the Sec-  
21       retary may accept contributions of funds, material,  
22       services, and the use of personnel and facilities from  
23       public and private entities by contract or other ar-  
24       rangement if the confidentiality of security-sensitive  
25       information is maintained and access to such infor-



1        mation is limited appropriately. The Secretary shall  
 2        deposit any funds accepted under this section as  
 3        miscellaneous receipts in the general fund of the  
 4        Treasury.”.

5        (b) FUNDING.—Of the amounts made available under  
 6        section 122(b) there may be made available to the Sec-  
 7        retary \$10,000,000 for each of fiscal years 2003 through  
 8        2006 to carry out section 7(e) of the Ports and Waterways  
 9        Safety Act (33 U.S.C. 1226(e)), such sums to remain  
 10       available until expended.

11       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 12       are authorized to be appropriated to the Secretary  
 13       \$20,000,000 for fiscal year 2002 to carry out section 7(e)  
 14       of the Ports and Waterways Safety Act (33 U.S.C.  
 15       1226(e)), such sums to remain available until expended.

16       **SEC. 104. ESTABLISHMENT OF LOCAL PORT SECURITY**  
 17       **COMMITTEES.**

18       (a) IN GENERAL.—Section 7 of the Ports and Water-  
 19       ways Safety Act (33 U.S.C. 1226), as amended by section  
 20       103, is further amended by adding at the end the fol-  
 21       lowing:

22       “(f) LOCAL PORT SECURITY COMMITTEES.—

23                “(1) ESTABLISHMENT.—The Secretary shall es-  
 24       tablish local port security committees.

1           “(2) FUNCTIONS.—A local port security com-  
2       mittees established under this subsection shall—

3           “(A) help coordinate planning and other  
4       port security activities;

5           “(B) help make use of, and disseminate  
6       the information made available under this sec-  
7       tion;

8           “(C) make recommendations concerning  
9       initial security evaluations and port vulner-  
10      ability assessments by identifying the unique  
11      characteristics of each port;

12          “(D) assist in the review of port vulner-  
13      ability assessments promulgated under this sec-  
14      tion;

15          “(E) assist in implementing the guidance  
16      promulgated under this section;

17          “(F) annually review maritime security  
18      plans for each local port authority, waterfront  
19      facility operator, or operator of a public or com-  
20      mercial structure located within or adjacent to  
21      the marine environment; and

22          “(G) assist the Captain-of-the-Port in con-  
23      ducting a field security exercise at least once  
24      every 3 years to verify the effectiveness of one  
25      or more maritime security plans for a local port

1 authority, waterfront facility operator, or oper-  
2 ator of a public or commercial structure located  
3 within or adjacent to the marine environment.

4 “(3) USE OF EXISTING COMMITTEES.—In es-  
5 tablishing these local port security committees, the  
6 Secretary may use or augment any existing port or  
7 harbor safety committee or port readiness com-  
8 mittee, if the membership of the port security com-  
9 mittee includes representatives of—

10 “(A) the port authority or authorities;

11 “(B) Federal, State and local government;

12 “(C) Federal, State, and local law enforce-  
13 ment agencies;

14 “(D) longshore labor organizations or  
15 transportation workers;

16 “(E) local port-related business officials or  
17 management organizations;

18 “(F) shipping companies, vessel owners,  
19 terminal owners and operators, truck, rail and  
20 pipeline operators, where such are in operation;  
21 and

22 “(G) other persons or organizations whose  
23 inclusion is deemed beneficial by the Captain of  
24 the Port or the Secretary.

1           “(4) CHAIR.—Each local port security com-  
2       mittee shall be chaired by the Captain-of-the-Port.

3           “(5) JURISDICTION.—Each port may have a  
4       separate port security committee or, at the discre-  
5       tion of the Captain-of-the-Port, a Captain-of-the-  
6       Port zone may have a single port security committee  
7       covering all ports within that zone.

8           “(6) QUARTERLY MEETINGS.—The port secu-  
9       rity committee shall meet at least 4 times each year  
10      at the call of the Chairperson.

11          “(7) FACA NOT APPLICABLE.—The Federal  
12      Advisory Committee Act (5 U.S.C. App.) does not  
13      apply to a port security committee established under  
14      this subsection.

15          “(8) MATERIAL AND MISSION SUPPORT.—In  
16      carrying out responsibilities under this Act, the Sec-  
17      retary may accept contributions of funds, material,  
18      services, and the use of personnel and facilities from  
19      public and private entities by contract or other ar-  
20      rangement if the confidentiality of security-sensitive  
21      information is maintained and access to such infor-  
22      mation is limited appropriately. The Secretary shall  
23      deposit any funds accepted under this section as  
24      miscellaneous receipts in the general fund of the  
25      United States Treasury.”.

1 (b) FUNDING.—Of the amounts made available under  
 2 section 122(b) there may be made available to the Sec-  
 3 retary \$3,000,000 for each of fiscal years 2003 through  
 4 2006 to carry out section 7(f) of the Ports and Waterways  
 5 Safety Act (33 U.S.C. 1226(f)), such sums to remain  
 6 available until expended.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 8 are authorized to be appropriated to the Secretary  
 9 \$5,000,000 for each of fiscal years 2002 and 2003 to  
 10 carry out section 7(f) of the Ports and Waterways Safety  
 11 Act (33 U.S.C. 1226(f)), such sums to remain available  
 12 until expended.

13 **SEC. 105. MARITIME FACILITY SECURITY PLANS.**

14 Section 7 of the Ports and Waterways Safety Act,  
 15 (33 U.S.C. 1226), as amended by section 104, is further  
 16 amended by adding at the end the following:

17 “(g) MARITIME FACILITY SECURITY PLANS.—

18 “(1) REGULATIONS TO ESTABLISH REQUIRE-  
 19 MENT.—The Secretary, after consultation with the  
 20 Secretary of the Treasury and the Attorney General,  
 21 shall issue regulations establishing requirements for  
 22 submission of a maritime facility security plan, as  
 23 the Secretary determines necessary, by each port au-  
 24 thority, waterfront facility operator, or operator of a  
 25 public or commercial structure located within or ad-

1       jacent to the marine environment (as defined in sec-  
2       tion 2101(15) of title 46, United States Code). The  
3       Secretary shall ensure that the local port security  
4       committee is consulted in the development of a mari-  
5       time facility security plan under those regulations.

6               “(2) PURPOSE; SPECIFICITY; CONTENT.—

7               “(A) PURPOSE.—A maritime facility secu-  
8       rity plan shall provide a law enforcement pro-  
9       gram and capability at the port that is ade-  
10      quate to safeguard the public and to improve  
11      the response to threats of crime and terrorism.

12              “(B)       SPECIFICITY.—Notwithstanding  
13      other provisions of this Act, the Secretary may  
14      impose specific, or different requirements on in-  
15      dividual ports, port authorities, marine terminal  
16      operators or other entities required to submit a  
17      maritime facility security plan under regula-  
18      tions promulgated under this subsection.

19              “(C) CONTENT.—A maritime facility secu-  
20      rity plan shall include—

21              “(i) provisions for establishing and  
22              maintaining physical security for port  
23              areas and approaches, including estab-  
24              lishing, as necessary, controlled access  
25              areas and secure perimeters within water-

1 front facilities and other public or commer-  
2 cial structures located within or adjacent  
3 to the marine environment;

4 “(ii) provisions for establishing and  
5 maintaining procedural security for proc-  
6 essing passengers, cargo, and crew-  
7 members, and security for employees and  
8 service providers;

9 “(iii) a credentialing requirement to  
10 limit access to waterfront facilities and  
11 other public or commercial structures lo-  
12 cated within or adjacent to the marine en-  
13 vironment, designed to ensure that only  
14 authorized individuals and service pro-  
15 viders gain admittance;

16 “(iv) a credentialing requirement to  
17 limit access to controlled areas and secu-  
18 rity-sensitive information;

19 “(v) provisions for restricting vehic-  
20 ular access, as necessary, to designated  
21 port areas or facilities;

22 “(vi) provisions for restricting the in-  
23 troduction of firearms and other dangerous  
24 weapons, as necessary, to designated port  
25 areas or facilities;

1 “(vii) provisions for the use of appro-  
2 priately qualified private security officers  
3 or qualified State, local, or private law en-  
4 forcement personnel;

5 “(viii) procedures for evacuation of  
6 people from port areas in the event of a  
7 terrorist attack or other emergency;

8 “(ix) a process for assessment and  
9 evaluation of the safety and security of  
10 port areas before port operations are re-  
11 sumed after a terrorist attack or other  
12 emergency; and

13 “(x) any other information the Sec-  
14 retary requires.

15 “(3) INCORPORATION OF EXISTING SECURITY  
16 PLANS.—The Secretary may approve a maritime fa-  
17 cility security plan, or an amendment to an existing  
18 program or plan, that incorporates—

19 “(A) a security program of a marine ter-  
20 minal operator tenant with access to a secured  
21 area of the port, under such conditions as the  
22 Secretary deems appropriate; or

23 “(B) a maritime facility security plan of a  
24 port authority that incorporates a State or local  
25 security program, policy, or law.



1 “(4) APPROVAL PROCESS.—

2 “(A) IN GENERAL.—The Secretary shall  
3 review and approve or disapprove each maritime  
4 facility security plan submitted under regula-  
5 tions promulgated under this subsection.

6 “(B) RESUBMISSION OF DISAPPROVED  
7 PLANS.—If the Secretary disapproves a mari-  
8 time facility security plan—

9 “(i) the Secretary shall notify the plan  
10 submitter in writing of the reasons for the  
11 disapproval; and

12 “(ii) the submitter shall submit a re-  
13 vised maritime facility security plan within  
14 180 days after receiving the notification of  
15 disapproval.

16 “(5) PERIODIC REVIEW AND RESUBMISSION.—  
17 Whenever appropriate, but no less frequently than  
18 once every 5 years, each port authority, marine ter-  
19 minal operator or other entity required to submit a  
20 maritime facility security plan under regulations  
21 promulgated under this subsection shall review its  
22 plan, make necessary or appropriate revisions, and  
23 submit the results of its review and revised plan to  
24 the Secretary.

1           “(6) INTERIM SECURITY MEASURES.—The Sec-  
 2       retary shall require each port authority, waterfront  
 3       facility operator, or operator of a public or commer-  
 4       cial structure located within or adjacent to the ma-  
 5       rine environment, to implement any necessary secu-  
 6       rity measures, including the establishment of a se-  
 7       cure perimeter and positive access controls, until the  
 8       maritime facility security plan for that port author-  
 9       ity, waterfront facility operator, or operator of a  
 10      public or commercial structure located within or ad-  
 11      jacent to the marine environment is approved.”.

12      (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 13      are authorized to be appropriated to the Secretary  
 14      \$3,500,000 for each of fiscal years 2002 through 2006  
 15      to carry out section 7(g) of the Ports and Waterways Safe-  
 16      ty Act (33 U.S.C. 1226(g)), such sums to remain available  
 17      until expended.

18      **SEC. 106. EMPLOYMENT INVESTIGATIONS AND RESTRIC-**  
 19                                      **TIONS FOR SECURITY-SENSITIVE POSITIONS.**

20      Section 7 of the Ports and Waterways Safety Act,  
 21      (33 U.S.C. 1226), as amended by section 105, is further  
 22      amended by adding at the end the following:

23           “(h) DESIGNATION OF CONTROLLED ACCESS AREAS;  
 24      PROTECTION OF SECURITY-SENSITIVE INFORMATION;

1 EMPLOYMENT INVESTIGATIONS AND CRIMINAL HISTORY  
2 RECORD CHECKS.—

3 “(1) ACCESS AREAS; RESTRICTED INFORMA-  
4 TION REGULATIONS.—The Secretary, after consulta-  
5 tion with the Secretary of the Treasury and the At-  
6 torney General, shall prescribe regulations to—

7 “(A) require, as necessary, the designation  
8 of controlled access areas in the maritime facil-  
9 ity security plan for each waterfront facility and  
10 other public or commercial structure located  
11 within or adjacent to the marine environment;  
12 and

13 “(B) limit access to security-sensitive in-  
14 formation, such as passenger and cargo mani-  
15 fests.

16 “(2) SCREENING; BACKGROUND CHECKS.—In  
17 prescribing access limitations under this section, the  
18 Secretary may—

19 “(A) require that persons entering or  
20 exiting secure, restricted, or controlled access  
21 areas undergo physical screening;

22 “(B) require appropriate escorts for per-  
23 sons without proper clearances or credentials;  
24 and

1           “(C) require employment investigations  
2           and criminal history record checks to ensure  
3           that individuals who have unrestricted access to  
4           controlled areas or have access to security-sen-  
5           sitive information do not pose a threat to na-  
6           tional security or to the safety and security of  
7           maritime commerce.

8           “(3) DISQUALIFICATION FROM NEW OR CON-  
9           TINUED EMPLOYMENT.—An individual may not be  
10          employed in a security-sensitive position at any wa-  
11          terfront facility or other public or commercial struc-  
12          ture located within or adjacent to the marine envi-  
13          ronment if—

14               “(A) the individual does not meet other  
15               criteria established by the Secretary; or

16               “(B) a background investigation or crimi-  
17               nal records check reveals that—

18                       “(i) within the previous 7 years the  
19                       individual was convicted, or found not  
20                       guilty by reason of insanity of an offense  
21                       described in paragraph (4); or

22                       “(ii) within the previous 5 years was  
23                       released from incarceration for committing  
24                       an offense described in paragraph (4).

1           “(4) DISQUALIFYING OFFENSES.—The offenses  
2 referred to in paragraph (3)(B) are the following:

3           “(A) Murder.

4           “(B) Assault with intent to murder.

5           “(C) Espionage.

6           “(D) Sedition.

7           “(E) Treason.

8           “(F) Rape.

9           “(G) Kidnaping.

10           “(H) Unlawful possession, sale, distribu-  
11 tion, importation, or manufacture of an explo-  
12 sive or weapon.

13           “(I) Extortion.

14           “(J) Armed or felony unarmed robbery.

15           “(K) Importation, manufacture, or dis-  
16 tribution of, or intent to distribute, a controlled  
17 substance.

18           “(L) A felony involving a threat.

19           “(M) A felony involving willful destruction  
20 of property.

21           “(N) Smuggling.

22           “(O) Theft of property in the custody of  
23 the United States Customs Service.

1           “(P) Attempt to commit, or conspiracy to  
2           commit any of the offenses referred to in sub-  
3           paragraphs (A) through (O).

4           “(5) ALTERNATIVE ARRANGEMENTS.—Notwith-  
5           standing paragraph (1), an individual may be em-  
6           ployed in a security-sensitive position although that  
7           individual would otherwise be disqualified from such  
8           employment if the employer establishes alternate se-  
9           curity arrangements acceptable to the Secretary.

10          “(6) APPEALS PROCESS.—The Secretary shall  
11          establish an appeals process under this section for  
12          individuals found to be ineligible for employment  
13          under paragraph (3) that includes notice and an op-  
14          portunity for a hearing.

15          “(7) ACCESS TO DATABASES.—Notwithstanding  
16          any other provision of law to the contrary, but sub-  
17          ject to existing or new procedural safeguards im-  
18          posed by the Attorney General, the Secretary is au-  
19          thorized to access the Federal Bureau of Investiga-  
20          tion’s Integrated Automatic Fingerprinting Identi-  
21          fication System, the Fingerprint Identification  
22          Record System, the Interstate Identification Index,  
23          the National Crime Identification System, and the  
24          Integrated Entry and Exit Data System for the pur-  
25          pose of conducting or verifying the results of any

1 background investigation or criminal records check  
2 required by this subsection.

3 “(8) RESTRICTIONS ON USE AND MAINTENANCE  
4 OF INFORMATION.—

5 “(A) SECRETARY MAY GIVE RESULTS OF  
6 INVESTIGATION TO EMPLOYERS.—The Sec-  
7 retary may transmit the results of a back-  
8 ground check or criminal records check to a  
9 port authority, marine terminal operator, or  
10 other entity the Secretary determines necessary  
11 for carrying out the requirements of this sub-  
12 section.

13 “(B) FOIA NOT TO APPLY.—Information  
14 obtained by the Secretary under this subsection  
15 may not be made available to the public under  
16 section 552 of title 5, United States Code.

17 “(C) CONFIDENTIALITY.—Except to the  
18 extent necessary to carry out this subsection,  
19 any information other than criminal acts or of-  
20 fenses constituting grounds for ineligibility for  
21 employment under paragraph (3) shall be main-  
22 tained confidentially by the Secretary and may  
23 be used only for making determinations under  
24 this section.

1           “(9) EFFECTIVENESS AUDITS.—The Secretary  
2       shall provide for the periodic audit of the effective-  
3       ness of employment investigations and criminal his-  
4       tory record checks required by this subsection.

5           “(10) USER FEES.—

6               “(A) IN GENERAL.—The Secretary and the  
7       Attorney General shall establish and collect rea-  
8       sonable fees to pay expenses incurred by the  
9       Federal government in carrying out any inves-  
10      tigation, criminal history record check,  
11      fingerprinting, or identification verification  
12      services provided for under this subsection.

13           “(B) DEPOSIT OF AMOUNT RECEIVED.—  
14      Amounts received by the Attorney General or  
15      Secretary under this section shall be credited to  
16      the account in the Treasury from which the ex-  
17      penses were incurred as offsetting collections  
18      and shall be available to the Attorney General  
19      and the Secretary upon the approval of Con-  
20      gress.

21           “(11) SUBSECTION NOT IN DEROGATION OF  
22      OTHER AUTHORITY.—Nothing in this subsection re-  
23      stricts any agency, instrumentality, or department of  
24      the United States from exercising, or limits its au-  
25      thority to exercise, any other statutory or regulatory



1 authority to initiate or enforce port security stand-  
2 ards.”.

3 **SEC. 107. MARITIME DOMAIN AWARENESS.**

4 (a) IN GENERAL.—The Secretary shall conduct a  
5 study on ways to enhance maritime domain awareness  
6 through improved collection and coordination of maritime  
7 intelligence and submit a report on the findings of that  
8 study to the Senate Committee on Commerce, Science,  
9 and Transportation and the House of Representatives  
10 Committee on Transportation and Infrastructure.

11 (b) SPECIFIC MATTERS TO BE ADDRESSED.—In the  
12 study, the Secretary shall—

13 (1) identify actions and resources necessary for  
14 multi-agency cooperative efforts to improve the mar-  
15 itime security of the United States;

16 (2) specifically address measures necessary to  
17 ensure the effective collection, dissemination, and in-  
18 terpretation of maritime intelligence and data, infor-  
19 mation resource management and database require-  
20 ments, architectural measures for cross-agency inte-  
21 gration, data sharing, correlation and safeguarding  
22 of data, and cooperative analysis to identify and ef-  
23 fectively respond to threats to maritime security;

24 (3) estimate the potential costs of establishing  
25 and operating such a new or linked database and

1 provides recommendations on what agencies should  
2 contribute to the cost of its operation;

3 (4) evaluate the feasibility of establishing a  
4 joint interagency task force on maritime intelligence;

5 (5) estimate of potential costs and benefits of  
6 utilizing commercial supercomputing platforms and  
7 data bases to enhance information collection and  
8 analysis capabilities across multiple Federal agen-  
9 cies; and

10 (6) provide a suggested time frame for the de-  
11 velopment of such a system or database.

12 (c) PARTICIPATION OF OTHER AGENCIES.—The Sec-  
13 retary shall consult with the Director of Central Intel-  
14 ligence, the Secretary of State, the Secretary of the Treas-  
15 ury, the Secretary of Defense, the Attorney General, the  
16 Secretary of Agriculture, the Secretary of Commerce, the  
17 Secretary of Energy, the Director of the Federal Emer-  
18 gency Management Agency, and the heads of other depart-  
19 ments and agencies as necessary and invite their participa-  
20 tion in the preparation of the study and report required  
21 by subsection (a).

22 (d) DEADLINE.—The Secretary shall submit the re-  
23 port required by subsection (a) within 180 days after the  
24 date of enactment of this Act.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to the Secretary  
 3 \$500,000 in fiscal year 2002 to carry out this section.

4 **SEC. 108. INTERNATIONAL PORT SECURITY.**

5 (a) IN GENERAL.—Part A of subtitle II of title 46,  
 6 United States Code, is amended by adding at the end the  
 7 following:

8 “CHAPTER 25. INTERNATIONAL PORT  
 9 SECURITY.

“Sec.

“2501. Assessment.

“2502. Notifying foreign authorities.

“2503. Actions when ports not maintaining and carrying out effective security  
 measures.

“2504. Travel advisories concerning security at foreign ports.

“2505. Suspensions.

“2506. Acceptance of contributions; joint venture arrangements.

10 **“§ 2501. Assessment**

11 “(a) IN GENERAL.—At intervals the Secretary of  
 12 Transportation considers necessary, the Secretary shall  
 13 assess the effectiveness of the security measures main-  
 14 tained at—

15 “(1) a foreign port—

16 “(A) served by vessels of the United  
 17 States;

18 “(B) from which foreign vessels serve the  
 19 United States; or

20 “(C) that poses a high risk of introducing  
 21 danger to United States ports and waterways,

1 United States citizens, vessels of the United  
2 States or any other United States interests; and

3 “(2) any other foreign port the Secretary con-  
4 sider appropriate.

5 “(b) PROCEDURES AND STANDARDS.—The Secretary  
6 shall conduct an assessment under subsection (a) of this  
7 section—

8 “(1) in consultation with appropriate authori-  
9 ties of the government of the foreign country con-  
10 cerned and operators of vessels of the United States  
11 serving the foreign port for which the Secretary is  
12 conducting the assessment;

13 “(2) to establish the extent to which a foreign  
14 port effectively maintains and carries out inter-  
15 nationally recognized security measures; and

16 “(3) by using a standard based on the stand-  
17 ards for port security and recommended practices of  
18 the International Maritime Organization and other  
19 appropriate international organizations.

20 “(c) CONSULTATION.—In carrying out this section,  
21 the Secretary shall consult with—

22 “(1) the Secretary of State—

23 “(A) on the terrorist or relevant criminal  
24 threat that exists in each country involved; and

25 “(B) identify foreign ports that—

1 “(i) are not under the de facto control  
2 of the government of the foreign country in  
3 which they are located; and

4 “(ii) pose a high risk of introducing  
5 danger to international maritime com-  
6 merce; and

7 “(2) the Secretary of the Treasury and coordi-  
8 nate any such assessment with the United States  
9 Customs Service.

10 **“§ 2502. Notifying foreign authorities**

11 “(a) DISSEMINATION OF INFORMATION ABOUT THE  
12 PROGRAM.—The Secretary shall work with the Secretary  
13 of State to facilitate the dissemination of port security  
14 program information to port authorities and marine ter-  
15 minal operators in other countries.

16 “(b) SPECIFIC NOTIFICATIONS.—If the Secretary of  
17 Transportation, after conducting an assessment under sec-  
18 tion 2501, finds that a port does not maintain and carry  
19 out effective security measures, the Secretary, through the  
20 Secretary of State, shall notify the appropriate authorities  
21 of the government of the foreign country of the finding  
22 and recommend the steps necessary to bring the security  
23 measures in use at the port up to the standard used by  
24 the Secretary of Transportation in making the assess-  
25 ment.

1   **“§ 2503. Actions when ports not maintaining and car-**  
2                   **rying out effective security measures**

3           “(a) IN GENERAL.—If the Secretary of Transpor-  
4   tation finds that a port does not maintain and carry out  
5   effective security measures—

6                   “(1) the Secretary shall—

7                           “(A) in consultation with the Secretaries of  
8                   State, Treasury, Agriculture, and the Attorney  
9                   General, develop measures to protect the safety  
10                  and security of United States ports from risks  
11                  related to vessels arriving from a foreign port  
12                  that does not maintain an acceptable level of se-  
13                  curity;

14                           “(B) publish the identity of the port in the  
15                  Federal Register;

16                           “(C) have the identity of the port posted  
17                  and displayed prominently at all United States  
18                  ports at which scheduled passenger carriage is  
19                  provided regularly to that port; and

20                           “(D) require each United States and for-  
21                  eign vessel providing transportation between the  
22                  United States and the port to provide written  
23                  notice of the decision, on or with the ticket, to  
24                  each passenger buying a ticket for transpor-  
25                  tation between the United States and the port;

1           “(2) the Secretary may, after consultation with  
2           the Secretaries of State and of the Treasury, pre-  
3           scribe conditions of port entry into the United  
4           States for any vessel arriving from a port deter-  
5           mined under this subsection to maintain ineffective  
6           security measures, or any vessel carrying cargo orig-  
7           inating from or transshipped through such a port,  
8           including refusing entry, inspection, or any other  
9           condition as the Secretary determines may be nec-  
10          essary to ensure the safety of United States ports  
11          and waterways; and

12           “(3) the Secretary may prohibit a United  
13          States or foreign vessel from providing transpor-  
14          tation between the United States and any other for-  
15          eign port that is served by vessels navigating to or  
16          from a port found not to maintain and carry out ef-  
17          fective security measures.

18          “(b) EFFECTIVE DATE FOR SANCTIONS.—Any action  
19          taken by the Secretary under subsection (a) for a par-  
20          ticular port shall take effect—

21           “(1) 90 days after the government of the for-  
22          eign country with jurisdiction or control of that port  
23          is notified under section 2502 unless the Secretary  
24          finds that the government has brought the security  
25          measures at the port up to the standard the Sec-

1       retary used in making an assessment under section  
2       2501 before the end of that 90-day period; or

3               “(2) immediately upon the determination of the  
4       Secretary under subsection (a) if the Secretary  
5       finds, after consulting with the Secretary of State,  
6       that a condition exists that threatens the safety or  
7       security of passengers, vessels, or crew traveling to  
8       or from the port.

9       “(c) STATE DEPARTMENT TO BE NOTIFIED.—The  
10      Secretary immediately shall notify the Secretary of State  
11      of a finding that a port does not maintain and carry out  
12      effective security measures so that the Secretary of State  
13      may issue a travel advisory.

14       “(d) CONGRESSIONAL NOTIFICATION REQUIRED.—  
15      The Secretary promptly shall submit to Congress a report  
16      (and classified annex if necessary) identifying any port  
17      that the Secretary finds does not maintain and carry out  
18      effective security measures and describe any action taken  
19      under this section with regard to that port.

20       “(e) ACTION CANCELED.—An action required under  
21      this section is no longer required if the Secretary, in con-  
22      sultation with the Secretary of State, decides that effective  
23      security measures are maintained and carried out at the  
24      port. The Secretary shall notify Congress when the action  
25      is no longer required.



1   **“§ 2504. Travel advisories concerning security at for-**  
2                   **eign ports**

3           “(a) IN GENERAL.—Upon being notified by the Sec-  
4   retary of Transportation that the Secretary has deter-  
5   mined that a condition exists that threatens the safety or  
6   security of passengers, passenger vessels, or crew traveling  
7   to or from a foreign port which the Secretary has deter-  
8   mined under this chapter to be a port which does not  
9   maintain and administer effective security measures, the  
10   Secretary of State shall immediately issue a travel advi-  
11   sory with respect to the port. The Secretary of State shall  
12   take the necessary steps to publicize the travel advisory  
13   widely.

14          “(b) WHEN TRAVEL ADVISORY MAY BE CAN-  
15   CELED.—The travel advisory required to be issued under  
16   subsection (a) of this section may be lifted only if the Sec-  
17   retary of Transportation, in consultation with the Sec-  
18   retary of State, has determined that effective security  
19   measures are maintained and administered at the port  
20   with respect to which the Secretary of Transportation had  
21   made the determination.

22          “(c) CONGRESSIONAL NOTIFICATION.—The Sec-  
23   retary of State shall immediately notify Congress of any  
24   change in the status of a travel advisory imposed pursuant  
25   to this section.

1 **“§ 2505. Suspensions**

2       “(a) IN GENERAL.—The President, without prior no-  
3 tice or a hearing, shall suspend the right of any vessel  
4 of the United States, and the right of a person to trade  
5 with the United States, to provide foreign sea transpor-  
6 tation, and the right of a person to operate vessels in for-  
7 eign sea commerce, to or from a foreign port, if the Presi-  
8 dent finds that—

9               “(1) a condition exists that threatens the safety  
10 or security of passengers, vessels, or crew traveling  
11 to or from that port; and

12               “(2) the public interest requires an immediate  
13 suspension of trade between the United States and  
14 that port.

15       “(b) DENIAL OF ENTRY.—If a person operates a ves-  
16 sel in violation of this section, the President may deny the  
17 vessels of that person entry to United States ports.

18       “(c) PENALTY FOR VIOLATION.—A person violating  
19 this section is liable to the United States Government for  
20 a civil penalty of not more than \$50,000. Each day a ves-  
21 sel utilizes a prohibited port shall be a separate violation  
22 of this section.

23 **“§ 2506. Acceptance of contributions; joint venture**  
24 **arrangements**

25       “In carrying out responsibilities under this chapter,  
26 the Secretary may accept contributions of funds, material,

1 services, and the use of personnel and facilities from public  
 2 and private entities by contract or other arrangement if  
 3 the confidentiality of security-sensitive information is  
 4 maintained and access to such information is limited ap-  
 5 propriately. The Secretary shall deposit any funds accept-  
 6 ed under this section as miscellaneous receipts in the gen-  
 7 eral fund of the United States Treasury.”.

8 (b) CONFORMING AMENDMENT.—The table of chap-  
 9 ters at the beginning of subtitle II of title 46, United  
 10 States Code, is amended by inserting the following new  
 11 item in part A after the item for chapter 23:

“25. International Port Security ..... 2501”.

12 (c) REPEALS.—Sections 902, 905, 907, 908, 909,  
 13 910, 911, 912, and 913 of the International Maritime and  
 14 Port Security Act (46 U.S.C. App. 1801, 1802, 1803,  
 15 1804, 1805, 1806, 1807, 1808, and 1809), are repealed.

16 (d) FOREIGN-FLAG VESSELS.—Within 6 months  
 17 after the date of enactment of this Act and every year  
 18 thereafter, the Secretary, in consultation with the Sec-  
 19 retary of State, shall provide a report to the Committees  
 20 on Commerce, Science, and Transportation and Foreign  
 21 Relations of the Senate, and the Committees on Transpor-  
 22 tation and Infrastructure and International Relations of  
 23 the House of Representatives that lists the following infor-  
 24 mation:

1           (1) A list of all nations whose flag vessels have  
2 entered United States ports in the previous year.

3           (2) Of the nations on that list, a separate list  
4 of those nations—

5                 (A) whose registered flag vessels appear as  
6 Priority III or higher on the Boarding Priority  
7 Matrix maintained by the Coast Guard;

8                 (B) that have presented, or whose flag ves-  
9 sels have presented, false, intentionally incom-  
10 plete, or fraudulent information to the United  
11 States concerning passenger or cargo manifests,  
12 crew identity or qualifications, or registration or  
13 classification of their flag vessels;

14                 (C) whose vessel registration or classifica-  
15 tion procedures have been found by the Sec-  
16 retary to be noncompliant with international  
17 classifications or do not exercise adequate con-  
18 trol over safety and security concerns; or

19                 (D) whose laws or regulations are not suf-  
20 ficient to allow tracking of ownership and reg-  
21 istration histories of registered flag vessels.

22           (3) Actions taken by the United States, whether  
23 through domestic action or international negotiation,  
24 including agreements at the International Maritime  
25 Organization under section 902 of the International

1 Maritime and Port Security Act (46 U.S.C. App.  
2 1801), to improve transparency and security of ves-  
3 sel registration procedures in nations on the list  
4 under paragraph (2).

5 (4) Recommendations for legislative or other  
6 actions needed to improve security of United States  
7 ports against potential threats posed by flag vessels  
8 of nations named in paragraph (2).

9 **SEC. 109. COUNTER-TERRORISM AND INCIDENT CONTIN-**  
10 **GENCY PLANS.**

11 (a) IN GENERAL.—The Secretary, in coordination  
12 with the Director of the Federal Bureau of Investigation,  
13 shall ensure that all area maritime counter-terrorism and  
14 incident contingency plans are reviewed, revised, and up-  
15 dated no less frequently than once every 3 years.

16 (b) LOCAL PORT SECURITY COMMITTEES.—The Sec-  
17 retary shall ensure that port security committees estab-  
18 lished under section 7(f) of the Ports and Maritime Safety  
19 Act (33 U.S.C. 2116(f)) are involved in the review, revi-  
20 sion, and updating of the plans.

21 (c) SIMULATION EXERCISES.—The Secretary shall  
22 ensure that—

23 (1) simulation exercises are conducted annually  
24 for all such plans; and

1           (2) actual practice drills and exercises are con-  
2           ducted at least once every 3 years.

3           (d) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to the Secretary  
5 \$1,000,000 for each of fiscal years 2002 through 2006  
6 to carry out this section, such sums to remain available  
7 until expended.

8 **SEC. 110. MARITIME SECURITY PROFESSIONAL TRAINING.**

9           (a) IN GENERAL.—

10           (1) DEVELOPMENT OF STANDARDS.—Not later  
11 than 6 months after the date of enactment of this  
12 Act, the Secretary of Transportation shall develop  
13 standards and curriculum to allow for the training  
14 and certification of maritime security professionals.  
15 In developing these standards and curriculum, the  
16 Secretary shall consult with the National Maritime  
17 Security Advisory Committee established under sec-  
18 tion 7(d) of the Ports and Maritime Safety Act (33  
19 U.S.C. 2116(d)).

20           (2) SECRETARY TO CONSULT ON STAND-  
21 ARDS.—In developing standards under this section,  
22 the Secretary may, without regard to the Federal  
23 Advisory Committee Act (5 U.S.C. App.), consult  
24 with the Federal Law Enforcement Training Center,  
25 the United States Merchant Marine Academy's

1 Global Maritime and Transportation School, the  
2 Maritime Security Council, the International Asso-  
3 ciation of Airport and Port Police, the National  
4 Cargo Security Council, and any other Federal,  
5 State, or local government or law enforcement agen-  
6 cy or private organization or individual determined  
7 by the Secretary to have pertinent expertise.

8 (b) MINIMUM STANDARDS.—The standards estab-  
9 lished by the Secretary under subsection (a) shall include  
10 the following elements:

11 (1) The training and certification of maritime  
12 security professionals in accordance with accepted  
13 law enforcement and security guidelines, policies,  
14 and procedures, including, as appropriate, rec-  
15 ommendations for incorporating a background check  
16 process for personnel trained and certified in foreign  
17 ports.

18 (2) The training of students and instructors in  
19 all aspects of prevention, detection, investigation,  
20 and reporting of criminal activities in the inter-  
21 national maritime environment.

22 (3) The provision of off-site training and certifi-  
23 cation courses and certified personnel at United  
24 States and foreign ports used by United States-  
25 flagged vessels, or by foreign-flagged vessels with

1 United States citizens as passengers or crew-  
2 members, to develop and enhance security awareness  
3 and practices.

4 (c) TRAINING PROVIDED TO LAW ENFORCEMENT  
5 AND SECURITY PERSONNEL.—The Secretary is author-  
6 ized to make the training opportunities provided under  
7 this section available to any Federal, State, local, and pri-  
8 vate law enforcement or maritime security personnel in the  
9 United States or in foreign ports used by United States-  
10 flagged vessels with United States citizens as passengers  
11 or crewmembers.

12 (d) USE OF CONTRACT RESOURCES.—The Secretary  
13 shall employ existing Federal and contract resources to  
14 train and certify maritime security professionals in accord-  
15 ance with the standards and curriculum developed under  
16 this Act.

17 (e) ANNUAL REPORT.—The Secretary shall transmit  
18 an annual report to the Senate Committee on Commerce,  
19 Science, and Transportation and the House of Represent-  
20 atives Committee on Transportation and Infrastructure on  
21 the expenditure of appropriated funds and the training  
22 under this section.

23 (f) FUNDING.—Of the amounts made available under  
24 section 122(b), there may be made available to the Sec-  
25 retary to carry out this section—



1           (1) \$2,500,000 for each of fiscal years 2003  
2           and 2004, and

3           (2) \$3,000,000 for each of fiscal years 2005  
4           and 2006,

5 such sums to remain available until expended.

6           (g) AUTHORIZATION OF APPROPRIATIONS—There  
7 are authorized to be appropriated to the Secretary to carry  
8 out this section—

9           (1) \$5,500,000 for fiscal year 2002;

10           (2) \$3,000,000 for each of fiscal years 2003  
11           and 2004; and

12           (3) \$2,500,000 for each of fiscal years 2005  
13           and 2006.

14 **SEC. 111. PORT SECURITY INFRASTRUCTURE IMPROVE-**  
15 **MENT.**

16           (a) IN GENERAL.—The Merchant Marine Act, 1936  
17 (46 U.S.C. App. 1101 et seq.) is amended by adding at  
18 the end the following:

19 **“TITLE XIV—PORT SECURITY IN-**  
20 **FRASTRUCTURE IMPROVE-**  
21 **MENT**

22 **“SEC. 1401. LOAN GUARANTEES FOR PORT SECURITY IN-**  
23 **FRASTRUCTURE IMPROVEMENTS.**

24           “(a) IN GENERAL.—The Secretary of Transpor-  
25 tation, subject to the terms the Secretary shall prescribe

1 and after consultation with the United States Coast  
2 Guard, the United States Customs Service, and the Na-  
3 tional Maritime Security Advisory Committee established  
4 under section 102 of the Port and Maritime Security Act  
5 of 2001, may guarantee or make a commitment to guar-  
6 antee the payment of the principal of, and the interest  
7 on, an obligation for port security infrastructure improve-  
8 ments for an eligible project at any United States port.

9 “(b) LIMITATIONS.—Guarantees or commitments to  
10 guarantee under this section are subject to the extent ap-  
11 plicable to all the laws, requirements, regulations, and pro-  
12 cedures that apply to guarantees or commitments to guar-  
13 antee made under title XI, except that—

14 “(1) guarantees or commitments to guarantee  
15 made under this section are eligible for not more  
16 than 87.5 percent of the actual cost of the security  
17 infrastructure improvement;

18 “(2) notwithstanding section 1104A(d), deter-  
19 mination of economic soundness for a security infra-  
20 structure project shall be based upon the economic  
21 soundness of the applicant and not the project;

22 “(3) guarantees or commitments to guarantee  
23 may be made under this section to persons who are  
24 not citizens of the United States as defined in sec-

1       tion 2 of the Shipping Act, 1916 (46 U.S.C. App.  
2       802).

3       “(c) TRANSFER OF FUNDS.—The Secretary may ac-  
4       cept the transfer of funds from any other department,  
5       agency, or instrumentality of the United States Govern-  
6       ment and may use those funds to cover the cost (as de-  
7       fined in section 502 of the Federal Credit Reform Act of  
8       1990 (2 U.S.C. 61a)) of making guarantees or commit-  
9       ments to guarantee loans entered into under this section.

10       “(d) ELIGIBLE PROJECTS.—A project is eligible for  
11       a loan guarantee or commitment under subsection (a) if  
12       it is for the construction or acquisition of new security  
13       infrastructure that is—

14               “(1) equipment or facilities to be used for port  
15       security monitoring and recording;

16               “(2) security gates and fencing;

17               “(3) security-related lighting systems;

18               “(4) remote surveillance systems;

19               “(5) concealed video systems; or

20               “(6) other security infrastructure or equipment

21       that contributes to the overall security of passengers,

22       cargo, or crewmembers.

1   **“SEC. 1402. GRANTS.**

2           “(a) FINANCIAL ASSISTANCE.—The Secretary may  
3 provide financial assistance for eligible projects (within the  
4 meaning of section 1401(d).

5           “(b) MATCHING REQUIREMENTS.—

6               “(1) 75-PERCENT FEDERAL FUNDING.—Except  
7 as provided in paragraph (2), Federal funds for any  
8 eligible project under this section shall not exceed 75  
9 percent of the total cost of such project.

10           “(2) EXCEPTIONS.—

11               “(A) SMALL PROJECTS.—There are no  
12 matching requirements for grants under sub-  
13 section (a) for projects costing not more than  
14 \$25,000.

15               “(B) HIGHER LEVEL OF SUPPORT RE-  
16 QUIRED.—If the Secretary determines that a  
17 proposed project merits support and cannot be  
18 undertaken without a higher rate of Federal  
19 support, then the Secretary may approve grants  
20 under this section with a matching requirement  
21 other than that specified in paragraph (1).

22           “(c) ALLOCATION.—The Secretary shall ensure that  
23 financial assistance provided under subsection (a) during  
24 a fiscal year is distributed so that funds are awarded for  
25 eligible projects that address emerging priorities or threats  
26 identified by the National Maritime Security Advisory

1 Committee established under section 7(d) of the Ports and  
2 Waterways Safety Act (33 U.S.C. 1226(d)).

3 “(d) PROJECT PROPOSALS.—Each proposal for a  
4 grant under this section shall include the following:

5 “(1) The name of the individual or entity re-  
6 sponsible for conducting the project.

7 “(2) A comprehensive description of the need  
8 for the project, and a statement of the project’s rela-  
9 tionship to the security plan.

10 “(3) A description of the qualifications of the  
11 individuals who will conduct the project.

12 “(4) An estimate of the funds and time re-  
13 quired to complete the project.

14 “(5) Evidence of support of the project by ap-  
15 propriate representatives of States or territories of  
16 the United States or other government jurisdictions  
17 in which the project will be conducted.

18 “(6) Information regarding the source and  
19 amount of matching funding available to the appli-  
20 cant, as appropriate.

21 “(7) Any other information the Secretary con-  
22 siders to be necessary for evaluating the eligibility of  
23 the project for funding under this title.

1   **“SEC. 1403. ALLOCATION OF RESOURCES.**

2           “In carrying out this title, the Secretary may ensure  
3   that not less than \$2,000,000 in loans and loan guaran-  
4   tees under section 1401, and not less than \$6,000,000 in  
5   grants under section 1402, are made available for eligible  
6   projects (as defined in section 1401(d)) located in any  
7   State to which reference is made by name in section 607  
8   of this Act during each of the fiscal years 2002 through  
9   2006.”.

10          (b) ANNUAL ACCOUNTING.—The Secretary of Trans-  
11   portation shall submit an annual summary of loan guaran-  
12   tees and commitments to make loan guarantees under sec-  
13   tion 1401 of the Merchant Marine Act, 1936, and grants  
14   made under section 1402 of that Act, to the Committee  
15   on Commerce, Science, and Transportation and the House  
16   of Representatives Committee on Transportation and In-  
17   frastructure and the Advisory Committee through appro-  
18   priate media of communication, including the Internet.

19          (c) FUNDING.—Of amounts made available under  
20   section 122(b), there may be made available to the Sec-  
21   retary of Transportation—

22               (1) \$9,000,000 for each of the fiscal years  
23               2003, 2004, 2005, and 2006 as guaranteed loan  
24               costs (as defined in section 502(5) of the Federal  
25               Credit Reform Act of 1990; 2 U.S.C. 661a(5))

1 under section 1401 of the Merchant Marine Act,  
2 1936,

3 (2) \$10,000,000 for each of such fiscal years  
4 for grants under section 1402 of the Merchant Ma-  
5 rine Act, 1936, and

6 (3) \$1,000,000 for each such fiscal year to  
7 cover administrative expenses related to loan guar-  
8 antees under section 1401 of the Merchant Marine  
9 Act, 1936, and grants under section 1402 of that  
10 Act,

11 such amounts to remain available until expended.

12 (d) ADDITIONAL APPROPRIATIONS AUTHORIZED.—

13 In addition to the amounts made available under sub-  
14 section (c)(2), there are authorized to be appropriated to  
15 the Secretary of Transportation—

16 (1) \$26,000,000 for each of fiscal years 2002  
17 through 2006 to the Secretary as guaranteed loan  
18 costs (as defined in section 502(5) of the Federal  
19 Credit Reform Act of 1990; 2 U.S.C. 661a(5))  
20 under section 1401 of the Merchant Marine Act,  
21 1936;

22 (2) \$70,000,000 for each of fiscal years 2002  
23 through 2006 to the Secretary for grants under sec-  
24 tion 1402 of the Merchant Marine Act, 1936; and

1           (3) \$4,000,000 for each of fiscal years 2002  
2           through 2006 to the Secretary to cover administra-  
3           tive expenses related to loan guarantees and grants  
4           under paragraphs (8) and (9),  
5           such sums to remain available until expended.

6   **SEC. 112. SCREENING AND DETECTION EQUIPMENT.**

7           (a) FUNDING.—Of amounts made available under  
8           section 122(b), there may be made available to the Com-  
9           missioner of Customs for the purchase of nonintrusive  
10          screening and detection equipment for use at United  
11          States ports—

12           (1) \$15,000,000 for fiscal year 2003,  
13           (2) \$16,000,000 for fiscal year 2004,  
14           (3) \$18,000,000 for fiscal year 2005, and  
15           (4) \$19,000,000 for fiscal year 2006,  
16          such sums to remain available until expended.

17          (b) AUTHORIZATION OF APPROPRIATIONS.—There  
18          are authorized to be appropriated to the Commissioner  
19          \$20,000,000 for each of fiscal years 2002 through 2006  
20          to the Commissioner of Customs for the purchase of non-  
21          intrusive screening and detection equipment for use at  
22          United States ports, such sums to remain available until  
23          expended.

24          (c) FUNDING FOR FISCAL YEAR 2002.—There are  
25          authorized to be appropriated \$145,000,000 for the



1 United States Customs Service for fiscal year 2002 for  
2 1,200 new customs inspector positions, 300 new customs  
3 agent positions, and other necessary port security posi-  
4 tions, and for purchase and support of equipment (includ-  
5 ing camera systems for docks and vehicle-mounted com-  
6 puters), canine enforcement for port security, and to up-  
7 date computer systems to help improve customs reporting  
8 procedures.

9 **SEC. 113. REVISION OF PORT SECURITY PLANNING GUIDE.**

10 The Secretary of Transportation, acting through the  
11 Maritime Administration and after consultation with the  
12 Advisory Committee and the United States Coast Guard,  
13 shall publish a revised version of the document entitled  
14 “Port Security: A National Planning Guide”, incor-  
15 porating the requirements promulgated under section 7(g)  
16 of the Ports and Waterways Security Act (33 U.S.C.  
17 2116(g)), within 3 years after the date of enactment of  
18 this Act, and make that revised document available on the  
19 Internet.

20 **SEC. 114. SHARED DOCKSIDE INSPECTION FACILITIES.**

21 (a) IN GENERAL.—The Secretary of the Treasury,  
22 the Secretary of Agriculture, the Secretary of Transpor-  
23 tation, the Attorney General, and the Administrator of the  
24 General Services Administration shall work with each  
25 other, the Advisory Committee, and the States to establish

1 shared dockside inspection facilities at United States ports  
 2 for Federal and State agencies.

3 (b) FUNDING.—Of the amounts made available under  
 4 section 122(b), there may be made available to the Sec-  
 5 retary of the Transportation, \$1,000,000 for each of fiscal  
 6 years 2003, 2004, 2005, and 2006, such sums to remain  
 7 available until expended, to establish shared dockside in-  
 8 spection facilities at United States ports in consultation  
 9 with the Secretary of the Treasury, the Secretary of Agri-  
 10 culture, and the Attorney General.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 12 are authorized to be appropriated to the Secretary of  
 13 Transportation \$1,000,000 for fiscal year 2002 to estab-  
 14 lish shared dockside inspection facilities at United States  
 15 ports in consultation with the Secretary of the Treasury,  
 16 the Secretary of Agriculture, and the Attorney General.

17 **SEC. 115. MANDATORY ADVANCED ELECTRONIC INFORMA-**  
 18 **TION FOR CARGO AND PASSENGERS AND**  
 19 **OTHER IMPROVED CUSTOMS REPORTING**  
 20 **PROCEDURES.**

21 (a) CARGO INFORMATION.—

22 (1) IN GENERAL.—Section 431(b) of the Tariff  
 23 Act of 1930 (19 U.S.C. 1431(b)) is amended—

24 (A) by striking “Any manifest” and insert-  
 25 ing “(1) Any manifest”; and

1 (B) by adding at the end the following new  
2 paragraph:

3 “(2)(A) In addition to any other requirement  
4 under this section, for every land, air, or vessel car-  
5 rier required to make entry or obtain clearance  
6 under the customs laws of the United States, the  
7 pilot, master, operator, or owner of such carrier (or  
8 the authorized agent of such owner or operator)  
9 shall provide by electronic transmission cargo mani-  
10 fest information described in subparagraph (B) in  
11 advance of such entry or clearance in such manner,  
12 time, and form as the Secretary shall prescribe. The  
13 Secretary may exclude any class of land, aircraft, or  
14 vessel for which he concludes the requirements of  
15 this subparagraph are not necessary.

16 “(B) The information described in this sub-  
17 paragraph is as follows:

18 “(i) The port of arrival or departure,  
19 whichever is applicable.

20 “(ii) The carrier code, prefix code, or both.

21 “(iii) The flight, voyage, or trip number.

22 “(iv) The date of scheduled arrival or date  
23 of scheduled departure, as the case may be.

24 “(v) The request for permit to proceed to  
25 the destination, if applicable.

1           “(vi) The numbers and quantities from the  
2           carrier’s master air waybill, bills of lading, or  
3           ocean bills of lading.

4           “(vii) The first port of lading of the cargo.

5           “(viii) A description and weight of the  
6           cargo or, for a sealed container, the shipper’s  
7           declared description and weight of the cargo.

8           “(ix) The shippers name and address from  
9           all air waybills and bills of lading.

10          “(x) The consignee’s name and address  
11          from all air waybills and bills of lading.

12          “(xi) Notice that actual boarded quantities  
13          are not equal to air waybill or bills of lading  
14          quantities, except that a carrier is not required  
15          by this clause to verify boarded quantities of  
16          cargo in sealed containers.

17          “(xii) Transfer or transit information for  
18          the cargo while it has been under the control of  
19          the carrier.

20          “(xiii) Warehouse or other location of the  
21          cargo while it has been under the control of the  
22          carrier.

23          “(xiv) Any additional information that the  
24          Secretary by regulation determines is reason-  
25          ably necessary to ensure aviation, maritime,

1           and surface transportation safety pursuant to  
2           those laws enforced and administered by the  
3           Customs Service.

4           “(3) The Secretary by regulation shall require  
5           nonvessel operating common carriers to meet the re-  
6           quirements of subparagraphs (A) and (B).”.

7           (2) CONFORMING AMENDMENTS.—Subpara-  
8           graphs (A) and (C) of section 431(d)(1) of such Act  
9           are each amended by inserting “or subsection  
10          (b)(2)” before the semicolon.

11          (b) DOCUMENTATION OF CARGO.—Part II of title IV  
12          of the Tariff Act of 1930 is amended by inserting after  
13          section 431 the following new section:

14       **“SEC. 431A. DOCUMENTATION OF WATERBORNE CARGO.**

15          “(a) APPLICABILITY.—This section shall apply to all  
16          cargo to be exported moving by a vessel common carrier  
17          from a port in the United States.

18          “(b) DOCUMENTATION REQUIRED.—(1) No shipper  
19          of cargo subject to this section (including an ocean trans-  
20          portation intermediary that is a nonvessel-operating com-  
21          mon carrier (as defined in section 3(17)(B) of the Ship-  
22          ping Act of 1984 (46 U.S.C. App. 1702(17)(B)) may ten-  
23          der or cause to be tendered to a vessel common carrier  
24          cargo subject to this section for loading on a vessel in a

1 United States port, unless such cargo is properly docu-  
2 mented pursuant to this subsection.

3 “(2) For the purposes of this subsection, cargo shall  
4 be considered properly documented if the shipper submits  
5 to the vessel common carrier or its agent a complete set  
6 of shipping documents no later than 24 hours after the  
7 cargo is delivered to the marine terminal operator.

8 “(3) A complete set of shipping documents shall  
9 include—

10 “(A) for shipments for which a shipper’s  
11 export declaration is required a copy of the ex-  
12 port declaration or, if the shipper files such dec-  
13 larations electronically in the Automated Export  
14 system, the complete bill of lading, and the  
15 master or equivalent shipping instructions in-  
16 cluding the shipper’s Automated Export System  
17 instructions; or

18 “(B) for those shipments for which a ship-  
19 per’s export declaration is not required, such  
20 other documents or information as the Sec-  
21 retary may by regulation prescribe.

22 “(4) The Secretary shall by regulation prescribe  
23 the time, manner, and form by which shippers shall  
24 transmit documents or information required under  
25 this subsection to the Customs Service.

1       “(c) LOADING UNDOCUMENTED CARGO PROHIB-  
2 ITED.—

3               “(1) No marine terminal operator (as defined in  
4 section 3(14) of the Shipping Act of 1984 (46  
5 U.S.C. App. 1702(14))) may load, or cause to be  
6 loaded, any cargo subject to this section on a vessel  
7 unless instructed by the vessel common carrier oper-  
8 ating the vessel that such cargo has been properly  
9 documented in accordance with this section.

10              “(2) When cargo is booked by one vessel com-  
11 mon carrier to be transported on the vessel of an-  
12 other vessel common carrier, the booking carrier  
13 shall notify the operator of the vessel that the cargo  
14 has been properly documented in accordance with  
15 this section. The operator of the vessel may rely on  
16 such notification in releasing the cargo for loading  
17 aboard the vessel.

18       “(d) REPORTING OF UNDOCUMENTED CARGO.—A  
19 vessel common carrier shall notify the United States Cus-  
20 toms Service of any cargo tendered to such carrier that  
21 is not properly documented pursuant to this section and  
22 that has remained in the marine terminal for more than  
23 48 hours after being delivered to the marine terminal, and  
24 the location of the cargo in the marine terminal. For vessel  
25 common carriers that are members of vessel sharing

1 agreements (or any other arrangement whereby a carrier  
2 moves cargo on another carrier's vessel), the vessel com-  
3 mon carrier accepting the booking shall be responsible for  
4 reporting undocumented cargo, without regard to whether  
5 it operates the vessel on which the transportation is to  
6 be made.

7       “(e) ASSESSMENT OF PENALTIES.—Whoever violates  
8 subsection (b) of this section shall be liable to the United  
9 States for civil penalties in a monetary amount up to the  
10 value of the cargo, or the actual cost of the transportation,  
11 whichever is greater.

12       “(f) SEIZURE OF UNDOCUMENTED CARGO.—

13               “(1) Any cargo that is not properly documented  
14 pursuant to this section and has remained in the  
15 marine terminal for more than 48 hours after being  
16 delivered to the marine terminal operator shall be  
17 subject to search, seizure, and forfeiture.

18               “(2) The shipper of any such cargo is liable to  
19 the marine terminal operator and to the ocean car-  
20 rier for demurrage and other applicable charges for  
21 any undocumented cargo which has been notified to  
22 or searched or seized by the Customs Service for the  
23 entire period the cargo remains under the order and  
24 direction of the Customs Service. The marine ter-  
25 minal operator and the ocean carrier shall have a



1       lien on the cargo for the amount of the demurrage  
2       and other charges.

3       “(g) EFFECT ON OTHER PROVISIONS.—Nothing in  
4 this section shall be construed, interpreted, or applied to  
5 relieve or excuse any party from compliance with any obli-  
6 gation or requirement arising under any other law, regula-  
7 tion, or order with regard to the documentation or car-  
8 riage of cargo.”.

9       (c) PASSENGER INFORMATION.—Part II of title IV  
10 of the Tariff Act of 1930, as amended by subsection (b),  
11 is further amended by inserting after section 431A the fol-  
12 lowing new section:

13       **“SEC. 431B. PASSENGER AND CREW MANIFEST INFORMA-**  
14                   **TION REQUIRED FOR CARRIERS.**

15       “(a) IN GENERAL.—For each person arriving or de-  
16 parting on an air or land carrier or vessel required to  
17 make entry or obtain clearance under the customs laws  
18 of the United States, the pilot, master, operator, or owner  
19 of such carrier (or the authorized agent of such owner or  
20 operator) shall provide by electronic transmission manifest  
21 information described in subsection (b) in advance of such  
22 entry or clearance in such manner, time, and form as the  
23 Secretary shall prescribe.

24       “(b) INFORMATION DESCRIBED.—The information  
25 described in this subsection shall include for each person:

1 “(1) Full name.

2 “(2) Date of birth and citizenship.

3 “(3) Gender.

4 “(4) Passport number and country of issuance.

5 “(5) United States visa number or resident  
6 alien card number, as applicable.

7 “(6) Passenger name record.

8 “(7) Such additional information that the Sec-  
9 retary, by regulation, determines is reasonably nec-  
10 essary to ensure aviation and maritime safety pursu-  
11 ant to the laws enforced or administered by the Cus-  
12 toms Service.”.

13 (d) DEFINITION.—Section 401 of the Tariff Act of  
14 1930 is amended by adding at the end the following new  
15 subsections:

16 “(t) LAND AIR AND VESSEL CARRIER.—The terms  
17 ‘land carrier’, ‘air carrier’, and ‘vessel carrier’ mean a car-  
18 rier that transports by land, air, or water, respectively,  
19 goods or passengers for payment or other consideration,  
20 including money or services rendered.

21 “(u) VESSEL COMMON CARRIER.—The term ‘vessel  
22 common carrier’ has the meaning given the term ‘ocean  
23 common carrier’ in section 3(16) of the Shipping Act of  
24 1984 (46 U.S.C. App. 1702(16)) and the term ‘common

1 carrier by water in interstate commerce’ as defined in sec-  
2 tion 1 of the Shipping Act, 1916 (46 U.S.C. App. 801).”.

3 (e) OTHER REQUIREMENTS FOR IMPROVED REPORT-  
4 ING PROCEDURES.—In addition to the promulgation of  
5 manifesting information, the United States Customs Serv-  
6 ice shall improve reporting of goods arriving at United  
7 States ports—

8 (1) by promulgating regulations to require, not-  
9 withstanding sections 552 and 553 of the Tariff Act  
10 of 1930 (19 U.S.C. 1552 and 1553), at such times  
11 as Customs may require prior to the arrival of an  
12 in-bond movement of goods at the initial port of un-  
13 lading, that—

14 (A) information shall be filed electronically  
15 identifying the consignor, consignee, country of  
16 origin, and the Harmonized Tariff Schedule of  
17 the United States 6-digit classification of the  
18 goods; and

19 (B) such information shall be to the best  
20 of the filer’s knowledge, and shall not be consid-  
21 ered the entry for the goods under section 484  
22 of that Act (19 U.S.C. 1484) or subject to sec-  
23 tion 592 or 595a of that Act (19 U.S.C. 1592  
24 or 1595a); and

1           (2) by distributing the information reported  
2           under the regulations promulgated under paragraph  
3           (1) or section 431(b)(2), 431A, or 431B of the Tar-  
4           iff Act of 1930 on a real-time basis to any Federal,  
5           State, or local government agency that has a regu-  
6           latory or law-enforcement interest in the goods.

7           (f) EFFECTIVE DATE.—The amendments made by  
8           subsections (a) through (d) of this section shall take effect  
9           45 days after the date of enactment of this Act.

10          (g) PILOT PROGRAM FOR PRECLEARING INBOUND  
11          SHIPMENTS OF WATERBORNE CARGO.—

12               (1) IN GENERAL.—If the Commissioner of Cus-  
13               toms determines that information from a pilot pro-  
14               gram for inspecting, monitoring, tracking, and  
15               preclearing inbound shipments of waterborne cargo  
16               would improve the security and safety of ports, the  
17               Commissioner may develop and implement such a  
18               pilot program.

19               (2) PROGRAM CHARACTERISTICS.—

20                       (A) IN GENERAL.—Any such pilot program  
21               shall—

22                               (i) take into account, and may be or-  
23                               ganized on the basis of, prearrival informa-  
24                               tion that commercial vessels entering the  
25                               territorial waters of the United States or

1 destined for United States ports are re-  
2 quired to transmit under section 431 of  
3 the Tariff Act of 1930 (19 U.S.C. 1431)  
4 and the Ports and Waterways Safety Act  
5 (33 U.S.C. 1221 et seq.); and

6 (ii) be designed to meet the require-  
7 ments of United States customs laws and  
8 other laws regulating the importation of  
9 goods into the United States and to accom-  
10 modate mechanisms for the collection of  
11 applicable duties upon entry or removal  
12 from warehouse of such goods.

13 (B) CUSTOMS CLEARANCE WAIVER.—The  
14 Commissioner may grant a waiver of any  
15 United States Customs Service post-arrival  
16 clearance requirement for goods inspected, mon-  
17 itored for security and integrity in transit,  
18 tracked, and precleared under any such pilot  
19 program.

20 (3) CONSULTATION WITH OTHER INTERESTED  
21 AGENCIES.—In developing and implementing a pilot  
22 program under paragraph (1) the Commissioner of  
23 Customs shall consult with representatives of other  
24 Federal agencies with responsibilities related to the  
25 entry of commercial goods into the United States to

1 ensure that those agencies' missions are not com-  
2 promised by the preclearance.

3 (4) PILOT PROGRAM TO BE TESTED AT MUL-  
4 TIPLE PORTS.—Any such pilot program developed  
5 and implemented by the Commissioner may be con-  
6 ducted at several different ports in a manner that  
7 permits analysis and evaluation of different tech-  
8 nologies and takes into account different kinds of  
9 goods and ports with different harbor, infrastruc-  
10 ture, climatic, geographical, and other characteris-  
11 tics.

12 (5) REPORT TO THE CONGRESS.—Within a year  
13 after a pilot program is implemented under para-  
14 graph (1), the Commissioner of Customs shall trans-  
15 mit a report to the Senate Committee on Commerce,  
16 Science, and Transportation and the House of Rep-  
17 resentatives Committee on Transportation and In-  
18 frastructure that—

19 (A) evaluates the pilot program and its  
20 components;

21 (B) states the Commissioner's view as to  
22 whether any procedure, system, or technology  
23 evaluated as part of the program offers a high-  
24 er level of security than requiring imported

1 goods to clear customs under existing proce-  
2 dures;

3 (C) states the Commissioner's view as to  
4 the integrity of the procedures, technology, or  
5 systems evaluated as part of the pilot program;

6 (D) makes a recommendation with respect  
7 to whether the pilot program, or any procedure,  
8 system, or technology should be incorporated in  
9 a nationwide system for preclearance of imports  
10 of waterborne goods;

11 (E) describes the impact of the pilot pro-  
12 gram on staffing levels at the Customs Service  
13 and the potential effect full implementation of  
14 the program on a nationwide basis would have  
15 on Customs Service staffing level; and

16 (F) states the Commissioner's views as to  
17 whether there is a method by which the United  
18 States could validate foreign ports so that cargo  
19 from those ports is preapproved for United  
20 States Custom Service purposes on arrival at  
21 United States ports.

22 **SEC. 116. PREARRIVAL MESSAGES FROM VESSELS DES-**  
23 **TINED TO UNITED STATES PORTS.**

24 The Ports and Waterways Safety Act (33 U.S.C.  
25 1221 et seq.) is amended—

1           (1) by striking “environment” in section 2(a)  
2           (33 U.S.C. 1221(a)) and inserting “environment,  
3           and the safety and security of United States ports  
4           and waterways,”;

5           (2) by striking paragraph (5) of section 4(a)  
6           (33 U.S.C. 1223(a)) and inserting the following:

7           “(5) require—

8                   “(A) the receipt of pre-arrival messages  
9                   from any vessel destined for a port or place  
10                  subject to the jurisdiction of the United States;

11                  “(B) the message to include any informa-  
12                  tion the Secretary determines to be necessary  
13                  for the control of the vessel and the safety and  
14                  security of the port, waterways, facilities, ves-  
15                  sels, and marine environment; and

16                  “(C) the message to be transmitted in elec-  
17                  tronic form, or otherwise as determined by the  
18                  Secretary, in sufficient time to permit review  
19                  before the vessel’s entry into port, and deny  
20                  port entry to any vessel that fails to comply  
21                  with the requirements of this paragraph.”;

22           (3) by striking “environment” in section 5(a)  
23           (33 U.S.C. 1224(a)) and inserting “environment,  
24           and the safety and security of United States ports  
25           and waterways,”; and



1           (4) by adding at the end of section 5 (33  
2       U.S.C. 1224) the following:  
3       “Nothing in this section interferes with the Secretary’s au-  
4       thority to require information under section 4(a)(5) before  
5       a vessel’s arrival in a port or place subject to the jurisdic-  
6       tion of the United States.”.

7       **SEC. 117. MARITIME SAFETY AND SECURITY TEAMS.**

8       (a) IN GENERAL.—To enhance the domestic mari-  
9       time security capability of the United States, the Sec-  
10      retary shall establish such maritime safety and security  
11      teams as are needed to safeguard the public and protect  
12      vessels, harbors, ports, waterfront facilities, and cargo in  
13      waters subject to the jurisdiction of the United States  
14      from destruction, loss or injury from crime, or sabotage  
15      due to terrorist activity, and to respond to such activity  
16      in accordance with security plans developed under section  
17      7 of the Ports and Waterways Safety Act (33 U.S.C.  
18      2116).

19      (b) MISSION.—Each maritime safety and security  
20      team shall be trained, equipped and capable of being em-  
21      ployed to—

22           (1) deter, protect against, and rapidly respond  
23      to threats of maritime terrorism;

24           (2) enforce moving or fixed safety or security  
25      zones established pursuant to law;

1           (3) conduct high speed intercepts;

2           (4) board, search, and seize any article or thing  
3       on a vessel or waterfront facility found to present a  
4       risk to the vessel, facility or port;

5           (5) rapidly deploy to supplement United States  
6       armed forces domestically or overseas;

7           (6) respond to criminal or terrorist acts within  
8       the port so as to minimize, insofar as possible, the  
9       disruption caused by such acts;

10          (7) assist with port vulnerability assessments  
11       required under this Act; and

12          (8) carry out other such missions as are as-  
13       signed to it in support of the goals of this Act.

14       (c) COORDINATION WITH OTHER AGENCIES.—To the  
15   maximum extent feasible, each maritime safety and secu-  
16   rity team shall coordinate its activities with other Federal,  
17   State, and local law enforcement and emergency response  
18   agencies.

19   **SEC. 118. RESEARCH AND DEVELOPMENT FOR CRIME AND**  
20                   **TERRORISM PREVENTION AND DETECTION**  
21                   **TECHNOLOGY.**

22       (a) GRANT PROGRAM.—

23           (1) IN GENERAL.—The Secretary, in consulta-  
24       tion with the Advisory Committee, shall establish a  
25       grant program to fund eligible projects for the devel-

1        opment, testing, and transfer of technology to en-  
2        hance security at United States ports with respect to  
3        security risks, including—

- 4                    (A) explosives or firearms;
- 5                    (B) weapons of mass destruction;
- 6                    (C) chemical and biological weapons;
- 7                    (D) drug and illegal alien smuggling;
- 8                    (E) trade fraud; and
- 9                    (F) other criminal activity.

10            (2) MATCHING FUNDS REQUIRED.—The max-  
11        imum amount of any grant of funds made available  
12        under the program to a participant other than a de-  
13        partment or agency of the United States for a tech-  
14        nology development project may not exceed 75 per-  
15        cent of costs of that project.

16        (b) ELIGIBLE PROJECTS.—A project is eligible for a  
17        grant under subsection (a) if it is for the construction,  
18        acquisition, testing, or deployment of surveillance equip-  
19        ment and technology capable of preventing or detecting  
20        terrorist or other criminal activity as determined by the  
21        Secretary.

22        (c) ANNUAL ACCOUNTING; DISSEMINATION OF IN-  
23        FORMATION.—The Secretary shall submit an annual sum-  
24        mary of grants under subsection (a), together with a gen-  
25        eral description of the tests and any technology transfers

1 under the program, to the Senate Committee on Com-  
2 merce, Science, and Transportation and the House of Rep-  
3 resentatives Committee on Transportation and Infrastruc-  
4 ture.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to the Secretary  
7 \$15,000,000 for each of fiscal years 2002 through 2006,  
8 such sums to remain available until expended.

9 **SEC. 119. EXTENSION OF SEAWARD JURISDICTION.**

10 (a) DEFINITION OF TERRITORIAL WATERS.—Section  
11 1 of title XIII of the Act of June 15, 1917 (50 U.S.C.  
12 195) is amended—

13 (1) by striking “The term ‘United States’ as  
14 used in this Act includes” and inserting the fol-  
15 lowing:

16 “In this Act:

17 “(a) UNITED STATES.—The term ‘United  
18 States’ includes”; and

19 (2) by adding at the end the following:

20 “(b) TERRITORIAL WATERS.—The term “territorial  
21 waters of the United States” includes all waters of the  
22 territorial sea of the United States as described in Presi-  
23 dential Proclamation 5928 of December 27, 1988.”.

1 (b) CIVIL PENALTY FOR VIOLATION OF ACT OF  
2 JUNE 15, 1917.—Section 2 of title II of the Act of June  
3 15, 1917 (50 U.S.C. 192), is amended—

4 (1) by striking “IMPRISONMENT” in the section  
5 heading and inserting “IMPRISONMENT; CIVIL PEN-  
6 ALTIES”;

7 (2) by inserting “(a) IN GENERAL.—” before  
8 “If” in the first undesignated paragraph;

9 (3) by striking “(a) If any other” and inserting  
10 “(b) APPLICATION TO OTHERS.—If any other”; and

11 (4) by adding at the end the following:

12 “(c) CIVIL PENALTY.—

13 “(1) IMPOSITION.—A person who is found,  
14 after notice and an opportunity for a hearing, to  
15 have violated any rule, regulation or order issued  
16 under this Act, or found to have knowingly ob-  
17 structed or interfered with the exercise of any power  
18 conferred by this Act, shall be liable to the United  
19 States for a civil penalty, not to exceed \$25,000 for  
20 each violation. Each day of a continuing violation  
21 shall constitute a separate violation. The amount of  
22 such civil penalty shall be assessed by the Secretary,  
23 or the Secretary’s designee, by written notice. In de-  
24 termining the amount of such penalty, the Secretary  
25 shall take into account the nature, circumstances,

1 extent and gravity of the prohibited acts committed  
2 and, with respect to the violator, the degree of culpa-  
3 bility, any history of prior offenses, ability to pay,  
4 and such other matters as justice may require.

5 “(2) COMPROMISE, ETC.—The Secretary may com-  
6 promise, modify, or remit, with or without conditions, any  
7 civil penalty which is subject to imposition or which has  
8 been imposed under this subsection.

9 “(3) COLLECTION.—If a person fails to pay an as-  
10 sessment of a civil penalty after it has become final, the  
11 Secretary may refer the matter to the Attorney General  
12 of the United States, for collection in any appropriate dis-  
13 trict court of the United States.”.

14 **SEC. 120. SUSPENSION OF LIMITATION ON STRENGTH OF**  
15 **COAST GUARD.**

16 (a) PERSONNEL END STRENGTHS.—Section 661(a)  
17 of title 14, United States Code, is amended by adding at  
18 the end the following: “If at the end of any fiscal year  
19 there is in effect a declaration of war or national emer-  
20 gency, the President may defer the effectiveness of any  
21 end-strength and grade distribution limitation with re-  
22 spect to that fiscal year prescribed by law for any military  
23 or civilian component of the Coast Guard, for a period  
24 not to exceed 6 months after the end of the war or termi-  
25 nation of the national emergency.”.

1 (b) OFFICERS IN COAST GUARD RESERVE.—Section  
2 724 of title 14, United States Code, is amended by adding  
3 at the end thereof the following:

4 “(c) DEFERRAL OF LIMITATION.—If at the end of  
5 any fiscal year there is in effect a declaration of war or  
6 national emergency, the President may defer the effective-  
7 ness of any end-strength and grade distribution limitation  
8 with respect to that fiscal year prescribed by law for any  
9 military or civilian component of the Coast Guard Reserve,  
10 for a period not to exceed 6 months after the end of the  
11 war or termination of the national emergency.”.

12 **SEC. 121. ADDITIONAL REPORTS.**

13 (a) ADDITIONAL SECURITY NEEDS.—Within 1 year  
14 after the date of enactment of this Act, the Secretary shall  
15 transmit a report to the Senate Committee on Commerce,  
16 Science, and Transportation and the House of Represent-  
17 atives Committee on Transportation and Infrastructure on  
18 the need for any additional security requirements or meas-  
19 ures under this title in order to provide for national secu-  
20 rity and protect the flow of commerce.

21 (b) ANNUAL STATUS REPORT TO CONGRESS.—

22 (1) IN GENERAL.—Notwithstanding section 7(c)  
23 of the Ports and Waterways Safety Act (33 U.S.C.  
24 1226(c)), the Secretary shall report annually to the  
25 Senate Committee on Commerce, Science, and

1       Transportation and the House of Representatives  
2       Committee on Transportation and Infrastructure on  
3       the status of port security in a form that does not  
4       compromise, or present a threat to the disclosure of  
5       security-sensitive information about, the port secu-  
6       rity vulnerability assessments conducted under this  
7       Act. The report may include recommendations for  
8       further improvements in port security measures and  
9       for any additional enforcement measures necessary  
10      to ensure compliance with the port security plan re-  
11      quirements of this title.

12           (2) SPECIFIC PORT EVALUATION.—The Sec-  
13      retary shall select a port for the purpose of evalu-  
14      ating security plans and enhancements and, in the  
15      first annual report under this subsection, the Sec-  
16      retary shall report on the progress and enhance-  
17      ments of security plans at that port and on how this  
18      Act has improved security at that port. The Sec-  
19      retary shall provide annual updates for that port in  
20      subsequent annual reports.

21           (c) ANNUAL REPORT ON MARITIME SECURITY AND  
22      TERRORISM.—Section 905 of the International Maritime  
23      and Port Security Act (46 U.S.C. App. 1802) is amended  
24      by adding at the end thereof the following: “Beginning  
25      with the first report submitted under this section after the



1 date of enactment of the Port and Maritime Security Act  
2 of 2001, the Secretary shall include a description of activi-  
3 ties undertaken under title I of that Act and an analysis  
4 of the effect of those activities on port security against  
5 acts of terrorism.”.

6 (d) ANNUAL REPORT OF EXPENDITURE OF FUNDS  
7 FOR TRAINING OF MARITIME SECURITY PROFES-  
8 SIONALS.—The Secretary shall transmit an annual report  
9 to the Senate Committee on Commerce, Science, and  
10 Transportation and the House of Representatives Com-  
11 mittee on Transportation and Infrastructure on the ex-  
12 penditure of appropriated funds and the development of  
13 training and certification programs under section 111 of  
14 this title.

15 (e) ACCOUNTING.—The Commissioner of Customs  
16 shall submit a report for each of fiscal years 2002 through  
17 2006 to the Senate Committee on Commerce, Science, and  
18 Transportation and the House of Representatives Com-  
19 mittee on Transportation and Infrastructure on the ex-  
20 penditure of funds appropriated pursuant to section 113  
21 of this title.

22 (f) REPORT ON TRAINING CENTER.—The Com-  
23 mandant of the United States Coast Guard, in conjunction  
24 with the Secretary of the Navy, shall submit to Congress  
25 a report, at the time they submit their fiscal year 2004

1 budget, on the life cycle costs and benefits of creating a  
2 Center for Coastal and Maritime Security. The purpose  
3 of the Center would be to provide an integrated training  
4 complex to prevent and mitigate terrorist threats against  
5 coastal and maritime assets of the United States, includ-  
6 ing ports, harbors, ships, dams, reservoirs, and transport  
7 nodes.

8 **SEC. 122. 4-YEAR REAUTHORIZATION OF TONNAGE DUTIES.**

9 (a) IN GENERAL.—

10 (1) EXTENSION OF DUTIES.—Section 36 of the  
11 Act of August 5, 1909 (36 Stat. 111; 46 U.S.C.  
12 App. 121), is amended by striking “through 2002,”  
13 each place it appears and inserting “through 2006,”.

14 (2) CONFORMING AMENDMENT.—The Act enti-  
15 tled “An Act concerning tonnage duties on vessels  
16 entering otherwise than by sea”, approved March 8,  
17 1910 (36 Stat 234; 46 U.S.C. App. 132), is amend-  
18 ed by striking “through 2002,” and inserting  
19 “through 2006,”.

20 (b) AVAILABILITY OF FUNDS.—Amounts deposited in  
21 the general fund of the Treasury as receipts of tonnage  
22 charges collected as a result of the amendments made by  
23 subsection (a) shall be made available, only to the extent  
24 provided in advance in appropriations Act, in each of fiscal  
25 years 2003 through 2006 to carry out this title, as pro-

1 vided in sections 102(b), 103(b), 104(b), 110(f), 111(c),  
 2 112(a) and 114(b) of this title.

3 (c) RECEIPTS CREDITED AS OFFSETTING COLLEC-  
 4 TIONS.—Notwithstanding section 3302 of title 31, United  
 5 States Code, duties collected under section 36 of the Act  
 6 of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121)  
 7 as amended by subsection (a)(1) of this section—

8 (1) shall be credited as offsetting collections to  
 9 the account that finances the activities and services  
 10 authorized by sections 110, 112, and 114 of this  
 11 Act, section 7(d), (e), and (f) of the Ports and Wa-  
 12 terways Safety Act (33 U.S.C. 2116(d), (e), and (f))  
 13 (as added by sections 102, 103, and 104 of this  
 14 Act), and sections 1401 and 1402 of the Merchant  
 15 Marine Act, 1936 (as added by section 111 of this  
 16 Act);

17 (2) shall be available for expenditure only to  
 18 pay the costs of such activities and services; and

19 (3) shall remain available until expended.

20 (c) LIMITATION; DEPOSIT OF FEES.—No amounts  
 21 may be collected under section 36 of the Act of August  
 22 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) as amended  
 23 by subsection (a)(1) of this section, or credited as provided  
 24 by subsection (b), except to the extent provided in advance  
 25 in appropriations Acts. Such amounts shall be used in

1 each of fiscal years 2003 through 2006 as provided in sec-  
2 tions 102(b), 103(b), 104(b), 110(f), 111(c), 112(a) and  
3 114(b) of this title.

4 **SEC. 123. DEFINITIONS.**

5 In this title:

6 (1) CAPTAIN-OF-THE-PORT.—The term “Cap-  
7 tain-of-the-Port” means the United States Coast  
8 Guard’s Captain-of-the-Port.

9 (2) SECRETARY.—Except as otherwise provided,  
10 the term “Secretary” means the Secretary of Trans-  
11 portation.

12 (4) ADVISORY COMMITTEE.—The term “Advi-  
13 sory Committee” means the National Maritime Se-  
14 curity Advisory Committee established under section  
15 7(d) of the Ports and Waterways Safety Act (33  
16 U.S.C. 1226(d)).

17 (5) MARINE TERMINAL OPERATOR.—The term  
18 “marine terminal operator” has the meaning given  
19 that term in section 1702(14) of title 46, United  
20 States Code.

1 **TITLE II—ADDITIONAL MARI-**  
 2 **TIME SAFETY AND SECURITY**  
 3 **RELATED MEASURES**

4 **SEC. 201. EXTENSION OF DEEPWATER PORT ACT TO NAT-**  
 5 **URAL GAS.**

6 The following provisions of the Deepwater Port Act  
 7 of 1974 (33 U.S.C. 1501 et seq.) are each amended by  
 8 inserting “or natural gas” after “oil” each place it ap-  
 9 pears:

- 10 (1) Section 2(a) (33 U.S.C. 1501(a)).
- 11 (2) Section 3(9) (33 U.S.C. 1502(9)).
- 12 (3) Section 4(a) (33 U.S.C. 1503(a)).
- 13 (4) Section 5(c)(2)(G) and (H) (33 U.S.C.
- 14 1504(c)(2)(G) and (H)).
- 15 (5) Section 5(i)(2)(B) (33 U.S.C.
- 16 1504(i)(2)(B)).
- 17 (6) Section 5(i)(3)(C) (33 U.S.C. 1504
- 18 (i)(3)(C)).
- 19 (7) Section 8 (33 U.S.C. 1507).
- 20 (8) Section 21(a) (33 U.S.C. 1520(a)).

21 **SEC. 202. ASSIGNMENT OF COAST GUARD PERSONNEL AS**  
 22 **SEA MARSHALS AND ENHANCED USE OF**  
 23 **OTHER SECURITY PERSONNEL.**

24 (a) IN GENERAL.—Section 7(b) of the Ports and Wa-  
 25 terways Safety Act (33 U.S.C. 1226(b)) is amended—

1           (1) by striking “and” after the semicolon in  
2 paragraph (1);

3           (2) by striking “terrorism.” in paragraph (2)  
4 and inserting “terrorism;” and

5           (3) by adding at the end the following:

6           “(3) dispatch properly trained and qualified  
7 armed Coast Guard personnel aboard government,  
8 private, and commercial structures and vessels to  
9 deter, prevent, or respond to acts of terrorism or  
10 otherwise provide for the safety and security of the  
11 port, waterways, facilities, marine environment, and  
12 personnel; and

13           “(4) require the owner and operator of a com-  
14 mercial structure or the owner, operator, charterer,  
15 master, or person in charge of a vessel to provide  
16 the appropriate level of security as necessary, includ-  
17 ing armed security.”.

18       (b) REPORT ON USE OF NON-COAST GUARD PER-  
19 SONNEL.—The Secretary of the department in which the  
20 Coast Guard is operating shall evaluate and report to the  
21 Congress on—

22           (1) the potential use of Federal, State, or local  
23 government personnel, and documented United  
24 States Merchant Marine personnel, to supplement  
25 Coast Guard personnel under section 7(b)(3) of the

1 Ports and Waterways Safety Act (33 U.S.C.  
2 1226(b)(3));

3 (2) the possibility of using personnel other than  
4 Coast Guard personnel to carry out Coast Guard  
5 personnel functions under that section and whether  
6 additional legal authority would be necessary to use  
7 such personnel for such functions; and

8 (3) the possibility of utilizing the United States  
9 Merchant Marine Academy or State maritime acad-  
10 emies to provide training carrying out duties under  
11 that section.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to the Secretary of the  
14 department in which the Coast Guard is operating  
15 \$13,000,000 in each of the fiscal years 2002–2006 to  
16 carry out section 7(b) of the Ports and Waterways Safety  
17 Act (33 U.S.C. 1226(b)), all such funds to remain avail-  
18 able until expended.

19 **SEC. 203. NATIONAL MARITIME TRANSPORTATION SECU-**  
20 **RITY PLAN.**

21 Section 7 of the Ports and Waterways Safety Act (33  
22 U.S.C. 1226), as amended by section 106 of this Act, is  
23 amended by adding at the end the following:

24 “(i) NATIONAL MARITIME TRANSPORTATION SECU-  
25 RITY PLAN.—

1           “(1) IN GENERAL.—The Secretary, in consulta-  
2           tion with appropriate Federal agencies, shall prepare  
3           and publish a National Maritime Transportation Se-  
4           curity Plan for prevention and response to maritime  
5           crime and terrorism. The Secretary shall consult  
6           with the National Maritime Security Advisory Com-  
7           mittee in preparation of the National Maritime  
8           Transportation Security Plan.

9           “(2) CONTENTS OF PLAN.—The Plan shall pro-  
10          vide for efficient, coordinated, and effective action to  
11          prevent and respond to acts of maritime crime or  
12          terrorism, and shall include—

13               “(A) allocation of duties and responsibil-  
14               ities among Federal departments and agencies  
15               in coordination with State and local agencies  
16               and port authorities;

17               “(B) identification, procurement, mainte-  
18               nance, and storage of equipment and supplies;

19               “(C) procedures and techniques to be em-  
20               ployed in preventing and responding to acts of  
21               crime or terrorism;

22               “(D) establishment of procedures for effec-  
23               tive liaison with State and local governments  
24               and emergency responders including law en-  
25               forcement and fire response;



1           “(E) establishment of criteria and proce-  
 2           dures to ensure immediate and effective Federal  
 3           identification of, and response to, acts of mari-  
 4           time crime or terrorism, that result in a sub-  
 5           stantial threat to the welfare of the United  
 6           States;

7           “(F) designation of a Federal official to be  
 8           the Federal maritime security coordinator for  
 9           each area for which an area maritime security  
 10          plan is required to be prepared;

11          “(G) establishment of procedures for the  
 12          coordination of activities of—

13               “(i) Coast Guard maritime safety and  
 14               security teams established under this sec-  
 15               tion;

16               “(ii) Federal maritime security coordi-  
 17               nators;

18               “(iii) area maritime security commit-  
 19               tees;

20               “(iv) local port security committees;  
 21               and

22               “(v) the National Maritime Security  
 23               Advisory Committee.

24          “(3) REVISION AUTHORITY.—The Secretary  
 25          may, from time to time, as the Secretary deems ad-

1       visable, revise or otherwise amend the National Mar-  
 2       itime Transportation Security Plan.

3               “(4) PLAN TO BE FOLLOWED.—After publica-  
 4       tion of the Plan, the planning and response to acts  
 5       of maritime crime and terrorism shall, to the great-  
 6       est extent possible, be in accordance with the Plan.

7               “(5) COPY TO THE CONGRESS.—The Secretary  
 8       shall furnish a copy of the Plan to the Senate Com-  
 9       mittee on Commerce, Science, and Transportation  
 10      and the House of Representatives Committee on  
 11      Transportation and Infrastructure.”.

12 **SEC. 204. AREA MARITIME SECURITY COMMITTEES AND**  
 13 **AREA MARITIME SECURITY PLANS.**

14       Section 7 of the Ports and Waterways Safety Act (33  
 15      U.S.C. 1226), as amended by section 203, is further  
 16      amended by adding at the end the following:

17       “(j) AREA MARITIME SECURITY COMMITTEES AND  
 18      AREA MARITIME SECURITY PLANS.—

19               “(1) IN GENERAL.—There is established for  
 20      each area designated by the Secretary an area mari-  
 21      time security committee comprised of members ap-  
 22      pointed by the Secretary. The Secretary may des-  
 23      ignate any existing local port security committee as  
 24      an area maritime security committee for the pur-  
 25      poses of this subsection. The Federal Advisory Com-

1        mittee Act (5 U.S.C. App.) does not apply to an  
2        area maritime security committee.

3            “(2) FUNCTION.—Each area maritime security  
4        committee, under the direction of the Federal mari-  
5        time security coordinator for its area, shall—

6            “(A) prepare an area maritime security  
7        plan for its area; and

8            “(B) work with State and local officials to  
9        enhance the contingency planning of those offi-  
10       cials and to assure pre-planning of joint re-  
11       sponse efforts, including appropriate procedures  
12       for prevention and response to acts of maritime  
13       crime or terrorism.

14           “(3) AREA MARITIME SECURITY PLAN REQUIRE-  
15       MENT.—Each area maritime security committee  
16       shall prepare an area maritime security plan for its  
17       area and submit it to the Secretary for approval.  
18       The area maritime security plan shall—

19           “(A) when implemented in conjunction  
20       with the national maritime transportation secu-  
21       rity plan, be adequate to prevent or rapidly and  
22       effectively respond to an act of maritime crime  
23       or terrorism in or near the area;

24           “(B) describe the area covered by the plan,  
25       including the areas of population or special eco-

1            nomic, environmental or national security im-  
 2            portance that might be damaged by an act of  
 3            maritime crime or terrorism;

4            “(C) describe in detail how the plan is in-  
 5            tegrated with other area maritime security  
 6            plans, facility security plans, and vessel security  
 7            plans under this section;

8            “(D) include any other information the  
 9            Secretary requires; and

10           “(E) be updated periodically by the area  
 11           maritime security committee.

12           “(4) REVIEW BY SECRETARY.—The Secretary  
 13           shall—

14           “(A) review and approve area maritime se-  
 15           curity plans under this subsection; and

16           “(B) periodically review previously ap-  
 17           proved area maritime security plans.”.

18    **SEC. 205. VESSEL SECURITY PLANS.**

19           (a) IN GENERAL.—Section 4(a) of the Ports and Wa-  
 20           terways Safety Act (33 U.S.C. 1223(a)) is amended—

21           (1) by striking “and” after the semicolon in  
 22           paragraph (4);

23           (2) by striking “environment.” in paragraph (5)  
 24           and inserting “environment; and”; and

25           (3) by adding at the end the following:

1           “(6) may issue regulations establishing require-  
 2           ments for vessel security plans and programs for  
 3           vessels calling on United States ports.”.

4           (b) AUTHORIZATION OF APPROPRIATIONS.—There  
 5           are authorized to be appropriated to the Secretary of the  
 6           department in which the Coast Guard is operating  
 7           \$2,000,000 for each of fiscal years 2002 through 2006  
 8           to carry out section 4(a)(6) of the Ports and Waterways  
 9           Safety Act (33 U.S.C. 1223(a)(6)), such sums to remain  
 10          available until expended.

11   **SEC. 206. PROTECTION OF SECURITY-RELATED INFORMA-**  
 12                                   **TION.**

13          Section 7(c) of the Ports and Waterways Safety Act  
 14          (33 U.S.C. 1226(c)) is amended to read as follows:

15          “(c) NONDISCLOSURE OF INFORMATION.—Notwith-  
 16          standing any other provision of law, information developed  
 17          under this section, and vessel security plan information  
 18          developed under section 4(a)(6) of this Act (33 USC  
 19          1223(a)(6)), is not required to be disclosed to the public.  
 20          This includes information related to security plans, proce-  
 21          dures, or programs for passenger vessels or passenger ter-  
 22          minals authorized under this Act, and any other informa-  
 23          tion, including maritime facility security plans, vessel se-  
 24          curity plans and port vulnerability assessments.”.

1 **SEC. 207. ENHANCED CARGO IDENTIFICATION AND TRACK-**  
2 **ING.**

3 (a) TRACKING PROGRAM.—The Secretaries of the  
4 Treasury and Transportation shall establish a joint task  
5 force to work with ocean shippers and ocean carriers in  
6 the development of performance standards for systems to  
7 track data for shipments, containers, and contents—

8 (1) to improve the capacity of shippers and oth-  
9 ers to limit cargo theft and tampering; and

10 (2) to track the movement of cargo, through  
11 the Global Positioning System or other systems,  
12 within the United States, particularly for in-bond  
13 shipments.

14 (b) PERFORMANCE STANDARDS FOR ANTI-TAM-  
15 PERING DEVICES.—The Secretaries of the Treasury and  
16 Transportation shall work with the National Institutes of  
17 Standards and Technology to develop enhanced perform-  
18 ance standards for in-bond seals and locks for use on or  
19 in containers used for water-borne cargo shipments.

20 **SEC. 208. ENHANCED CREWMEMBER IDENTIFICATION.**

21 The Secretary of Transportation, in consultation with  
22 the Attorney General, may require crewmembers aboard  
23 vessels calling on United States ports to carry and present

1 upon demand such identification as the Secretary deter-  
2 mines.

Passed the Senate December 20 (legislative day, December 18), 2001.

Attest:

*Secretary.*





107TH CONGRESS  
1ST SESSION

# **S. 1214**

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## **AN ACT**

To amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.