

107TH CONGRESS
2D SESSION

S. 2329

To improve seaport security.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2002

Mr. BREAU (for himself, Mr. SMITH of Oregon, Mr. HOLLINGS, and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve seaport security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ship, Seafarer, and
5 Container Security Act”.

6 **SEC. 2. AUTOMATIC IDENTIFICATION SYSTEM.**

7 (a) IN GENERAL.—When operating in navigable wa-
8 ters of the United States (as defined in section 2101(17a)
9 of title 46, United States Code), the following vessels shall
10 be equipped with an automatic identification system:

1 (1) Any vessel subject to the Vessel Bridge-to-
2 Bridge Radiotelephone Act (33 U.S.C. 1201 et seq.).

3 (2) Any small passenger vessel carrying more
4 than a number of passengers determined by the Sec-
5 retary of Transportation.

6 (3) Any commercial towing vessel while towing
7 astern or pushing ahead or alongside, except com-
8 mercial assistance towing vessels rendering assist-
9 ance to disabled small vessels.

10 (4) Any other vessel for which the Secretary of
11 Transportation determines that an automatic identi-
12 fication system is necessary for the safe navigation
13 of the vessel.

14 (b) REGULATIONS; EFFECTIVE DATE.—

15 (1) IN GENERAL.—As soon as practicable after
16 the date of enactment of this Act, the Secretary
17 shall initiate a rulemaking to implement subsection
18 (a).

19 (2) CONTENT.—Regulations promulgated pur-
20 suant to that rulemaking—

21 (A) may, subject to subparagraph (B), in-
22 clude effective dates for the application of sub-
23 section (a) to different vessels at different
24 times;

1 (B) shall require all vessels to which sub-
 2 section (a) applies to comply with the require-
 3 ments of subsection (a) no later than December
 4 31, 2004; and

5 (C) shall be issued in final form before De-
 6 cember 31, 2004.

7 (3) EFFECTIVE DATE NOT DEPENDENT UPON
 8 FINAL RULE.—If regulations have not been promul-
 9 gated in final form under this subsection before De-
 10 cember 31, 2004, then subsection (a) shall apply
 11 to—

12 (A) any vessel described in paragraph (1)
 13 or (3) of that subsection on and after that date;
 14 and

15 (B) other vessels described in subsection
 16 (a) as may be provided in regulations promul-
 17 gated thereafter.

18 **SEC. 3. UNIQUE SEAFARER IDENTIFICATION.**

19 (a) TREATY INITIATIVE.—The Secretary of Trans-
 20 portation should undertake the negotiation of an inter-
 21 national agreement, or amendments to an international
 22 agreement that provides for a uniform, comprehensive,
 23 international system of identification for seafarers that
 24 will enable the United States and other countries to estab-
 25 lish authoritatively the identity of any seafarer aboard a

1 vessel within the jurisdiction, including the territorial wa-
2 ters, of the United States or such other country.

3 (b) LEGISLATIVE ALTERNATIVE.—If the Secretary
4 fails to complete the international agreement negotiation
5 or amendment process undertaken under subsection (a)
6 within 24 months after the date of enactment of this Act,
7 the Secretary shall transmit to the Senate Committee on
8 Commerce, Science, and Transportation and the House of
9 Representatives Committee on Transportation and Infra-
10 structure a draft of legislation that, if enacted, would es-
11 tablish a uniform, comprehensive system of identification
12 for seafarers.

13 **SEC. 4. GREATER TRANSPARENCY OF SHIP REGISTRATION.**

14 (a) TREATY INITIATIVE.—The Secretary of Trans-
15 portation should undertake the negotiation of an inter-
16 national agreement, or the amendment of an international
17 agreement, to provide greater transparency with respect
18 to the registration and ownership of vessels entering or
19 operating in the territorial waters of the United States.

20 (b) LEGISLATIVE ALTERNATIVE.—If the Secretary
21 fails to complete the international agreement or amend-
22 ment process undertaken under subsection (a) within 24
23 months after the date of enactment of this Act, the Sec-
24 retary shall transmit to the Senate Committee on Com-
25 merce, Science, and Transportation and the House of Rep-

1 representatives Committee on Transportation and Infrastruc-
2 ture a draft of legislation that, if enacted, would provide
3 for greater transparency with respect to the registration
4 and ownership of vessels operating in international waters.

5 **SEC. 5. INTERNATIONAL AGREEMENT ON CONTAINER IN-**
6 **TEGRITY.**

7 (a) TREATY INITIATIVE.—The Secretary of Trans-
8 portation should undertake the negotiation of an inter-
9 national agreement, or amendments to an international
10 agreement, to establish marine container integrity and
11 anti-tampering standards for marine containers.

12 (b) LEGISLATIVE ALTERNATIVE.—If the Secretary
13 fails to complete the international agreement negotiation
14 or amendment process undertaken under subsection (a)
15 within 24 months after the date of enactment of this Act,
16 the Secretary shall transmit to the Senate Committee on
17 Commerce, Science, and Transportation and the House of
18 Representatives Committee on Transportation and Infra-
19 structure a draft of legislation that, if enacted, would es-
20 tablish marine container integrity and anti-tampering
21 standards.

22 **SEC. 6. COAST GUARD TO DEVELOP RISK-BASED ANALYSIS**
23 **AND SECURITY ZONE SYSTEM FOR VESSELS.**

24 (a) IN GENERAL.—The Commandant of the Coast
25 Guard shall establish—

1 (1) a risk-based system for use in evaluating
2 the potential threat to the national security of the
3 United States of vessels entering the territorial wa-
4 ters of the United States; and

5 (2) a system of security zones for ports, terri-
6 torial waters, and waterways of the United States.

7 (b) MECHANISMS AND SYSTEMS CONSIDERATIONS.—
8 In carrying out subsection (a), the Commandant shall
9 consider—

10 (1) the use of public/private partnerships to im-
11 plement and enforce security within the security
12 zones, shoreside protection alternatives, and the en-
13 vironmental, public safety, and relative effectiveness
14 of such alternatives within the security zones; and

15 (2) technological means of enhancing the secu-
16 rity within the security zones of ports, territorial wa-
17 ters, and waterways of the United States.

18 (c) GRANTS.—The Commandant of the Coast Guard
19 may make grants to applicants for research and develop-
20 ment of alternative means of providing the protection and
21 security required by this section.

22 (d) REPORTS.—

23 (1) INITIAL REPORT.—Within 12 months after
24 the date of enactment of this Act, the Commandant
25 of the Coast Guard shall transmit, in a form that

1 does not compromise security, to the Senate Com-
2 mittee on Commerce, Science, and Transportation
3 and the House of Representative Committee on
4 Transportation and Infrastructure a report that
5 includes—

6 (A) a description of the methodology em-
7 ployed in evaluating risks to security;

8 (B) a list of security zones; and

9 (C) recommendations as to how protection
10 of such vessels and security zones might be fur-
11 ther improved.

12 (2) REPORT ON ALTERNATIVES.—Within 12
13 months after the Commandant has awarded grants
14 under subsection (c), the Commandant shall trans-
15 mit to the Senate Committee on Commerce, Science,
16 and Transportation and the House of Representative
17 Committee on Transportation and Infrastructure a
18 report on the results of testing and research carried
19 out with those grants.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary of the
22 Department in which the Coast Guard is operating for the
23 use of the Coast Guard, \$1,000,000 for fiscal year 2003
24 to make grants under subsection (c).

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