

over our borders. But they need help and they need it now. H.R. 3983 is a good first step in this direction. The bill requires that the Secretary of Transportation do a comprehensive review of our vulnerabilities and prepare plans to reduce risk of attack. Further, the bill requires a plan to better coordinate Federal, state, and local efforts in the prevention of maritime terrorism.

I urge my colleagues to support this legislation that will help to better protect our Nation's shoreline and ports.

Mrs. BIGGERT. Madam Speaker, I rise today in support of H.R. 3983, the Maritime Transportation Antiterrorism Act.

I also rise to thank Chairman YOUNG, Coast Guard and Maritime Transportation Subcommittee Chairman LOBIONDO, and the subcommittee staff for all their hard work on this bill.

In June of 2001, they agreed to work with the U.S. Coast Guard, the State of Illinois, the City of Chicago, and me on the project to improve safety and security along Chicago's lakefront. Needless to say, this project became significantly more important after the events of September 11th.

Thanks to the committee's cooperation and assistance, this bill authorizes funding for the construction of a Marine Safety Station on Chicago's lakefront.

This new Chicago Safety Station will house resources and personnel of the U.S. Coast Guard, the Chicago Marine Police, and the Illinois Department of Natural Resources Conservation Police. With Coast Guard, state, and city resources stretched thin by the need for heightened security in Chicago and other U.S. ports, this project will significantly improve public safety and law enforcement efforts in one of the busiest recreational areas in the country.

On behalf of the City of Chicago, the State of Illinois, and all of us who enjoy Chicago's lakefront, I again want to thank the Chairman for working with me to bring this project to fruition.

Mr. BENTSEN. Madam Speaker, I rise today in support of H.R. 3983, the Maritime Transportation Antiterrorism Act of 2002. I commend the work of the House Transportation Committee on port security, but I also want to clearly state that much more remains to be done to secure our coastal areas from maritime threats. As a representative of a district that includes parts of the Port of Houston, the nation's 2nd largest port, I am proud that this House has set aside jurisdictional squabbles and is taking this important action.

First, H.R. 3983 directs the Department of Transportation to conduct security assessments at every one of the nation's 361 seaports. The legislation authorizes \$225 million in grants through 2005 to enhance port security. I would note that the Senate has passed port security legislation with a \$1.1 billion grant program, and I support increasing the House number significantly in conference committee.

Central to H.R. 3983 is the provision directing the newly created Transportation Security Administration (TSA) to develop an identification and screening system for maritime cargo entering the United States. Currently the official papers accompanying cargo manifests are rampantly inaccurate, and I believe Congress needs to remain vigilant after the passage of this legislation to ensure that the TSA does, in

fact, develop an effective system. Interests do exist that desire the least amount of accountability for international cargo, and they must not be allowed to derail TSA's regulatory action directed by this legislation.

In the end, I do not believe that it makes much difference whether the development of a cargo container tracking system is undertaken by TSA or the Customs Service, but it does make a difference if those who are more concerned with jurisdiction and turf are allowed to dominate the process at the expense of those who are singly committed to long-overdue security improvements at our nation's extremely busy international ports. I understand that the conference committee on port security legislation (H.R. 398/S. 1214) will be the decisive forum for this issue, and I urge all future conferees not to delay Congressional action on port security action any longer. If House and Senate committee jurisdictional disputes are allowed to delay maritime terrorism preparedness legislation, it will be a low point in Congressional behavior post-September 11th.

In addition to potential TSA and Customs involvement in new port security measures, this legislation also contains new port security initiatives for the U.S. Coast Guard (USCG), an admirable security force that I have worked closely with on a number of security issues in my district pre- and post-September 11th. I strongly support the provisions of H.R. 3983 establishing USCG anti-terrorism teams and "sea marshals," both of which will act as preventive and first response forces for maritime security. Provisions establishing port employee identification requirements for secure port areas and improved passenger and crew manifest notification are also vitally important. I am pleased that H.R. 3983 authorizes \$5.9 billion for the USCG, over \$800 million more than requested by the Administration in March, as a result of these new tasks and responsibilities the American people are entrusting to their Coast Guard.

Despite the port security progress promised by H.R. 3983, much work will still remain. The security assessments at 361 seaports will certainly uncover a myriad of unanticipated, but glaring needs around the country. The House bill is providing merely \$623,000 in grant authority per port, whereas the Senate bill provides a healthier, but still likely inadequate \$3,047,000 in grant authority per port.

As an example of how expensive this undertaking will be, mobile cargo container scanners cost roughly \$1 million. Only the larger 18 ports in America currently have these devices and most of these ports only have one. In addition to a lack of screening equipment is a lack of Customs personnel necessary to thoroughly examine incoming cargo manifests for high-risk shipments and man the equipment to scan the cargo. Our port security gap is as simple as not enough equipment, men, and inspections. Improving this security situation will cost a large amount of money, probably even more than the \$1.1 billion authorized in the Senate-passed legislation.

I applaud all those that have worked hard on port security legislation this year, especially the USCG, Customs, local law enforcement, and Port of Houston Authority personnel on active security duty in the Houston-Galveston area. I also encourage TSA, Customs, USCG to set aside any disputes and work together for the imperative common good of port security. However, Congress and the American

people must not forget that much remains to be done. I implore future Congresses to continue to revisit the issue of maritime security to see that Congressional improvements, once enacted, are made, and that any new necessary improvements are vigorously pursued. I thank the Speaker, and urge my colleagues to support H.R. 3983.

Ms. BROWN of Florida. Madam Speaker, I yield back the balance of my time.

Mr. LOBIONDO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 3983, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PORT AND MARITIME SECURITY ACT OF 2001

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1214) to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for 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.

TITLE I—PORT AND MARITIME SECURITY

SEC. 101. FINDINGS.

The Congress makes the following findings:

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

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

(3) The variety of trade and commerce that are carried out at ports has greatly expanded. Bulk cargo, containerized cargo, passenger transport and tourism, intermodal transportation systems, and complex domestic and international trade relationships have significantly changed the nature, conduct, and complexity of port commerce.

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

(5) The top 50 ports in the United States account for about 90 percent of all the cargo tonnage. Twenty-five United States ports account for 98 percent of all container shipments. Cruise ships visiting foreign destina-

tions embark from 16 ports. Ferries in the United States transport 113,000,000 passengers and 32,000,000 vehicles per year.

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

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

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

(9) United States ports are international boundaries, however, unlike United States airports and land borders, United States ports receive no Federal funds for security infrastructure.

(10) Current inspection levels of containerized cargo are insufficient to counter potential security risks. Technology is currently not adequately deployed to allow for the nonintrusive inspection of containerized cargo. Additional promising technology is in the process of being developed that could inspect cargo in a nonintrusive and efficient fashion.

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

(12) Effective physical security and access control in ports is fundamental to deterring and preventing potential threats to port operations, and cargo shipments.

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

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

(15) On April 27, 1999, the President established the Interagency Commission on Crime and Security in United States Ports to undertake a comprehensive study of the nature and extent of the problem of crime in our ports, as well as the ways in which governments at all levels are responding.

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

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

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

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

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

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

(F) A lack of minimum physical, procedural, and personnel security standards at ports and at terminals, warehouses, trucking

firms, and related facilities leaves many ports and port users vulnerable to theft, pilferage, and unauthorized access by criminals.

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

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

(I) Meetings between law enforcement personnel, carriers, marine terminal operators, and port authorities regarding security are not being held routinely in the ports. These meetings could increase coordination and cooperation at the local level.

(J) Security-related equipment such as small boats, cameras, and vessel tracking devices is lacking at many ports.

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

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

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

(17) United States ports are international boundaries that—

(A) are particularly vulnerable to threats of drug smuggling, illegal alien smuggling, cargo theft, illegal entry of cargo and contraband;

(B) may present weaknesses in the ability of the United States to realize its national security objectives; and

(C) may serve as a vector or target for terrorist attacks aimed at the population of the United States.

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

(A) to be mindful that United States ports are international ports of entry and that the primary obligation for the security of international ports of entry lies with the Federal government;

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

(C) to increase United States port security by establishing a better method of communication amongst law enforcement officials responsible for port boundary, security, and trade issues;

(D) to formulate requirements for physical port security, recognizing the different character and nature of United States ports, and to require the establishment of security programs at ports;

(E) to provide financial incentives to help the States and private sector to increase physical security of United States ports;

(F) to invest in long-term technology to facilitate the private sector development of technology that will assist in the nonintrusive timely detection of crime or potential crime;

(G) to harmonize data collection on port-related and other cargo theft, in order to address areas of potential threat to safety and security;

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

(I) to improve Customs reporting procedures to enhance the potential detection of

crime in advance of arrival or departure of cargoes; and

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

SEC. 102. NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.

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

“(d) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall establish a National Maritime Security Advisory Committee, comprised of not more than 21 members appointed by the Secretary. The Secretary may require that a prospective member undergo a background check or obtain an appropriate security clearance before appointment.

“(2) ORGANIZATION.—The Secretary—

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

“(B) shall approve a charter, including such procedures and rules as the Secretary deems necessary for the operation of the Advisory Committee;

“(C) shall establish a law enforcement subcommittee and, with the consent of the Secretary of the Treasury and the Attorney General, respectively, include as members of the subcommittee representatives from the Customs Service and the Immigration and Naturalization Service;

“(D) may establish other subcommittees to facilitate consideration of specific issues, including maritime and port security, border protection, and maritime domain awareness issues, the potential effects on national energy security, the United States economy, and the environment of disruptions of crude oil, refined petroleum products, liquefied natural gas, and other energy sources; and

“(E) may invite the participation of other Federal agencies and of State and local government agencies of State, including law enforcement agencies, with an interest or expertise in anti-terrorism or maritime and port security and safety related issues.

“(3) MATERIAL AND MISSION SUPPORT.—In carrying out this subsection, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public or private entities, by contract or other arrangement, if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this paragraph as miscellaneous receipts in the general fund of the Treasury.

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

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

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

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

“(ii) coordination of security and safety operations and information between and among Federal, State, and local governments and area and local port security committees and harbor safety committees;

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

“(iv) development of a National Maritime Transportation Security Plan;

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

“(vi) protection of port energy transportation facilities; and

“(vii) helping to ensure that the public and area and local port security committees are kept informed about maritime security enhancement developments.

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

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

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

SEC. 103. INITIAL SECURITY EVALUATIONS AND PORT VULNERABILITY ASSESSMENTS.

(a) IN GENERAL.—Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 102, is further amended by adding at the end the following:

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

“(1) DEVELOPMENT OF STANDARDS.—The Secretary, in consultation with appropriate public and private sector officials and organizations, shall develop standards and procedures for conducting initial security evaluations and port vulnerability assessments.

“(2) INITIAL SECURITY EVALUATIONS.—The Secretary shall conduct an initial security evaluation of all port authorities, waterfront facilities, and public or commercial structures located within or adjacent to the marine environment. The Secretary shall consult the local port security committee while developing the initial security evaluation, and may require each port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment to submit security information for review by the local port security committee.

“(3) PORT VULNERABILITY ASSESSMENTS.—The Secretary shall review initial security evaluations and conduct a port vulnerability assessment for each port for which the Secretary determines such an assessment is appropriate. If a port vulnerability assessment has been conducted within 5 years by or on behalf of a port authority or marine terminal operator, and the Secretary determines that it was conducted in a manner that is generally consistent with the standards and procedures specified under this subsection, the Secretary may accept that assessment rather than conducting another port vulnerability assessment for that port.

“(4) REVIEW AND COMMENT OPPORTUNITY.—The Secretary shall make each initial security evaluation and port vulnerability assessment for a port available for review and comment by the local port security committee, officials of the port authority, marine terminal operator representatives, and representatives of other entities connected to or affiliated with maritime commerce or port security as the Secretary determines to be appropriate, based on the recommendations of the local port security committee.

“(5) UNAUTHORIZED DISCLOSURE.—The Secretary shall ensure that all initial security evaluations, port vulnerability assessments, and any associated materials are properly safeguarded from unauthorized disclosure.

“(6) MATERIAL AND MISSION SUPPORT.—In carrying out responsibilities under this Act, the Secretary may accept contributions of funds, material, services, and the use of per-

sonnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this section as miscellaneous receipts in the general fund of the Treasury.”.

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

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

SEC. 104. ESTABLISHMENT OF LOCAL PORT SECURITY COMMITTEES.

(a) IN GENERAL.—Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 103, is further amended by adding at the end the following:

“(f) LOCAL PORT SECURITY COMMITTEES.—

“(1) ESTABLISHMENT.—The Secretary shall establish local port security committees.

“(2) FUNCTIONS.—A local port security committee established under this subsection shall—

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

“(B) help make use of, and disseminate the information made available under this section;

“(C) make recommendations concerning initial security evaluations and port vulnerability assessments by identifying the unique characteristics of each port;

“(D) assist in the review of port vulnerability assessments promulgated under this section;

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

“(F) annually review maritime security plans for each local port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment; and

“(G) assist the Captain-of-the-Port in conducting a field security exercise at least once every 3 years to verify the effectiveness of one or more maritime security plans for a local port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment.

“(3) USE OF EXISTING COMMITTEES.—In establishing these local port security committees, the Secretary may use or augment any existing port or harbor safety committee or port readiness committee, if the membership of the port security committee includes representatives of—

“(A) the port authority or authorities;

“(B) Federal, State and local government;

“(C) Federal, State, and local law enforcement agencies;

“(D) longshore labor organizations or transportation workers;

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

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

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

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

“(5) JURISDICTION.—Each port may have a separate port security committee or, at the

discretion of the Captain-of-the-Port, a Captain-of-the-Port zone may have a single port security committee covering all ports within that zone.

“(6) QUARTERLY MEETINGS.—The port security committee shall meet at least 4 times each year at the call of the Chairperson.

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

“(8) MATERIAL AND MISSION SUPPORT.—In carrying out responsibilities under this Act, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this section as miscellaneous receipts in the general fund of the United States Treasury.”.

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

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

SEC. 105. MARITIME FACILITY SECURITY PLANS.

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

“(g) MARITIME FACILITY SECURITY PLANS.—

“(1) REGULATIONS TO ESTABLISH REQUIREMENT.—The Secretary, after consultation with the Secretary of the Treasury and the Attorney General, shall issue regulations establishing requirements for submission of a maritime facility security plan, as the Secretary determines necessary, by each port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment (as defined in section 2101(15) of title 46, United States Code). The Secretary shall ensure that the local port security committee is consulted in the development of a maritime facility security plan under those regulations.

“(2) PURPOSE; SPECIFICITY; CONTENT.—

“(A) PURPOSE.—A maritime facility security plan shall provide a law enforcement program and capability at the port that is adequate to safeguard the public and to improve the response to threats of crime and terrorism.

“(B) SPECIFICITY.—Notwithstanding other provisions of this Act, the Secretary may impose specific, or different requirements on individual ports, port authorities, marine terminal operators or other entities required to submit a maritime facility security plan under regulations promulgated under this subsection.

“(C) CONTENT.—A maritime facility security plan shall include—

“(i) provisions for establishing and maintaining physical security for port areas and approaches, including establishing, as necessary, controlled access areas and secure perimeters within waterfront facilities and other public or commercial structures located within or adjacent to the marine environment;

“(ii) provisions for establishing and maintaining procedural security for processing

passengers, cargo, and crewmembers, and security for employees and service providers;

“(iii) a credentialing requirement to limit access to waterfront facilities and other public or commercial structures located within or adjacent to the marine environment, designed to ensure that only authorized individuals and service providers gain admittance;

“(iv) a credentialing requirement to limit access to controlled areas and security-sensitive information;

“(v) provisions for restricting vehicular access, as necessary, to designated port areas or facilities;

“(vi) provisions for restricting the introduction of firearms and other dangerous weapons, as necessary, to designated port areas or facilities;

“(vii) provisions for the use of appropriately qualified private security officers or qualified State, local, or private law enforcement personnel;

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

“(ix) a process for assessment and evaluation of the safety and security of port areas before port operations are resumed after a terrorist attack or other emergency; and

“(x) any other information the Secretary requires.

“(3) INCORPORATION OF EXISTING SECURITY PLANS.—The Secretary may approve a maritime facility security plan, or an amendment to an existing program or plan, that incorporates—

“(A) a security program of a marine terminal operator tenant with access to a secured area of the port, under such conditions as the Secretary deems appropriate; or

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

“(4) APPROVAL PROCESS.—

“(A) IN GENERAL.—The Secretary shall review and approve or disapprove each maritime facility security plan submitted under regulations promulgated under this subsection.

“(B) RESUBMISSION OF DISAPPROVED PLANS.—If the Secretary disapproves a maritime facility security plan—

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

“(ii) the submitter shall submit a revised maritime facility security plan within 180 days after receiving the notification of disapproval.

“(5) PERIODIC REVIEW AND RESUBMISSION.—Whenever appropriate, but not less frequently than once every 5 years, each port authority, marine terminal operator or other entity required to submit a maritime facility security plan under regulations promulgated under this subsection shall review its plan, make necessary or appropriate revisions, and submit the results of its review and revised plan to the Secretary.

“(6) INTERIM SECURITY MEASURES.—The Secretary shall require each port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment, to implement any necessary security measures, including the establishment of a secure perimeter and positive access controls, until the maritime facility security plan for that port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment is approved.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$3,500,000 for each of fiscal years 2002 through 2006 to carry out section 7(g) of the Ports and Waterways Safety Act

(33 U.S.C. 1226(g)), such sums to remain available until expended.

SEC. 106. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS FOR SECURITY-SENSITIVE POSITIONS.

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

“(h) DESIGNATION OF CONTROLLED ACCESS AREAS; PROTECTION OF SECURITY-SENSITIVE INFORMATION; EMPLOYMENT INVESTIGATIONS AND CRIMINAL HISTORY RECORD CHECKS.—

“(1) ACCESS AREAS; RESTRICTED INFORMATION REGULATIONS.—The Secretary, after consultation with the Secretary of the Treasury and the Attorney General, shall prescribe regulations to—

“(A) require, as necessary, the designation of controlled access areas in the maritime facility security plan for each waterfront facility and other public or commercial structure located within or adjacent to the marine environment; and

“(B) limit access to security-sensitive information, such as passenger and cargo manifests.

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

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

“(B) require appropriate escorts for persons without proper clearances or credentials; and

“(C) require employment investigations and criminal history record checks to ensure that individuals who have unrestricted access to controlled areas or have access to security-sensitive information do not pose a threat to national security or to the safety and security of maritime commerce.

“(3) DISQUALIFICATION FROM NEW OR CONTINUED EMPLOYMENT.—An individual may not be employed in a security-sensitive position at any waterfront facility or other public or commercial structure located within or adjacent to the marine environment if—

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

“(B) a background investigation or criminal records check reveals that—

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

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

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

“(A) Murder.

“(B) Assault with intent to murder.

“(C) Espionage.

“(D) Sedition.

“(E) Treason.

“(F) Rape.

“(G) Kidnaping.

“(H) Unlawful possession, sale, distribution, importation, or manufacture of an explosive or weapon.

“(I) Extortion.

“(J) Armed or felony unarmed robbery.

“(K) Importation, manufacture, or distribution of, or intent to distribute, a controlled substance.

“(L) A felony involving a threat.

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

“(N) Smuggling.

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

“(P) Attempt to commit, or conspiracy to commit any of the offenses referred to in subparagraphs (A) through (O).

“(5) **ALTERNATIVE ARRANGEMENTS.**—Notwithstanding paragraph (1), an individual may be employed in a security-sensitive position although that individual would otherwise be disqualified from such employment if the employer establishes alternate security arrangements acceptable to the Secretary.

“(6) **APPEALS PROCESS.**—The Secretary shall establish an appeals process under this section for individuals found to be ineligible for employment under paragraph (3) that includes notice and an opportunity for a hearing.

“(7) **ACCESS TO DATABASES.**—Notwithstanding any other provision of law to the contrary, but subject to existing or new procedural safeguards imposed by the Attorney General, the Secretary is authorized to access the Federal Bureau of Investigation's Integrated Automatic Fingerprinting Identification System, the Fingerprint Identification Record System, the Interstate Identification Index, the National Crime Identification System, and the Integrated Entry and Exit Data System for the purpose of conducting or verifying the results of any background investigation or criminal records check required by this subsection.

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

“(A) **SECRETARY MAY GIVE RESULTS OF INVESTIGATION TO EMPLOYERS.**—The Secretary may transmit the results of a background check or criminal records check to a port authority, marine terminal operator, or other entity the Secretary determines necessary for carrying out the requirements of this subsection.

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

“(C) **CONFIDENTIALITY.**—Except to the extent necessary to carry out this subsection, any information other than criminal acts or offenses constituting grounds for ineligibility for employment under paragraph (3) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

“(9) **EFFECTIVENESS AUDITS.**—The Secretary shall provide for the periodic audit of the effectiveness of employment investigations and criminal history record checks required by this subsection.

“(10) **USER FEES.**—

“(A) **IN GENERAL.**—The Secretary and the Attorney General shall establish and collect reasonable fees to pay expenses incurred by the Federal government in carrying out any investigation, criminal history record check, fingerprinting, or identification verification services provided for under this subsection.

“(B) **DEPOSIT OF AMOUNT RECEIVED.**—Amounts received by the Attorney General or Secretary under this section shall be credited to the account in the Treasury from which the expenses were incurred as offsetting collections and shall be available to the Attorney General and the Secretary upon the approval of Congress.

“(11) **SUBSECTION NOT IN DEROGATION OF OTHER AUTHORITY.**—Nothing in this subsection restricts any agency, instrumentality, or department of the United States from exercising, or limits its authority to exercise, any other statutory or regulatory authority to initiate or enforce port security standards.”

SEC. 107. MARITIME DOMAIN AWARENESS.

(a) **IN GENERAL.**—The Secretary shall conduct a study on ways to enhance maritime domain awareness through improved collection and coordination of maritime intelligence and submit a report on the findings of that study to the Senate Committee on

Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

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

(1) identify actions and resources necessary for multi-agency cooperative efforts to improve the maritime security of the United States;

(2) specifically address measures necessary to ensure the effective collection, dissemination, and interpretation of maritime intelligence and data, information resource management and database requirements, architectural measures for cross-agency integration, data sharing, correlation and safeguarding of data, and cooperative analysis to identify and effectively respond to threats to maritime security;

(3) estimate the potential costs of establishing and operating such a new or linked database and provides recommendations on what agencies should contribute to the cost of its operation;

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

(5) estimate of potential costs and benefits of utilizing commercial supercomputing platforms and data bases to enhance information collection and analysis capabilities across multiple Federal agencies; and

(6) provide a suggested time frame for the development of such a system or database.

(c) **PARTICIPATION OF OTHER AGENCIES.**—The Secretary shall consult with the Director of Central Intelligence, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Energy, the Director of the Federal Emergency Management Agency, and the heads of other departments and agencies as necessary and invite their participation in the preparation of the study and report required by subsection (a).

(d) **DEADLINE.**—The Secretary shall submit the report required by subsection (a) within 180 days after the date of enactment of this Act.

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

SEC. 108. INTERNATIONAL PORT SECURITY.

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

“CHAPTER 25. INTERNATIONAL PORT 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.

“§ 2501. Assessment

“(a) **IN GENERAL.**—At intervals the Secretary of Transportation considers necessary, the Secretary shall assess the effectiveness of the security measures maintained at—

“(1) a foreign port—

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

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

“(C) that poses a high risk of introducing danger to United States ports and waterways, United States citizens, vessels of the United States or any other United States interests; and

“(2) any other foreign port the Secretary considers appropriate.

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

“(1) in consultation with appropriate authorities of the government of the foreign country concerned and operators of vessels of the United States serving the foreign port for which the Secretary is conducting the assessment;

“(2) to establish the extent to which a foreign port effectively maintains and carries out internationally recognized security measures; and

“(3) by using a standard based on the standards for port security and recommended practices of the International Maritime Organization and other appropriate international organizations.

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

“(1) the Secretary of State—

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

“(B) identify foreign ports that—

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

“(ii) pose a high risk of introducing danger to international maritime commerce; and

“(2) the Secretary of the Treasury and coordinate any such assessment with the United States Customs Service.

“§ 2502. Notifying foreign authorities

“(a) **DISSEMINATION OF INFORMATION ABOUT THE PROGRAM.**—The Secretary shall work with the Secretary of State to facilitate the dissemination of port security program information to port authorities and marine terminal operators in other countries.

“(b) **SPECIFIC NOTIFICATIONS.**—If the Secretary of Transportation, after conducting an assessment under section 2501, finds that a port does not maintain and carry out effective security measures, the Secretary, through the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the finding and recommend the steps necessary to bring the security measures in use at the port up to the standard used by the Secretary of Transportation in making the assessment.

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

“(a) **IN GENERAL.**—If the Secretary of Transportation finds that a port does not maintain and carry out effective security measures—

“(1) the Secretary shall—

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

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

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

“(D) require each United States and foreign vessel providing transportation between the United States and the port to provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the port;

“(2) the Secretary may, after consultation with the Secretaries of State and of the Treasury, prescribe conditions of port entry

into the United States for any vessel arriving from a port determined under this subsection to maintain ineffective security measures, or any vessel carrying cargo originating from or transhipped through such a port, including refusing entry, inspection, or any other condition as the Secretary determines may be necessary to ensure the safety of United States ports and waterways; and

“(3) the Secretary may prohibit a United States or foreign vessel from providing transportation between the United States and any other foreign port that is served by vessels navigating to or from a port found not to maintain and carry out effective security measures.

“(b) EFFECTIVE DATE FOR SANCTIONS.—Any action taken by the Secretary under subsection (a) for a particular port shall take effect—

“(1) 90 days after the government of the foreign country with jurisdiction or control of that port is notified under section 2502 unless the Secretary finds that the government has brought the security measures at the port up to the standard the Secretary used in making an assessment under section 2501 before the end of that 90-day period; or

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

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

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

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

“§ 2504. Travel advisories concerning security at foreign ports

“(a) IN GENERAL.—Upon being notified by the Secretary of Transportation that the Secretary has determined that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port which the Secretary has determined under this chapter to be a port which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to the port. The Secretary of State shall take the necessary steps to publicize the travel advisory widely.

“(b) WHEN TRAVEL ADVISORY MAY BE CANCELED.—The travel advisory required to be issued under subsection (a) of this section may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port with respect to which the Secretary of Transportation had made the determination.

“(c) CONGRESSIONAL NOTIFICATION.—The Secretary of State shall immediately notify Congress of any change in the status of a travel advisory imposed pursuant to this section.

“§ 2505. Suspensions

“(a) IN GENERAL.—The President, without prior notice or a hearing, shall suspend the right of any vessel of the United States, and the right of a person to trade with the United States, to provide foreign sea transportation, and the right of a person to operate vessels in foreign sea commerce, to or from a foreign port, if the President finds that—

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

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

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

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

“§ 2506. Acceptance of contributions; joint venture arrangements

“In carrying out responsibilities under this chapter, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this section as miscellaneous receipts in the general fund of the United States Treasury.”

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

“25. International Port Security 2501”.

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

(d) FOREIGN-FLAG VESSELS.—Within 6 months after the date of enactment of this Act and every year thereafter, the Secretary, in consultation with the Secretary of State, shall provide a report to the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate, and the Committees on Transportation and Infrastructure and International Relations of the House of Representatives that lists the following information:

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

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

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

(B) that have presented, or whose flag vessels have presented, false, intentionally incomplete, or fraudulent information to the United States concerning passenger or cargo manifests, crew identity or qualifications, or registration or classification of their flag vessels;

(C) whose vessel registration or classification procedures have been found by the Secretary to be noncompliant with international classifications or do not exercise adequate control over safety and security concerns; or

(D) whose laws or regulations are not sufficient to allow tracking of ownership and registration histories of registered flag vessels.

(3) Actions taken by the United States, whether through domestic action or international negotiation, including agreements at the International Maritime Organization under section 902 of the International Maritime and Port Security Act (46 U.S.C. App. 1801), to improve transparency and security of vessel registration procedures in nations on the list under paragraph (2).

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

SEC. 109. COUNTER-TERRORISM AND INCIDENT CONTINGENCY PLANS.

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

(b) LOCAL PORT SECURITY COMMITTEES.—The Secretary shall ensure that port security committees established under section 7(f) of the Ports and Maritime Safety Act (33 U.S.C. 2116(f)) are involved in the review, revision, and updating of the plans.

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

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

(2) actual practice drills and exercises are conducted at least once every 3 years.

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

SEC. 110. MARITIME SECURITY PROFESSIONAL TRAINING.

(a) IN GENERAL.—

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

(2) SECRETARY TO CONSULT ON STANDARDS.—In developing standards under this section, the Secretary may, without regard to the Federal Advisory Committee Act (5 U.S.C. App.), consult with the Federal Law Enforcement Training Center, the United States Merchant Marine Academy's Global Maritime and Transportation School, the Maritime Security Council, the International Association of Airport and Port Police, the National Cargo Security Council, and any other Federal, State, or local government or law enforcement agency or private organization or individual determined by the Secretary to have pertinent expertise.

(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include the following elements:

(1) The training and certification of maritime security professionals in accordance with accepted law enforcement and security guidelines, policies, and procedures, including, as appropriate, recommendations for incorporating a background check process for personnel trained and certified in foreign ports.

(2) The training of students and instructors in all aspects of prevention, detection, investigation, and reporting of criminal activities in the international maritime environment.

(3) The provision of off-site training and certification courses and certified personnel

at United States and foreign ports used by United States-flagged vessels, or by foreign-flagged vessels with United States citizens as passengers or crewmembers, to develop and enhance security awareness and practices.

(c) **TRAINING PROVIDED TO LAW ENFORCEMENT AND SECURITY PERSONNEL.**—The Secretary is authorized to make the training opportunities provided under this section available to any Federal, State, local, and private law enforcement or maritime security personnel in the United States or in foreign ports used by United States-flagged vessels with United States citizens as passengers or crewmembers.

(d) **USE OF CONTRACT RESOURCES.**—The Secretary shall employ existing Federal and contract resources to train and certify maritime security professionals in accordance with the standards and curriculum developed under this Act.

(e) **ANNUAL REPORT.**—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the training under this section.

(f) **FUNDING.**—Of the amounts made available under section 122(b), there may be made available to the Secretary to carry out this section—

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

(2) \$3,000,000 for each of fiscal years 2005 and 2006, such sums to remain available until expended.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out this section—

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

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

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

SEC. 111. PORT SECURITY INFRASTRUCTURE IMPROVEMENT.

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

“TITLE XIV—PORT SECURITY INFRASTRUCTURE IMPROVEMENT

“SEC. 1401. LOAN GUARANTEES FOR PORT SECURITY INFRASTRUCTURE IMPROVEMENTS.

“(a) **IN GENERAL.**—The Secretary of Transportation, subject to the terms the Secretary shall prescribe and after consultation with the United States Coast Guard, the United States Customs Service, and the National Maritime Security Advisory Committee established under section 102 of the Port and Maritime Security Act of 2001, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for port security infrastructure improvements for an eligible project at any United States port.

“(b) **LIMITATIONS.**—Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws, requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under title XI, except that—

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

“(2) notwithstanding section 1104A(d), determination of economic soundness for a security infrastructure project shall be based upon the economic soundness of the applicant and not the project;

“(3) guarantees or commitments to guarantee may be made under this section to persons who are not citizens of the United States as defined in section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802).

“(c) **TRANSFER OF FUNDS.**—The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 61a)) of making guarantees or commitments to guarantee loans entered into under this section.

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

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

“(2) security gates and fencing;

“(3) security-related lighting systems;

“(4) remote surveillance systems;

“(5) concealed video systems; or

“(6) other security infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

“SEC. 1402. GRANTS.

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

“(b) **MATCHING REQUIREMENTS.**—

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

“(2) **EXCEPTIONS.**—

“(A) **SMALL PROJECTS.**—There are no matching requirements for grants under subsection (a) for projects costing not more than \$25,000.

“(B) **HIGHER LEVEL OF SUPPORT REQUIRED.**—If the Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

“(c) **ALLOCATION.**—The Secretary shall ensure that financial assistance provided under subsection (a) during a fiscal year is distributed so that funds are awarded for eligible projects that address emerging priorities or threats identified by the National Maritime Security Advisory Committee established under section 7(d) of the Ports and Waterways Safety Act (33 U.S.C. 1226(d)).

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

“(1) The name of the individual or entity responsible for conducting the project.

“(2) A comprehensive description of the need for the project, and a statement of the project's relationship to the security plan.

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

“(4) An estimate of the funds and time required to complete the project.

“(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted.

“(6) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

“(7) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this title.

“SEC. 1403. ALLOCATION OF RESOURCES.

“In carrying out this title, the Secretary may ensure that not less than \$2,000,000 in

loans and loan guarantees under section 1401, and not less than \$6,000,000 in grants under section 1402, are made available for eligible projects (as defined in section 1401(d)) located in any State to which reference is made by name in section 607 of this Act during each of the fiscal years 2002 through 2006.”

(b) **ANNUAL ACCOUNTING.**—The Secretary of Transportation shall submit an annual summary of loan guarantees and commitments to make loan guarantees under section 1401 of the Merchant Marine Act, 1936, and grants made under section 1402 of that Act, to the Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and the Advisory Committee through appropriate media of communication, including the Internet.

(c) **FUNDING.**—Of amounts made available under section 122(b), there may be made available to the Secretary of Transportation—

(1) \$9,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006 as guaranteed loan costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990; 2 U.S.C. 661a(5)) under section 1401 of the Merchant Marine Act, 1936,

(2) \$10,000,000 for each of such fiscal years for grants under section 1402 of the Merchant Marine Act, 1936, and

(3) \$1,000,000 for each such fiscal year to cover administrative expenses related to loan guarantees under section 1401 of the Merchant Marine Act, 1936, and grants under section 1402 of that Act, such amounts to remain available until expended.

(d) **ADDITIONAL APPROPRIATIONS AUTHORIZED.**—In addition to the amounts made available under subsection (c)(2), there are authorized to be appropriated to the Secretary of Transportation—

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

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

(3) \$4,000,000 for each of fiscal years 2002 through 2006 to the Secretary to cover administrative expenses related to loan guarantees and grants under paragraphs (8) and (9),

such sums to remain available until expended.

SEC. 112. SCREENING AND DETECTION EQUIPMENT.

(a) **FUNDING.**—Of amounts made available under section 122(b), there may be made available to the Commissioner of Customs for the purchase of nonintrusive screening and detection equipment for use at United States ports—

(1) \$15,000,000 for fiscal year 2003,

(2) \$16,000,000 for fiscal year 2004,

(3) \$18,000,000 for fiscal year 2005, and

(4) \$19,000,000 for fiscal year 2006,

such sums to remain available until expended.

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

(c) **FUNDING FOR FISCAL YEAR 2002.**—There are authorized to be appropriated \$145,000,000 for the United States Customs Service for

fiscal year 2002 for 1,200 new customs inspector positions, 300 new customs agent positions, and other necessary port security positions, and for purchase and support of equipment (including camera systems for docks and vehicle-mounted computers), canine enforcement for port security, and to update computer systems to help improve customs reporting procedures.

SEC. 113. REVISION OF PORT SECURITY PLANNING GUIDE.

The Secretary of Transportation, acting through the Maritime Administration and after consultation with the Advisory Committee and the United States Coast Guard, shall publish a revised version of the document entitled "Port Security: A National Planning Guide", incorporating the requirements promulgated under section 7(g) of the Ports and Waterways Security Act (33 U.S.C. 2116(g)), within 3 years after the date of enactment of this Act, and make that revised document available on the Internet.

SEC. 114. SHARED DOCKSIDE INSPECTION FACILITIES.

(a) IN GENERAL.—The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Transportation, the Attorney General, and the Administrator of the General Services Administration shall work with each other, the Advisory Committee, and the States to establish shared dockside inspection facilities at United States ports for Federal and State agencies.

(b) FUNDING.—Of the amounts made available under section 122(b), there may be made available to the Secretary of the Transportation, \$1,000,000 for each of fiscal years 2003, 2004, 2005, and 2006, such sums to remain available until expended, to establish shared dockside inspection facilities at United States ports in consultation with the Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General.

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

SEC. 115. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS AND OTHER IMPROVED CUSTOMS REPORTING PROCEDURES.

(a) CARGO INFORMATION.—

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

(A) by striking "Any manifest" and inserting "(1) Any manifest"; and

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

"(2)(A) In addition to any other requirement under this section, for every land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information described in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of land, aircraft, or vessel for which he concludes the requirements of this subparagraph are not necessary.

"(B) The information described in this subparagraph is as follows:

"(i) The port of arrival or departure, whichever is applicable.

"(ii) The carrier code, prefix code, or both.

"(iii) The flight, voyage, or trip number.

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

"(v) The request for permit to proceed to the destination, if applicable.

"(vi) The numbers and quantities from the carrier's master air waybill, bills of lading, or ocean bills of lading.

"(vii) The first port of lading of the cargo.

"(viii) A description and weight of the cargo or, for a sealed container, the shipper's declared description and weight of the cargo.

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

"(x) The consignee's name and address from all air waybills and bills of lading.

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

"(xii) Transfer or transit information for the cargo while it has been under the control of the carrier.

"(xiii) Warehouse or other location of the cargo while it has been under the control of the carrier.

"(xiv) Any additional information that the Secretary by regulation determines is reasonably necessary to ensure aviation, maritime, and surface transportation safety pursuant to those laws enforced and administered by the Customs Service.

"(3) The Secretary by regulation shall require nonvessel operating common carriers to meet the requirements of subparagraphs (A) and (B)."

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting "or subsection (b)(2)" before the semicolon.

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

"SEC. 431A. DOCUMENTATION OF WATERBORNE CARGO.

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

"(b) DOCUMENTATION REQUIRED.—(1) No shipper of cargo subject to this section (including an ocean transportation intermediary that is a nonvessel-operating common carrier (as defined in section 3(17)(B) of the Shipping Act of 1984 (46 U.S.C. App. 1702(17)(B))) may tender or cause to be tendered to a vessel common carrier cargo subject to this section for loading on a vessel in a United States port, unless such cargo is properly documented pursuant to this subsection.

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

"(3) A complete set of shipping documents shall include—

"(A) for shipments for which a shipper's export declaration is required a copy of the export declaration or, if the shipper files such declarations electronically in the Automated Export system, the complete bill of lading, and the master or equivalent shipping instructions including the shipper's Automated Export System instructions; or

"(B) for those shipments for which a shipper's export declaration is not required, such other documents or information as the Secretary may by regulation prescribe.

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

"(c) LOADING UNDOCUMENTED CARGO PROHIBITED.—

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

"(2) When cargo is booked by one vessel common carrier to be transported on the vessel of another vessel common carrier, the booking carrier shall notify the operator of the vessel that the cargo has been properly documented in accordance with this section. The operator of the vessel may rely on such notification in releasing the cargo for loading aboard the vessel.

"(d) REPORTING OF UNDOCUMENTED CARGO.—A vessel common carrier shall notify the United States Customs Service of any cargo tendered to such carrier that is not properly documented pursuant to this section and that has remained in the marine terminal for more than 48 hours after being delivered to the marine terminal, and the location of the cargo in the marine terminal. For vessel common carriers that are members of vessel sharing agreements (or any other arrangement whereby a carrier moves cargo on another carrier's vessel), the vessel common carrier accepting the booking shall be responsible for reporting undocumented cargo, without regard to whether it operates the vessel on which the transportation is to be made.

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

"(f) SEIZURE OF UNDOCUMENTED CARGO.—

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

"(2) The shipper of any such cargo is liable to the marine terminal operator and to the ocean carrier for demurrage and other applicable charges for any undocumented cargo which has been notified to or searched or seized by the Customs Service for the entire period the cargo remains under the order and direction of the Customs Service. The marine terminal operator and the ocean carrier shall have a lien on the cargo for the amount of the demurrage and other charges.

"(g) EFFECT ON OTHER PROVISIONS.—Nothing in this section shall be construed, interpreted, or applied to relieve or excuse any party from compliance with any obligation or requirement arising under any other law, regulation, or order with regard to the documentation or carriage of cargo."

(c) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930, as amended by subsection (b), is further amended by inserting after section 431A the following new section:

"SEC. 431B. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR CARRIERS.

"(a) IN GENERAL.—For each person arriving or departing on an air or land carrier or vessel required to make entry or obtain clearance under the customs laws of the United States, the pilot, master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

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

“(1) Full name.

“(2) Date of birth and citizenship.

“(3) Gender.

“(4) Passport number and country of issuance.

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

“(6) Passenger name record.

“(7) Such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.”

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

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

“(u) VESSEL COMMON CARRIER.—The term ‘vessel common carrier’ has the meaning given the term ‘ocean common carrier’ in section 3(16) of the Shipping Act of 1984 (46 U.S.C. App. 1702(16)) and the term ‘common carrier by water in interstate commerce’ as defined in section 1 of the Shipping Act, 1916 (46 U.S.C. App. 801).”

(e) OTHER REQUIREMENTS FOR IMPROVED REPORTING PROCEDURES.—In addition to the promulgation of manifesting information, the United States Customs Service shall improve reporting of goods arriving at United States ports—

(1) by promulgating regulations to require, notwithstanding sections 552 and 553 of the Tariff Act of 1930 (19 U.S.C. 1552 and 1553), at such times as Customs may require prior to the arrival of an in-bond movement of goods at the initial port of unloading, that—

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

(B) such information shall be to the best of the filer's knowledge, and shall not be considered the entry for the goods under section 484 of that Act (19 U.S.C. 1484) or subject to section 592 or 595a of that Act (19 U.S.C. 1592 or 1595a); and

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

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

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

(1) IN GENERAL.—If the Commissioner of Customs determines that information from a pilot program for inspecting, monitoring, tracking, and preclearing inbound shipments of waterborne cargo would improve the security and safety of ports, the Commissioner may develop and implement such a pilot program.

(2) PROGRAM CHARACTERISTICS.—

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

(i) take into account, and may be organized on the basis of, prearrival information that commercial vessels entering the territorial waters of the United States or destined for United States ports are required to transmit under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) and the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.); and

(ii) be designed to meet the requirements of United States customs laws and other

laws regulating the importation of goods into the United States and to accommodate mechanisms for the collection of applicable duties upon entry or removal from warehouse of such goods.

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

(3) CONSULTATION WITH OTHER INTERESTED AGENCIES.—In developing and implementing a pilot program under paragraph (1) the Commissioner of Customs shall consult with representatives of other Federal agencies with responsibilities related to the entry of commercial goods into the United States to ensure that those agencies' missions are not compromised by the preclearance.

(4) PILOT PROGRAM TO BE TESTED AT MULTIPLE PORTS.—Any such pilot program developed and implemented by the Commissioner may be conducted at several different ports in a manner that permits analysis and evaluation of different technologies and takes into account different kinds of goods and ports with different harbor, infrastructure, climatic, geographical, and other characteristics.

(5) REPORT TO THE CONGRESS.—Within a year after a pilot program is implemented under paragraph (1), the Commissioner of Customs shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(A) evaluates the pilot program and its components;

(B) states the Commissioner's view as to whether any procedure, system, or technology evaluated as part of the program offers a higher level of security than requiring imported goods to clear customs under existing procedures;

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

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

(E) describes the impact of the pilot program on staffing levels at the Customs Service and the potential effect full implementation of the program on a nationwide basis would have on Customs Service staffing level; and

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

SEC. 116. PREARRIVAL MESSAGES FROM VESSELS DESTINED TO UNITED STATES PORTS.

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

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

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

“(5) require—

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

“(B) the message to include any information the Secretary determines to be necessary for the control of the vessel and the

safety and security of the port, waterways, facilities, vessels, and marine environment; and

“(C) the message to be transmitted in electronic form, or otherwise as determined by the Secretary, in sufficient time to permit review before the vessel's entry into port, and deny port entry to any vessel that fails to comply with the requirements of this paragraph.”;

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

(4) by adding at the end of section 5 (33 U.S.C. 1224) the following:

“Nothing in this section interferes with the Secretary's authority to require information under section 4(a)(5) before a vessel's arrival in a port or place subject to the jurisdiction of the United States.”

SEC. 117. MARITIME SAFETY AND SECURITY TEAMS.

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

(b) MISSION.—Each maritime safety and security team shall be trained, equipped and capable of being employed to—

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

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

(3) conduct high speed intercepts;

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

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

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

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

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

(c) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.

SEC. 118. RESEARCH AND DEVELOPMENT FOR CRIME AND TERRORISM PREVENTION AND DETECTION TECHNOLOGY.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee, shall establish a grant program to fund eligible projects for the development, testing, and transfer of technology to enhance security at United States ports with respect to security risks, including—

(A) explosives or firearms;

(B) weapons of mass destruction;

(C) chemical and biological weapons;

(D) drug and illegal alien smuggling;

(E) trade fraud; and

(F) other criminal activity.

(2) MATCHING FUNDS REQUIRED.—The maximum amount of any grant of funds made available under the program to a participant other than a department or agency of the United States for a technology development

project may not exceed 75 percent of costs of that project.

(b) **ELIGIBLE PROJECTS.**—A project is eligible for a grant under subsection (a) if it is for the construction, acquisition, testing, or deployment of surveillance equipment and technology capable of preventing or detecting terrorist or other criminal activity as determined by the Secretary.

(c) **ANNUAL ACCOUNTING; DISSEMINATION OF INFORMATION.**—The Secretary shall submit an annual summary of grants under subsection (a), together with a general description of the tests and any technology transfers under the program, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

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

SEC. 119. EXTENSION OF SEAWARD JURISDICTION.

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

(1) by striking “The term ‘United States’ as used in this Act includes” and inserting the following:

“In this Act:

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

(2) by adding at the end the following:

“(b) **TERRITORIAL WATERS.**—The term ‘territorial waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”

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

(1) by striking “IMPRISONMENT” in the section heading and inserting “IMPRISONMENT; CIVIL PENALTIES”;

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

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

(4) by adding at the end the following:

“(c) **CIVIL PENALTY.**—

“(1) **IMPOSITION.**—A person who is found, after notice and an opportunity for a hearing, to have violated any rule, regulation or order issued under this Act, or found to have knowingly obstructed or interfered with the exercise of any power conferred by this Act, shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary’s designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

“(2) **COMPROMISE, ETC.**—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection.

“(3) **COLLECTION.**—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.”.

SEC. 120. SUSPENSION OF LIMITATION ON STRENGTH OF COAST GUARD.

(a) **PERSONNEL END STRENGTHS.**—Section 661(a) of title 14, United States Code, is

amended by adding at the end the following: “If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength and grade distribution limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.”.

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

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

SEC. 121. ADDITIONAL REPORTS.

(a) **ADDITIONAL SECURITY NEEDS.**—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the need for any additional security requirements or measures under this title in order to provide for national security and protect the flow of commerce.

(b) **ANNUAL STATUS REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Notwithstanding section 7(c) of the Ports and Waterways Safety Act (33 U.S.C. 1226(c)), the Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of port security in a form that does not compromise, or present a threat to the disclosure of security-sensitive information about, the port security vulnerability assessments conducted under this Act. The report may include recommendations for further improvements in port security measures and for any additional enforcement measures necessary to ensure compliance with the port security plan requirements of this title.

(2) **SPECIFIC PORT EVALUATION.**—The Secretary shall select a port for the purpose of evaluating security plans and enhancements and, in the first annual report under this subsection, the Secretary shall report on the progress and enhancements of security plans at that port and on how this Act has improved security at that port. The Secretary shall provide annual updates for that port in subsequent annual reports.

(c) **ANNUAL REPORT ON MARITIME SECURITY AND TERRORISM.**—Section 905 of the International Maritime and Port Security Act (46 U.S.C. App. 1802) is amended by adding at the end thereof the following: “Beginning with the first report submitted under this section after the date of enactment of the Port and Maritime Security Act of 2001, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism.”.

(d) **ANNUAL REPORT OF EXPENDITURE OF FUNDS FOR TRAINING OF MARITIME SECURITY PROFESSIONALS.**—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the development of training and

certification programs under section 111 of this title.

(e) **ACCOUNTING.**—The Commissioner of Customs shall submit a report for each of fiscal years 2002 through 2006 to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of funds appropriated pursuant to section 113 of this title.

(f) **REPORT ON TRAINING CENTER.**—The Commandant of the United States Coast Guard, in conjunction with the Secretary of the Navy, shall submit to Congress a report, at the time they submit their fiscal year 2004 budget, on the life cycle costs and benefits of creating a Center for Coastal and Maritime Security. The purpose of the Center would be to provide an integrated training complex to prevent and mitigate terrorist threats against coastal and maritime assets of the United States, including ports, harbors, ships, dams, reservoirs, and transport nodes.

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

(a) **IN GENERAL.**—

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

(2) **CONFORMING AMENDMENT.**—The Act entitled “An Act concerning tonnage duties on vessels entering otherwise than by sea”, approved March 8, 1910 (36 Stat. 234; 46 U.S.C. App. 132), is amended by striking “through 2002,” and inserting “through 2006.”.

(b) **AVAILABILITY OF FUNDS.**—Amounts deposited in the general fund of the Treasury as receipts of tonnage charges collected as a result of the amendments made by subsection (a) shall be made available, only to the extent provided in advance in appropriations Act, in each of fiscal years 2003 through 2006 to carry out this title, as provided in sections 102(b), 103(b), 104(b), 110(f), 111(c), 112(a) and 114(b) of this title.

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

(1) shall be credited as offsetting collections to the account that finances the activities and services authorized by sections 110, 112, and 114 of this Act, section 7(d), (e), and (f) of the Ports and Waterways Safety Act (33 U.S.C. 2116(d), (e), and (f)) (as added by sections 102, 103, and 104 of this Act), and sections 1401 and 1402 of the Merchant Marine Act, 1936 (as added by section 111 of this Act);

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

(3) shall remain available until expended.

(c) **LIMITATION; DEPOSIT OF FEES.**—No amounts may be collected under section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) as amended by subsection (a)(1) of this section, or credited as provided by subsection (b), except to the extent provided in advance in appropriations Acts. Such amounts shall be used in each of fiscal years 2003 through 2006 as provided in sections 102(b), 103(b), 104(b), 110(f), 111(c), 112(a) and 114(b) of this title.

SEC. 123. DEFINITIONS.

In this title:

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

(2) **SECRETARY.**—Except as otherwise provided, the term “Secretary” means the Secretary of Transportation.

(4) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the National Maritime Security Advisory Committee established under section 7(d) of the Ports and Waterways Safety Act (33 U.S.C. 1226(d)).

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

TITLE II—ADDITIONAL MARITIME SAFETY AND SECURITY RELATED MEASURES

SEC. 201. EXTENSION OF DEEPWATER PORT ACT TO NATURAL GAS.

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

- (1) Section 2(a) (33 U.S.C. 1501(a)).
- (2) Section 3(9) (33 U.S.C. 1502(9)).
- (3) Section 4(a) (33 U.S.C. 1503(a)).
- (4) Section 5(c)(2)(G) and (H) (33 U.S.C. 1504(c)(2)(G) and (H)).
- (5) Section 5(i)(2)(B) (33 U.S.C. 1504(i)(2)(B)).
- (6) Section 5(i)(3)(C) (33 U.S.C. 1504(i)(3)(C)).
- (7) Section 8 (33 U.S.C. 1507).
- (8) Section 21(a) (33 U.S.C. 1520(a)).

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

(a) **IN GENERAL.**—Section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) is amended—

- (1) by striking “and” after the semicolon in paragraph (1);
- (2) by striking “terrorism.” in paragraph (2) and inserting “terrorism;” and
- (3) by adding at the end the following:

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

“(4) require the owner and operator of a commercial structure or the owner, operator, charterer, master, or person in charge of a vessel to provide the appropriate level of security as necessary, including armed security.”.

(b) **REPORT ON USE OF NON-COAST GUARD PERSONNEL.**—The Secretary of the department in which the Coast Guard is operating shall evaluate and report to the Congress on—

- (1) the potential use of Federal, State, or local government personnel, and documented United States Merchant Marine personnel, to supplement Coast Guard personnel under section 7(b)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)(3));
- (2) the possibility of using personnel other than Coast Guard personnel to carry out Coast Guard personnel functions under that section and whether additional legal authority would be necessary to use such personnel for such functions; and
- (3) the possibility of utilizing the United States Merchant Marine Academy or State maritime academies to provide training carrying out duties under that section.

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

SEC. 203. NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.

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

“(i) **NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with appropriate Federal agencies, shall prepare and publish a National Maritime Transportation Security Plan for prevention and response to maritime crime and terrorism. The Secretary shall consult with the National Maritime Security Advisory Committee in preparation of the National Maritime Transportation Security Plan.

“(2) **CONTENTS OF PLAN.**—The Plan shall provide for efficient, coordinated, and effective action to prevent and respond to acts of maritime crime or terrorism, and shall include—

“(A) allocation of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies and port authorities;

“(B) identification, procurement, maintenance, and storage of equipment and supplies;

“(C) procedures and techniques to be employed in preventing and responding to acts of crime or terrorism;

“(D) establishment of procedures for effective liaison with State and local governments and emergency responders including law enforcement and fire response;

“(E) establishment of criteria and procedures to ensure immediate and effective Federal identification of, and response to, acts of maritime crime or terrorism, that result in a substantial threat to the welfare of the United States;

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

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

“(i) Coast Guard maritime safety and security teams established under this section;

“(ii) Federal maritime security coordinators;

“(iii) area maritime security committees;

“(iv) local port security committees; and

“(v) the National Maritime Security Advisory Committee.

“(3) **REVISION AUTHORITY.**—The Secretary may, from time to time, as the Secretary deems advisable, revise or otherwise amend the National Maritime Transportation Security Plan.

“(4) **PLAN TO BE FOLLOWED.**—After publication of the Plan, the planning and response to acts of maritime crime and terrorism shall, to the greatest extent possible, be in accordance with the Plan.

“(5) **COPY TO THE CONGRESS.**—The Secretary shall furnish a copy of the Plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.”.

SEC. 204. AREA MARITIME SECURITY COMMITTEES AND AREA MARITIME SECURITY PLANS.

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

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

“(1) **IN GENERAL.**—There is established for each area designated by the Secretary an area maritime security committee comprised of members appointed by the Secretary. The Secretary may designate any existing local port security committee as an area maritime security committee for the purposes of this subsection. The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to an area maritime security committee.

“(2) **FUNCTION.**—Each area maritime security committee, under the direction of the

Federal maritime security coordinator for its area, shall—

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

“(B) work with State and local officials to enhance the contingency planning of those officials and to assure pre-planning of joint response efforts, including appropriate procedures for prevention and response to acts of maritime crime or terrorism.

“(3) **AREA MARITIME SECURITY PLAN REQUIREMENT.**—Each area maritime security committee shall prepare an area maritime security plan for its area and submit it to the Secretary for approval. The area maritime security plan shall—

“(A) when implemented in conjunction with the national maritime transportation security plan, be adequate to prevent or rapidly and effectively respond to an act of maritime crime or terrorism in or near the area;

“(B) describe the area covered by the plan, including the areas of population or special economic, environmental or national security importance that might be damaged by an act of maritime crime or terrorism;

“(C) describe in detail how the plan is integrated with other area maritime security plans, facility security plans, and vessel security plans under this section;

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

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

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

“(A) review and approve area maritime security plans under this subsection; and

“(B) periodically review previously approved area maritime security plans.”.

SEC. 205. VESSEL SECURITY PLANS.

(a) **IN GENERAL.**—Section 4(a) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)) is amended—

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

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

(3) by adding at the end the following:

“(6) may issue regulations establishing requirements for vessel security plans and programs for vessels calling on United States ports.”.

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

SEC. 206. PROTECTION OF SECURITY-RELATED INFORMATION.

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

“(c) **NONDISCLOSURE OF INFORMATION.**—Notwithstanding any other provision of law, information developed under this section, and vessel security plan information developed under section 4(a)(6) of this Act (33 USC 1223(a)(6)), is not required to be disclosed to the public. This includes information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act, and any other information, including maritime facility security plans, vessel security plans and port vulnerability assessments.”.

SEC. 207. ENHANCED CARGO IDENTIFICATION AND TRACKING.

(a) **TRACKING PROGRAM.**—The Secretaries of the Treasury and Transportation shall establish a joint task force to work with ocean shippers and ocean carriers in the development of performance standards for systems

to track data for shipments, containers, and contents—

(1) to improve the capacity of shippers and others to limit cargo theft and tampering; and

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

(b) **PERFORMANCE STANDARDS FOR ANTI-TAMPERING DEVICES.**—The Secretaries of the Treasury and Transportation shall work with the National Institutes of Standards and Technology to develop enhanced performance standards for in-bond seals and locks for use on or in containers used for water-borne cargo shipments.

SEC. 208. ENHANCED CREWMEMBER IDENTIFICATION.

The Secretary of Transportation, in consultation with the Attorney General, may require crewmembers aboard vessels calling on United States ports to carry and present upon demand such identification as the Secretary determines.

MOTION OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Madam Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LOBIONDO moves that that House strike all after the enacting clause of S. 1214, and insert the text of the bill H.R. 3983, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3983) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1214, PORT AND MARITIME SECURITY ACT OF 2001

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent that the House insist on its amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, KOLBE, LOBIONDO, OBERSTAR and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of sections 112 and 115 of the Senate bill, and section 108 of the House amendment, and modifications committed to conference: Messrs. THOMAS, CRANE and RANGEL.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

13TH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, today we mark the 13th anniversary of one of this century's most brutal attempts to silence the voices of freedom and liberty. Thirteen years ago today, the Chinese regime shocked the world as it rolled out the tanks and crushed the pro-democracy movement taking shape in Tiananmen Square.

The authoritarian leaders of China still do not acknowledge the massacre of those brave young souls. We have not forgotten those who lost their lives for the cause of freedom. We must not forget those who are still imprisoned. Imagine that, people are still in prison 13 years later for speaking out for freedom. They have lost their liberty and the pursuit of basic human rights.

Today, we renew our call for the Chinese Government to acknowledge the massacre, free all of those who are in prison because of peaceful expression of their political and religious beliefs.

China must also allow the return and free expression of those who have been forced into exile. Mr. Speaker, in China if one speaks out for freedom, they are either imprisoned or in exile. One of those imprisoned, Wenli, founder of the China Democracy Party, is serving a 13-year sentence in a Chinese prison. Mr. Xu is one of China's bravest, most eloquent and most measured advocates of democracy. He is not calling for the downfall of the Communist Party; he is just asking for the establishment of a democratic party in China. Yet he remains behind bars, despite being gravely ill from hepatitis contracted in prison.

Mr. Speaker, the brave men and women who demonstrated for democracy in Tiananmen Square are the legitimate heirs to the legacy of our Founding Fathers. They quoted Thomas Jefferson. They built a monument fashioned after our Statue of Liberty. They looked to the United States as a beacon of hope and freedom. We looked, and still look, to them for their courage, their idealism, and their dedication to the establishment of basic human rights.

The spirit of Tiananmen Square lives on. The seeds of democracy sown in 1989 have taken root, and they will inevitably burst forth in full flowering. I really wish that we could help them.

In 1989, when many of us were concerned about the plight of those who were killed or arrested at the time of Tiananmen Square and a couple of years after that, we tried to have the U.S. weigh in. We were told at the time that we could not weigh in in favor of human rights because trade was going to improve human rights in China. Part of our complaint was indeed China's blocking of our products going into China.

At that time, the trade deficit with China was about \$2 billion a year. We thought that gave us great leverage to free the prisoners. Today, it is nearly \$2 billion a week. So for all of those

who said trade was going to improve human rights in China, sadly it has not; but we really have given away the store when it comes to trade with China because they have now a nearly \$100 billion trade deficit. Think of the leverage that would have given us.

In addition to that, one of our other concerns was China's proliferation of weapons of mass destruction. Our main concern was China's proliferation of nuclear technology to Pakistan and China's transfer of missile technology for the delivery of such a weapon to Pakistan. The administration, Democrats and Republicans alike, told us that China was going to be helpful in defusing the nuclear issue in south Asia; but, indeed, that was not the case.

Indeed, China helped build Pakistan's nuclear program. China has contributed to the explosive situation that exists in south Asia today; but at the time when we were asking for the U.S. to use its leverage to promote democratic values, to promote our exports by having fair trade policy and to use our leverage to stop China's proliferation of weapons of mass destruction, we were told that the status quo would make everything right. Certainly it has not.

I want to get back to those who are in prison, some still because of Tiananmen Square and others for their activities since. As we look to those people in China and we talk about the promotion of democratic values being a pillar of our foreign policy, they have to wonder what it means about being a pillar of our foreign policy when it comes to China. I know that there are many people in our country who, despite the policy of our government, still believe that we are a great country and that we want to promote democratic values.

Mr. Speaker, I wish I could tell my colleagues human rights in China have gotten better since 1989, but the sad fact is they have not. According to our own State Department report, authorities are still quick to suppress any person or group, whether religious, political or social, that they perceive to be a threat to government or to national stability, that is what they always say; and the citizens who sought to express openly dissenting political and religious views continue to live in an environment filled with repression.

Mr. Speaker, I just want to tell my colleagues that, call attention of our colleagues, to the lone man before the tank. The world will long remember the lone man before the tank, but I want to say here tonight that as much as the Chinese authorities may say to those in prison that they have not been forgotten, we know that in the Congress of the United States and that this country of ours, those prisoners are long remembered, and they are remembered by name, and we will mention those names as long as they are being repressed by the Chinese regime.