

108TH CONGRESS  
2D SESSION

# H. R. 3788

To amend title 46, United States Code, to modify requirements applicable to the National Maritime Transportation Security Plan with respect to ensuring that the flow of cargo through United States ports is reestablished after a transportation security incident, to require the Secretary of the department in which the Coast Guard is operating to develop and implement a secure long-range automated vessel tracking system, to aid maritime security, efficiency, and safety, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2004

Ms. LORETTA SANCHEZ of California introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

---

## A BILL

To amend title 46, United States Code, to modify requirements applicable to the National Maritime Transportation Security Plan with respect to ensuring that the flow of cargo through United States ports is reestablished after a transportation security incident, to require the Secretary of the department in which the Coast Guard is operating to develop and implement a secure long-range automated vessel tracking system, to aid maritime security, efficiency, and safety, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Guarding American  
3 Trade Enterprises Act” or the “GATE Act”.

4 **SEC. 2. ENSURING THAT THE FLOW OF CARGO THROUGH**  
5 **UNITED STATES PORTS IS REESTABLISHED**  
6 **AFTER A TRANSPORTATION SECURITY INCI-**  
7 **DENT.**

8       Section 70103(a)(2)(J) of title 46, United States  
9 Code, is amended to read as follows:

10           “(J) A plan for ensuring that the flow of cargo  
11 through United States ports is reestablished as effi-  
12 ciently and quickly as possible after a transportation  
13 security incident or instance of attempted transport  
14 of any implement of terrorism through the port, that  
15 includes the following:

16           “(i) In the event of a transportation secu-  
17 rity incident or instance of attempted transport  
18 of any implement of terrorism through the port,  
19 the Secretary shall execute the plan under this  
20 subparagraph, with such modifications as are  
21 appropriate under the circumstances that exist.

22           “(ii) A comprehensive rerouting plan for  
23 vessels and maritime cargo developed by the  
24 Secretary of Homeland Security in consultation  
25 with representatives from the maritime, rail,  
26 and trucking industries.

1 “(iii) Provisions under which—

2 “(I) in the event of a transportation  
3 security incident or instance of attempted  
4 transport of any implement of terrorism  
5 through a port, the Captain of the Port  
6 may not close a port not directly involved  
7 unless the Captain of the Port determines  
8 that such closure is necessary to secure  
9 vessels or facilities from damage or injury  
10 to any harbor or waters of the United  
11 States; and

12 “(II) in making such determination,  
13 the Captain of the Port shall take into ac-  
14 count the nature and extent of the threat  
15 to the safety or security of the port and  
16 the effect of such closure on maritime com-  
17 merce.”.

18 **SEC. 3. REQUIREMENT TO DEVELOP AND IMPLEMENT A**  
19 **LONG-RANGE AUTOMATED VESSEL TRACK-**  
20 **ING SYSTEM.**

21 (a) FINDING.—The Congress finds that execution of  
22 a cargo rerouting plan under the amendment made by sec-  
23 tion 2 will be greatly aided by the long-range automated  
24 vessel tracking system described in section 70115 of title  
25 46, United States Code, and the automatic identification

1 system described in section 70114 of title 46, United  
2 States Code.

3 (b) REQUIREMENT.—Section 70115 of title 46,  
4 United States Code, is amended—

5 (1) by striking “The Secretary may develop”  
6 and inserting “(a) The Secretary shall develop”; and

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

8 “(b) The Secretary shall report to the Committee on  
9 Transportation and Infrastructure and the Select Com-  
10 mittee on Homeland Security of the House of Representa-  
11 tives, and the Committee on Commerce, Science, and  
12 Transportation of the Senate, a plan to develop and imple-  
13 ment a system capable of tracking vessels equipped with  
14 the Global Maritime Distress and Safety System or equiv-  
15 alent satellite technology no later than December 31,  
16 2004. The plan should include a timeline for development  
17 and deployment, the costs associated with research and  
18 development, deployment, and operation and maintenance,  
19 the creation of a data monitoring system and center, use  
20 of information required under section 70113, and the  
21 agency responsible for the development, implementation,  
22 operation, and maintenance of such a system.

23 “(c) The Secretary may use the nonprofit Maritime  
24 Information Services of North America Automated Secure

1 Vessel Tracking System as a pilot program for purposes  
2 of long-range vessel tracking.

3 “(d) The Secretary shall require that each Marine  
4 Exchange that manages or processes information with  
5 amounts made available under this section shall make  
6 available regional vessel information to the Federal, State,  
7 and local authorities or entities with maritime transpor-  
8 tation and security roles.

9 “(e)(1) There are authorized to be appropriated to  
10 the Secretary to establish and operate a secure long-range  
11 automated vessel tracking system under this section the  
12 following amounts:

13 “(A) \$12,000,000 for the first fiscal year for  
14 which amounts are appropriated under this section.

15 “(B) \$10,000,000 for each fiscal year there-  
16 after, including the following amounts:

17 “(i) \$2,000,000 for each fiscal year for  
18 building the server farms, computers, hardware,  
19 and personnel needs adequate for a full-scale  
20 secure long-range automated vessel tracking  
21 system capable of tracking 8,000 vessels around  
22 the world, with information managed and proc-  
23 essed by 12 Marine Exchanges located around  
24 the United States at the ports of New York/  
25 New Jersey, Philadelphia, Baltimore, Hampton

1 Roads, Florida, New Orleans, Houston, Los  
2 Angeles/Long Beach, San Francisco, Portland,  
3 Oregon, Seattle, and Alaska, of which \$150,000  
4 each fiscal year shall be available for each Ma-  
5 rine Exchange.

6 “(ii) \$1,000,000 for each fiscal year for  
7 24-hour-a-day, 7-days-a-week operation of a  
8 central coordinating secure automated vessel  
9 tracking system command center, including T1  
10 lines, staff, servers, phones, and a building.

11 “(iii) \$3,500,000 for each fiscal year for  
12 satellite transmission fees to track 8,000 vessel  
13 positions every 3 hours, or at such more fre-  
14 quent rate as may be needed.

15 “(iv) \$3,000,000 for each fiscal year for  
16 software and display fees to the Secure Asset  
17 Reporting Service, including for software, serv-  
18 ers, modifications, and control of access to the  
19 system.

20 “(v) \$500,000 for each fiscal year for soft-  
21 ware modifications, recapitalization of com-  
22 puters, servers, and other matters.

23 “(2) Amounts appropriated under this subsection  
24 shall be managed by the Chief Information Officer of the  
25 Department of Homeland Security at such time as the

- 1 Coast Guard is operating in the Department of Homeland
- 2 Security.”.

