a license, including a finger print, but not information on vehicular accidents, driving violations, and driver's status;

''(4) 'highly restricted personal information' means an individual's photograph or image, social security number, medical or disability information, any physical copy of a driver's license, driver identification number, birth date, information on physical characteristics, including height, weight, sex, or eye color, or any biometric identifiers on a license, including a finger print; and''.

TITLE VI—MISCELLANEOUS

SEC. 601. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under title I, II, or IV of this Act or under any amendment made by such a title, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with such titles or such amendments;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Attorney General intervenes in an action under subsection (a), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under title I, II, IV, or V of this Act or under any amendment made by such a title, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that practice.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 602. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or under an amendment made by this Act, the Federal Government shall have injunctive authority with respect to any violation of any provision of title I, II, or IV of this Act or of any amendment made by such a title, without regard to whether a public or private entity violates such provision.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 746. A bill to prevent and respond to terrorism and crime at or through ports; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Anti-Terrorism and Port Security Act of 2003, comprehensive legislation aimed at preventing and punishing a terrorist attack at or through one of our nation's 361 seaports. I would like to thank Senator KYL for joining me in sponsoring this bill.

Currently, our seaports are the gaping hole in our nation's defense against terrorism. According to the U.S. Bureau of Transportation Statistics, about 13 million containers, twenty-foot equivalent units, came into United States ports in 2002.

However, the U.S. government inspected only about two or three percent of these containers—they rest were simply waved through. In addition, in almost every case, these inspections occurred after the containers arrive in the United States.

The problem is that a single container could contain 60,000 pounds of explosives—10 to 15 times the amount in the Ryder truck used to blow up the Murrah Federal Building in Oklahoma City—and a single container ship can carry as many as 8,000 containers at one time.

Containers could easily be exploited to detonate a bomb that would destroy a bridge, seaport, or other critical infrastructure, causing mass destruction and killing thousands.

Worse, a suitcase-sized nuclear device or radiological ''dirty bomb'' could also be installed in a container and shipped to the United States. The odds are that the container would never be inspected.

And, even if the container was inspected, it would be too late. The weapon would already be in the United States—most likely near a major population center.

In addition, any attack on or through a seaport could have devastating economic consequences.

Excluding trade with Mexico and Canada, America's ports handle 95 percent of U.S. trade. Every year U.S. ports handle over 800 million tons of cargo valued at approximately $600 billion.

The West Coast labor disruption last year cost the U.S. economy somewhere $1–2 billion a day—a total of $10–20 billion. A terrorist attack would have an ever graver impact.

The U.S. would likely shut down all major U.S. ports, bringing thousands of factories to a standstill and leaving retailers with bare shelves within days. And this shut down will have a ripple effect around the globe, raising the cost exponentially.

In its December 2002 report, the Hart-Rudman Terrorism Task Force discussed the implications of a possible terrorist attack at a seaport. Here is what they said:

> If an explosive device were loaded in a container and set off in a port, it would almost automatically raise concern about the integrity of the 21,000 containers that arrive in U.S. ports each day and the many thousands more that arrive by truck and rail across U.S. land borders. A three-to-four-week closure of U.S. ports would bring the global container industry to its knees. Megaports such as Rotterdam and Singapore would have to close their gates to prevent boxes from piling up on their limited pier space. Trucks, trains, and barges would be stranded outside the terminals with no way to unload their boxes. Boxes bound for the United States would have to be unloaded from their outbound ships. Service contracts would need to be renegotiated. As the system became gridlocked, so would much of global commerce.

I am particularly concerned about such an attack because such an enormous proportion of U.S. foreign trade passes through my home state of California.

Last year, 6.2 million imported containers—48 percent—passed through California, 5.7 million just through two ports alone: the Port of Los Angeles and the Port of Long Beach.

That means that, if terrorists succeeded in putting a weapon of mass destruction into a container undetected, there is about a one in two chance that this weapon would arrive and/or be detonated in Southern California.

And the problem is not just with containers.

Nearly one-quarter of all of California's imported crude oil is offloaded in one area. A suicide attack on a tanker at an offloading facility in this area could leave Southern California without refined fuels within a few days.

There is no doubt in my mind that terrorists are seeking to exploit vulnerabilities at our seaports right now.

Indeed, the Al Qaeda training manual specifically mentions seaports as a point of vulnerability in our security.

In addition, we know that Al Qaeda has already tried to attack American interests at and through seaports in the past. Let me mention some examples.

In October 2001, Italian authorities found an Egyptian man suspected of

having ties to Al Qaeda in a container bound for Canada. He had false identifications, maps of airports, a computer, a satellite phone, cameras, and plenty of cash on hand.

In October 2000, Al Qaeda operatives successfully carried out a deadly bombing attack against the U.S.S. *Cole* in the port of Yemen.

In 1998, Al Qaeda bombed the American Embassies in Kenya and Tanzania. Evidence suggests that the explosives the terrorists used were shipped to them by sea. And the investigation of the embassy bombings concluded that Bin Laden has close financial ties to various shipping companies.

We cannot afford to be complacent. Terrorists can be very patient. We cannot forget the successful attack on the World Trade Center on September 11 took place eight years after a relatively unsuccessful attack on the same target.

I introduced legislation in the last Congress to offer a comprehensive solution to the problem of seaport vulnerability. I am pleased that some of its provisions we adopted in some form by recent regulatory changes as well as the Maritime transportation Security Act of 2002 and Trade Act of 2002.

For example, one provision in my bill required shippers to provide manifest information to Customs at least 24 hours before departure from a foreign port. Soon after the bill was introduced, Customs published a draft regulation with the same requirement.

This requirement is now being enforced. However, Customs is still not getting all relevant information from every important party involved in the shipping process.

In addition, I am pleased that, especially in the last six months, Customs has aggressively promoted its Container Security Initiative (CSI). One of the core elements of this initiative involves placing U.S. Customs inspectors at major foreign seaports to pre-screen cargo containers before they were shipped to America.

Most of the biggest ports in the world are now participating in CSI. However, Customs has posted relatively few inspectors overseas and I believe that CSI can and should be expanded further.

The Maritime Transportation Safety Act of 2002 and Trade Act of 2002 also included a number of security measures.

However, in my view, many of these measures do not go nearly far enough, particularly in the areas of criminal penalties, pushing back the border, minimum port and security standards, employee identification cards, research and development, and so on. And even the strongest provisions in these bills are, in some cases, years away from implementation.

The bottom line is that, while we have made some modest improvements in seaport security in the last year, much more remains to be done. And, crucially, much remains to be done right now.

In fact, I believe that our seaports remain almost as vulnerable today as they were before September 11. That is why I am introducing the Anti-Terrorism and Port Security Act of 2003.

This legislation builds on improvements made to our laws in the last year but goes much further than those changes to ensure the security of our seaports.

The Anti-Terrorism and Port Security Act of 2003 does three main things:

First, the bill ensure that our criminal laws apply to deter and punish terrorists who choose to strike against our seaports. The bill closes a number of loopholes in our criminal laws to ensure that terrorists are held accountable for any attacks. Let me provide a couple of examples.

If a person blows up an airplane, he commits a crime. However, if he blows up a oil tanker, he does not commit a crime—unless he is doing it to injure the person.

If a person distributes explosives to a non-U.S. national, he commits a crime. But if the same person sows mines in the San Francisco harbor, he does not commit a crime.

Specifically, the bill would: Make it a crime for terrorists to attack a port or a cruise ship or deploy a weapon of mass destruction at or through a seaport. Make it a crime to put devices in U.S. waters that can destroy a ship or cargo or interfere with safe navigation or maritime commerce. Update our federal criminal piracy and privateering laws and increase penalties. Make it a crime to use a dangerous weapon or explosive to try to kill someone on board a passenger vessel. Make it a crime to fail to heave to (that is, to slow or stop) a vessel at the direction of a Coast Guard or other authorized federal law enforcement official seeking to board that vessel or to interfere with boarding by such an officer. Make it a crime to destroy an aid to maritime navigation, such as a buoy or shoal/breakwater light, maintained by the Coast Guard if this would endanger the safe navigation of a vessel. Make it a crime for terrorists or criminals to try to attack U.S. citizens or U.S. marine live by putting poisons in the water off shore. Require the Attorney General to issue regulations making it easier to determine the extent of crime and terrorism at seaports and improve communication between different law enforcement agencies involved at ports.

Second, the bill would help improve physical security at seaports by beefing up standards and ensuring greater coordination. Specific provisions would: Designate the Captain-of-the-Port as the primary authority for seaport security at each port. This would enable all parties involved in business at a port to understand who has final say on all security matters. Require minimum federal security standards for ports. These standards include restrictions on private vehicle access, a prohibition on unauthorized guns and explosives, and unauthorized physical access to terminal areas. They would also mandate that terminal areas at ports have a secure perimeter, monitored or locked access points, sufficient lighting, and son on. Mandate that all Customs inspectors have personal radiation detection pagers. Require all port employees and contractors to have biometric smart identification cards. Require Captains-of-the-Port to keep sensitive information on the port secure and protected. Such information would include, but not be limited to maps, blueprints, and information on the Internet.

Third, the bill would ensure that we devote our limited cargo inspection resources in the most efficient and effective manner. The bill would improve our shipment profiling system by requiring additional information from more relevant parties to the shipping process, and it would substantially improve container security. Specifically, it would establish a comprehensive risk profiling plan for the Customs Service to focus their limited inspection capabilities on high-risk cargo and containers. Under this plan, all relevant parties in the shipment process would provide electronically relevant and timely information to enable Customs to determine which shipments to inspect. Impose steep monetary sanctions for failure to comply with information filing requirements, including filing incorrect information (the current penalty is only up to a few thousand dollars). The Seaport Commission found that about ½ of the information on ship manifests was inaccurate. Push U.S. security scrutiny beyond our nation's borders and improve our ability to monitor and inspect cargo and containers before they arrive near America's shores. If a weapon of mass destruction arrives in a U.S. port, it is too late. Require the use of high security seals on all containers coming into the U.S. Require that each container to be transported through U.S. ports receive a universal transaction number that could be used to track container movement from origin to destination. Require all empty containers destined for U.S. ports to be secured. Authorize pilot programs to develop high-tech seals and sensors, including those that would provide real-time evidence of container tampering to a monitor at a terminal. Require ports to provide space to Customs so that the agency is able to use non-intrusive inspection technology. In many cases, Customs has to keep this technology outside the port and bring it in every day, which prevents some of the best inspection technology (which is not portable) from being used. Require the Department of Homeland Security to take the relative number of imported containers received at each port into account in exercising its discretion in determining the allocation of funds appropriated for seaport security grants.

I believe that the Anti-Terrorism and Port Security Act of 2003 would make a

significant contribution to protecting America from terrorist attacks at or through our seaports. I urge my colleagues to support the legislation.;

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 746

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 ''Anti-Terrorism and Port Security Act of 2003''.

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

Sec. 1. Short title; table of contents.

TITLE I—DETERRING AND PUNISHING TERRORISM AND CRIME AT UNITED STATES PORTS

Sec. 101. Destruction or interference with vessels or maritime facilities.
Sec. 102. Criminal sanctions for placement of destructive devices or substances in United States jurisdictional waters.
Sec. 103. Piracy and privateering.
Sec. 104. Use of a dangerous weapon or explosive on a passenger vessel.
Sec. 105. Sanctions for failure to heave to and for obstruction of boarding and providing false information.
Sec. 106. Criminal sanctions for violence against maritime navigation.
Sec. 107. Criminal sanctions for malicious dumping.
Sec. 108. Attorney general to coordinate port-related crime data collection.

TITLE II—PROTECTING UNITED STATES PORTS AGAINST TERRORISM AND CRIME

Subtitle A—General Provision

Sec. 201. Definitions.

Subtitle B—Security Authority

Sec. 211. Designated security authority.

Subtitle C—Securing the Supply Chain

Sec. 221. Manifest requirements.
Sec. 222. Penalties for inaccurate manifest.
Sec. 223. Shipment profiling plan.
Sec. 224. Inspection of merchandise at foreign facilities.

Subtitle D—Security of Seaports and Containers

Sec. 231. Seaport security requirements.
Sec. 232. Seaport security cards.
Sec. 233. Securing sensitive information.
Sec. 234. Container security.
Sec. 235. Office and inspection facilities.
Sec. 236. Security grants to seaports.

TITLE III—AUTHORIZATION

Sec. 301. Authorization of appropriations.

TITLE I—DETERRING AND PUNISHING TERRORISM AND CRIME AT UNITED STATES PORTS

SEC. 101. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 65 the following:

''CHAPTER 66—MARITIME VESSELS

''Sec.
''1371. Jurisdiction and scope.
''1372. Destruction of vessel or maritime facility.
''1373. Imparting or conveying false information.

''§ 1371 Jurisdiction and scope

''(a) IN GENERAL.—There is jurisdiction under section 3231 over an offense under this chapter if—

''(1) the prohibited activity takes place within the United States, or in waters or submerged lands thereunder subject to the jurisdiction of the United States; or

''(2) the prohibited activity takes place outside the United States, and—

''(A) an offender or a victim of the prohibited activity is a citizen of the United States;

''(B) a citizen of the United States was on board a vessel to which this chapter applies; or

''(C) the prohibited activity involves a vessel of the United States.

''(b) APPLICABILITY.—Nothing in this chapter shall apply to otherwise lawful activities carried out by, or at the direction of, the United States Government.

''§ 1372. Destruction of vessel or maritime facility

''(a) OFFENSES.—It shall be unlawful for any person—

''(1) to willfully—

''(A) set fire to, damage, destroy, disable, or wreck any vessel; or

''(B) place or cause to be placed a destructive device or destructive substance in, upon, or in proximity to, or otherwise make or cause to be made an unworkable or unusable or hazardous to work or use, any vessel (as defined in section 3 of title 1), or any part or other materials used or intended to be used in connection with the operation of a vessel; or

''(C) set fire to, damage, destroy, disable, or displace a destructive device or destructive substance in, upon, or in proximity to, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, or interfere by force or violence with the operation of such maritime facility, if such action is likely to endanger the safety of any vessel in navigation;

''(D) set fire to, damage, destroy, disable, or place a destructive device or destructive substance in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried on, or intended to be carried on, any vessel;

''(E) perform an act of violence against or incapacitate an individual on a vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

''(F) perform an act of violence against a person that causes or is likely to cause serious bodily injury in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel; or

''(G) communicate information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

''(2) to attempt or conspire to do anything prohibited under paragraph (1).

''(b) PENALTY.—Any person who—

''(1) violates subparagraph (A) or (B) of subsection (a)(1) shall be fined in accordance with this title or imprisoned for a maximum life imprisonment term, or both, and if death results, shall be subject to the death penalty; and

''(2) violates subsection (a)(2) or subparagraph (C), (D), (E), (F), or (G) of subsection (a)(1) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''(c) ADDITIONAL PENALTIES.—Any person who is fined or imprisoned in accordance with subsection (b) for an offense that involved a vessel that, at the time the violation occurred, carried high-level radioactive waste or spent nuclear fuel shall be fined in accordance with this title or imprisoned for not less than 30 years, or for life.

''(d) THREATENED OFFENSE.—Any person who willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry out the threat, shall be—

''(1) fined in accordance with this title or imprisoned not more than 5 years, or both; and

''(2) liable for all costs incurred as a result of such threat.

''(e) DEFINITIONS.—For purposes of this section—

''(1) the term 'destructive device' has the meaning as such term in section 921(a)(4);

''(2) the term 'destructive substance' has the meaning as such term in section 31;

''(3) the term 'high-level radioactive waste' has the meaning as such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

''(4) the term 'serious bodily injury' has the meaning as such term in section 1365(g); and

''(5) the term 'spent nuclear fuel' has the meaning as such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

''§ 1373. Imparting or conveying false information

''(a) IN GENERAL.—Any person who imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that is an offense under this chapter or chapters 2, 97, or 111, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

''(b) INCREASED PENALTY.—Any person who willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made by or to be made, to do any act that is an offense under this chapter or chapters 2, 97, or 111, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, is amended by inserting after the item relating to chapter 65 the following:

''66. Maritime Vessels ..... 1371''.

SEC. 102. CRIMINAL SANCTIONS FOR PLACEMENT OF DESTRUCTIVE DEVICES OR SUBSTANCES IN UNITED STATES JURISDICTIONAL WATERS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by inserting after section 2280 the following:

''§ 2280A. Devices or substances in waters of the United States likely to destroy or damage ships

''(a) IN GENERAL.—Any person who knowingly places or causes to be placed in waters subject to the jurisdiction of the United States, by any means, a device or substance that is likely to destroy or cause damage to a ship or its cargo, or cause interference with the safe navigation of vessels or interference with maritime commerce, such as by

damaging or destroying marine terminals, facilities, and any other maritime structure or entity used in maritime commerce, with the intent of causing such destruction or damage—

''(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

''(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

''(b) APPLICABILITY.—Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2280 the following:

''2280A. Devices or substances in waters of the United States likely to destroy or damage ships.''.

SEC. 103. PIRACY AND PRIVATEERING.

Chapter 81 of title 18, United States Code, is amended to read as follows:

''CHAPTER 81—PIRACY AND PRIVATEERING

''Sec.
''1651. Piracy.
''1652. Crimes against United States persons or property on board a ship or maritime structure.
''1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States.
''1654. Crimes by United States citizens or resident aliens.
''1655. Privateering.
''1656. Theft or conversion of vessel, maritime structure, cargo, or effects.
''1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects.
''1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects.
''1659. Attempts.
''1660. Accessories.
''1661. Inapplicability to United States Government activities.

''§ 1651. Piracy

''Any person who commits the crime of piracy and is afterwards brought into, or found in, the United States shall be imprisoned for life.

''§ 1652. Crimes against United States persons or property on board a ship or maritime structure

''Any person who commits any illegal act of violence, detention, or depredation against the United States, including any vessel of the United States, citizen of the United States, any commercial structure owned in whole or in part by a United States citizen or resident alien, or any United States citizen or resident alien, or the property of that citizen or resident alien, on board a ship or maritime structure and is afterwards brought into or found in the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States

''Any person who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, in waters or submerged lands thereunder, subject to the jurisdiction of the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1654. Crimes by United States citizens or resident aliens

''Any person, being a United States citizen or resident alien, or purporting to act under the authority of the United States, who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1655. Privateering

''(a) OFFENSE.—It shall be unlawful for any person to furnish, fit out, arm, or serve in a privateer or private vessel used to commit any illegal act of violence, detention, or depredation against an individual, or the property of that individual, or any vessel or maritime structure without the express authority of the United States Government when—

''(1) the perpetrator of the act is a United States citizen or resident alien, or purports to act under authority of the United States;

''(2) the individual against whom the act is committed is a United States citizen or resident alien or the property, vessel, or maritime structure involved is owned, in whole or in part, by a United States citizen or resident alien; or

''(3) some element of the illegal act of violence, detention, or depredation is committed in waters subject to the jurisdiction of the United States.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1656. Theft or conversion of vessel, maritime structure, cargo, or effects

''(a) OFFENSE.—It shall be unlawful for any person who is a captain, officer, crewman, or passenger of a vessel or maritime structure to assist in the theft or conversion of such vessel or maritime structure, or its cargo or effects when—

''(1) the perpetrator is a United States citizen or resident alien, or purports to act under the authority of the United States;

''(2) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

''(3) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects

''(a) OFFENSE.—It shall be unlawful for any person to—

''(1) intentionally cause the wrecking of a vessel or maritime structure by act or omission, either directly such as by intentional grounding, or indirectly by modification or destruction of any navigational marker or safety device;

''(2) intentionally plunder, steal, or destroy a vessel, maritime structure, cargo, or effects when such vessel or maritime structure is in distress, wrecked, lost, stranded, or cast away; or

''(3) intentionally obstruct or interfere with the rescue of a person on board a vessel or maritime structure in distress, wrecked, lost, stranded, or cast away, or the legal salvage of such a vessel, maritime structure, cargo, or effects, when—

''(A) the perpetrator is a United States citizen or resident alien, or purports to act under authority of the United States;

''(B) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

''(C) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects

''Any person who knowingly receives or acquires a vessel, maritime structure, cargo, or effects converted or obtained by action falling under any section of this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1659. Attempts

Any person who attempts any act which, if committed, would constitute an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1660. Accessories

''(a) COMMISSION OF AN OFFENSE.—Any person who knowingly assists any person in the commission of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''(b) AVOIDANCE OF CONSEQUENCES.—Any person who knowingly assists any person in avoiding the consequences of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1661. Inapplicability to United States Government activities

''Nothing in this chapter shall apply to otherwise lawful activities—

''(1) carried out by, or at the direction of, the United States Government; or

''(2) undertaken under a letter or marque and reprisal issued by the United States Government.''.

SEC. 104. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

(a) IN GENERAL.—Chapter 39 of title 18, United States Code, is amended by inserting after section 831 the following:

''§ 832. Use of a dangerous weapon or explosive on a passenger vessel

''(a) OFFENSE.—It shall be unlawful for any person to willfully—

''(1) commit an act, including the use of a dangerous weapon, explosive, or incendiary device, with the intent to cause death or serious bodily injury to a crew member or passenger of a passenger vessel or any other person while on board a passenger vessel; or

''(2) attempt, threaten, or conspire to do any act referred to in paragraph (1).

''(b) PENALTY.—An person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''(c) AGGRAVATED OFFENSE.—Any person who commits an offense described in subsection (a) in a circumstance in which—

''(1) the vessel was carrying a passenger at the time of the offense; or

''(2) the offense has resulted in the death of any person;

shall be guilty of an aggravated offense and shall be fined in accordance with this title or imprisoned for any term of years or for life.

''(d) APPLICABILITY.—This section shall apply to vessels that are subject to the jurisdiction of the United States, and vessels carrying passengers who are United States citizens or resident aliens, wherever located.

''(e) DEFINITIONS.—For purposes of this section—

''(1) the term 'dangerous weapon' has the meaning given such term in section 930(g);

''(2) the term 'explosive or incendiary device' has the meaning given such term in section 232(5);

''(3) the term 'passenger' has the same meaning given such term in section 2101(21) of title 46;

''(4) the term 'passenger vessel' has the same meaning given such term in section 2101(22) of title 46; and

''(5) the term 'serious bodily injury' has the meaning given such term in section 1365(g).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 39 of title 18, United States Code, is amended by inserting after the item relating to section 831 the following:

''832. Use of a dangerous weapon or explosive on a passenger vessel.''.

SEC. 105. SANCTIONS FOR FAILURE TO HEAVE TO AND FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

''(a) FAILURE TO HEAVE TO.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to heave to on being ordered to do so by an authorized Federal law enforcement officer.

''(b) OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

''(1) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

''(2) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew that the person knows is false.

''(c) LIMITATIONS.—This section shall not limit the authority of—

''(1) an officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the Secretary of the Treasury or the Under Secretary for Border and Transportation Security of the Department of Homeland Security; or

''(2) a Federal law enforcement officer under any law of the United States to order a vessel to stop or heave to.

''(d) CONSENT OR OBJECTION TO ENFORCEMENT.—A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means, which consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

''(e) PENALTY.—Any person who intentionally violates this section shall be fined in accordance with this title and imprisoned not more than 1 year.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the same meanings as such terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903);

''(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding; and

''(3) the term 'Federal law enforcement officer' has the same meaning as such term in section 115.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.''.

SEC. 106. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION.

Section 2280(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (F), (G), and (H) as (G), (H), and (I), respectively;

(B) by inserting after subparagraph (E) the following:

''(F) destroys, damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954, (33 U.S.C. 984) or the Coast Guard pursuant to section 81 of title 14, or lawfully maintained by the Coast Guard pursuant to section 83 of title 14, if such act endangers or is likely to endanger the safe navigation of a ship;''; and

(C) in subparagraph (I), as so redesignated, by striking ''through (G)'' and inserting ''through (H)''; and

(2) in paragraph (2), by striking ''(C) or (E)'' and inserting ''(C), (E), or (F)''.

SEC. 107. CRIMINAL SANCTIONS FOR MALICIOUS DUMPING.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

''§ 2282. Knowing discharge or release

''(a) ENDANGERMENT OF HUMAN LIFE.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjoining shoreline with the intent to endanger human life, health, or welfare—

''(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

''(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

''(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjacent shoreline with the intent to endanger the marine environment shall be fined in accordance with this title or imprisoned not more than 30 years, or both.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

''(2) the term 'hazardous material' has the same meaning given such term in section 2101(14) of title 46;

''(3) the term 'marine environment' has the same meaning given such term in section 2101(15) of title 46;

''(4) the term 'navigable waters' has the same meaning given such term in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)), and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988; and

''(5) the term 'noxious liquid substance' has the same meaning given such term in the MARPOL Protocol as defined in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following:

''2282. Knowing discharge or release.''.

SEC. 108. ATTORNEY GENERAL TO COORDINATE PORT-RELATED CRIME DATA COLLECTION.

(a) REGULATIONS.—The Attorney General shall issue regulations to—

(1) require the reporting by a carrier that is the victim of a cargo theft offense to the Attorney General of information on the cargo theft offense (including offenses occurring outside ports of entry and ports of shipment origination) that identifies the port of entry, the port where the shipment originated, where the theft occurred, and any other information specified by the Attorney General;

(2) create a database to contain the reports described in paragraph (1) and integrate those reports, to the extent feasible, with other noncriminal justice and intelligence data, such as insurer bill of lading, cargo contents and value, point of origin, and lien holder filings; and

(3) prescribe procedures for access to the database created in accordance with paragraph (2) by appropriate Federal, State, and local governmental agencies and private companies or organizations, while limiting access to privacy of the information in accordance with other applicable Federal laws.

(b) MODIFICATION OF DATABASES.—

(1) IN GENERAL.—United States Government agencies with significant regulatory or law enforcement responsibilities at United States ports shall, to the extent feasible, modify their information databases to ensure the collection and retrievability of data relating to crime, terrorism, and related activities at, or affecting, United States ports.

(2) DESIGNATION OF AGENCIES.—The Attorney General, after consultation with the Secretary of Homeland Security, shall designate the agencies referred to in paragraph (1).

(c) OUTREACH PROGRAM.—The Attorney General, in consultation with the Secretary of Homeland Security, the National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code, and the appropriate Federal and State agencies, shall establish an outreach program—

(1) to work with State and local law enforcement officials to harmonize the reporting of data on cargo theft among States and localities with the United States Government's reports; and

(2) to work with local port security committees to disseminate cargo theft information to appropriate law enforcement officials.

(d) ANNUAL REPORT.—The Attorney General shall report annually to the Committee on the Judiciary of the Senate and the House of Representatives on the implementation of this section.

(e) INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER; STATE PROSECUTIONS.—

(1) STATE PROSECUTIONS.—Section 659 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking ''Whoever embezzles'' and inserting the following:

''(a) OFFENSE; PENALTY.—Whoever—

''(1) embezzles'';

(ii) by striking ''from any pipeline system'' and all that follows through ''with intent to convert to his own use''; and

(iii) by striking ''or'' at the end;

(B) in the second undesignated paragraph—

(i) by striking ''Whoever buys'' and inserting the following:

''(2) buys''; and

(ii) by striking ''or'' at the end;

(C) in the third undesignated paragraph—

(i) by striking ''Whoever embezzles'' and inserting the following''

''(3) embezzles''; and

(ii) by striking ''with intent to convert to his own use'';

(D) in the fourth undesignated paragraph, by striking ''Whoever embezzles'' and inserting the following:

''(4) embezzles'';

(E) in the fifth undesignated paragraph, by striking ''Shall in each case'' and inserting the following:

''shall in each case'';

(F) in the sixth undesignated paragraph, by striking ''The'' and inserting the following:

''(b) LOCATION OF OFFENSE.—The'';

(G) in the seventh undesignated paragraph, by striking ''The'' and inserting the following''

''(c) SEPARATE OFFENSE.—The'';

(H) in the eighth undesignated paragraph, by striking ''To'' and inserting the following:

''(d) PRIMA FACIE EVIDENCE.—To'';

(I) in the ninth undesignated paragraph, by striking ''A'' and inserting the following:

''(e) PROSECUTION.—A''; and

(J) by adding at the end the following:

''(f) CIVIL PENALTY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any penalties that may be available under any other provision of law, a person who is found by the Secretary of Homeland Security, after notice and an opportunity for a hearing, to have violated this section or a regulation issued under this section shall be liable to the United States for a civil penalty not to exceed $25,000 for each violation.

''(2) SEPARATE VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

''(3) AMOUNT OF PENALTY.—

''(A) IN GENERAL.—The amount of a civil penalty for a violation of this section or a regulation issued under this section shall be assessed by the Attorney General, or the designee of the Attorney General, by written notice.

''(B) CONSIDERATIONS.—In determining the amount of a civil penalty under this paragraph, the Attorney General shall take into account—

''(i) the nature, circumstances, extent, and gravity of the prohibited act committed; and

''(ii) 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.

''(4) MODIFICATION OF PENALTY.—The Secretary of Homeland Security may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or which has been imposed under this section.

''(5) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary of Homeland Security may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

''(g) DEFINITION.—For purposes of this section, the term 'goods or chattels' means to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment) regardless of any temporary stop while awaiting transshipment or otherwise.''.

(2) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 of title 18, United States Code, as amended by this subsection.

(3) ANNUAL REPORT.—The Attorney General shall annually submit to Congress a report that shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code.

TITLE II—PROTECTING UNITED STATES PORTS AGAINST TERRORISM AND CRIME

Subtitle A—General Provision

SEC. 201. DEFINITIONS.

In this title:

(1) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) CAPTAIN-OF-THE-PORT.—The term ''Captain-of-the-Port'', with respect to a United States seaport, means the individual designated by the Commandant of the Coast Guard as the Captain-of-the-Port at that seaport.

(3) COMMON CARRIER.—The term ''common carrier'' means any person that holds itself out to the general public as a provider for hire of a transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

(4) CONTAINER.—The term ''container'' means a container that is used or designed for use for the international transportation of merchandise by vessel, vehicle, or aircraft.

(5) DIRECTORATE.—The term ''Directorate'' means the Border and Transportation Security Directorate of the Department of Homeland Security.

(6) MANUFACTURER.—The term ''manufacturer'' means a person who fabricates or assembles merchandise for sale in commerce.

(7) MERCHANDISE.—The term ''merchandise'' has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(8) OCEAN TRANSPORTATION INTERMEDIARY.—The term ''ocean transportation intermediary'' has the meaning given that term in section 515.2 of title 46, Code of Federal Regulations (as in effect on January 1, 2003).

(9) SHIPMENT.—The term ''shipment'' means cargo traveling in international commerce under a bill of lading.

(10) SHIPPER.—The term ''shipper'' means—

(A) a cargo owner;

(B) the person for whose account ocean transportation is provided;

(C) the person to whom delivery of merchandise is to be made; or

(D) a common carrier that accepts responsibility for payment of all charges applicable under a tariff or service contract.

(11) UNITED STATES SEAPORT.—The term ''United States seaport'' means a place in the United States on a waterway with shoreside facilities for the intermodal transfer of cargo containers that are used in international trade.

(12) VEHICLE.—The term ''vehicle'' has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(13) VESSEL.—The term ''vessel'' has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

Subtitle B—Security Authority

SEC. 211. DESIGNATED SECURITY AUTHORITY.

The Captain-of-the-Port of each United States seaport shall be the primary authority responsible for security at the United States seaport and shall—

(1) coordinate security at such seaport; and

(2) be the point of contact on seaport security issues for civilian and commercial port entities at such seaport.

Subtitle C—Securing the Supply Chain

SEC. 221. MANIFEST REQUIREMENTS.

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

(1) by striking ''Any manifest'' and inserting the following:

''(1) IN GENERAL.—Any manifest''; and

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

''(2) REQUIRED INFORMATION.—

''(A) REQUIREMENT.—In addition to any other requirement under this section, the pilot, master, operator, or owner (or the authorized agent of such operator or owner) of every vessel required to make entry or obtain clearance under the laws of the United States shall transmit electronically the cargo manifest information described in subparagraph (B) in such manner and form as the Secretary shall prescribe. The Secretary shall ensure the electronic information is maintained securely, and is available only to individuals with Federal Government security responsibilities.

''(B) CONTENT.—The cargo manifest required by subparagraph (A) shall consist of the following information:

''(i) The port of arrival and departure.

''(ii) The carrier code assigned to the shipper.

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

''(iv) The dates of scheduled arrival and departure.

''(v) A request for a permit to proceed to the destination, if such permit is required.

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

''(vii) The first port of lading of the cargo and the city in which the carrier took receipt of the cargo.

''(viii) A description and weight of the cargo (including the Harmonized Tariff Schedule of the United States number under which the cargo is classified) or, for a sealed container, the shipper's declared description and weight of the cargo.

''(ix) The shipper's name and address, or an identification number, from all airway bills and bills of lading.

''(x) The consignee's name and address, or an identification number, from all airway bills and bills of lading.

''(xi) Notice of any discrepancy between actual boarded quantities and airway bill or bill 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) The location of the warehouse or other facility where the cargo was stored while under the control of the carrier.

''(xiv) The name and address, or identification number of the carrier's customer including the forwarder, nonvessel operating common carrier, and consolidator.

''(xv) The conveyance name, national flag, and tail number, vessel number, or train number.

''(xvi) The country of origin and ultimate destination.

''(xvii) The carrier's reference number, including the booking or bill number.

''(xviii) The shipper's commercial invoice number and purchase order number.

''(xix) Information regarding any hazardous material contained in the cargo.

''(xx) License information including the license code, license number, or exemption code.

''(xxi) The container number for containerized shipments.

''(xxii) Certification of the empty condition of any empty containers.

''(xxiii) Any additional information that the Secretary, in consultation with the Secretary of Homeland Security, by regulation determines is reasonably necessary to ensure

aviation, maritime, and surface transportation safety pursuant to the laws enforced and administered by the Secretary or the Under Secretary for Border and Transportation Security of the Department of Homeland Security.''.

SEC. 222. PENALTIES FOR INACCURATE MANIFEST.

(a) FALSITY OR LACK OF MANIFEST.—Section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is amended—

(1) in subsection (a)(1)—

(A) by striking ''$1,000'' each place it appears and inserting ''$50,000''; and

(B) by striking ''$10,000'' and inserting ''$50,000''; and

(2) by adding at the end the following new subsection:

''(c) CRIMINAL PENALTIES.—Any person who ships or prepares for shipment any merchandise bound for the United States who intentionally provides inaccurate or false information, whether inside or outside the United States, with respect to such merchandise for the purpose of introducing such merchandise into the United States in violation of the laws of the United States, shall be liable, upon conviction of a violation of this subsection, for a fine of not more than $50,000 or imprisonment for 1 year, or both; except that if the importation of such merchandise into the United States is prohibited, such person shall be liable for an additional fine of not more than $50,000 or imprisonment for not more than 5 years, or both.''.

(b) PENALTIES FOR VIOLATIONS OF THE ARRIVAL, REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS.—Subsections (b) and (c) of section 436 of Tariff Act of 1930 (19 U.S.C. 1436) are amended to read as follows:

''(b) CIVIL PENALTY.—Any master, person in charge of a vessel, vehicle, or aircraft pilot who commits any violation listed in subsection (a) shall be liable for a civil penalty of $25,000 for the first violation, and $50,000 for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture.

''(c) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (b), any master, person in charge of a vessel, vehicle, or aircraft pilot who intentionally commits or causes another to commit any violation listed in subsection (a) shall be liable, upon conviction, for a fine of not more than $50,000 or imprisonment for 1 year, or both; except that if the conveyance has, or is discovered to have had, on board any merchandise (other than sea stores or the equivalent for conveyances other than vessels) the importation of which into the United States is prohibited, such individual shall be liable for an additional fine of not more than $50,000 or imprisonment for not more than 5 years, or both.''.

SEC. 223. SHIPMENT PROFILING PLAN.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop a shipment profiling plan to track containers and shipments of merchandise to be imported into the United States. The tracking system shall be designed to identify any shipment that is a threat to the security of the United States before such shipment enters the United States.

(b) INFORMATION REQUIREMENTS.—

(1) CONTENT.—The shipment profiling plan required by subsection (a) shall at a minimum—

(A) require common carriers, shippers, and ocean transportation intermediaries to provide appropriate information regarding each shipment of merchandise, including the information required under section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) to the Secretary of Homeland Security; and

(B) require shippers to use a standard international bill of lading for each shipment that includes—

(i) the weight of the cargo;

(ii) the value of the cargo;

(iii) the vessel name;

(iv) the voyage number;

(v) a description of each container;

(vi) a description of the nature, type, and contents of the shipment;

(vii) the code number from the Harmonized Tariff Schedule;

(viii) the port of destination;

(ix) the final destination of the cargo;

(x) the means of conveyance of the cargo;

(xi) the origin of the cargo;

(xii) the name of the precarriage deliverer or agent;

(xiii) the port at which the cargo was loaded;

(xiv) the name of the formatting agent;

(xv) the bill of lading number;

(xvi) the name of the shipper;

(xvii) the name of the consignee;

(xviii) the universal transaction number or carrier code assigned to the shipper by the Secretary;

(xix) the information contained in the continuous synopsis record for the vessel transporting the shipment; and

(xx) any additional information that the Secretary by regulation determines is reasonably necessary to ensure seaport safety.

(2) CONTINUOUS SYNOPSIS RECORD DEFINED.—In this subsection, the term ''continuous synopsis record'' means the continuous synopsis record required by regulation 5 of chapter XI-1 of the Annex to the International Convention of the Safety of Life at Sea, 1974.

(3) EFFECTIVE DATE.—The requirement imposed under clause (xix) of paragraph (1)(B) shall take effect on July 1, 2004.

(c) CREATION OF PROFILE.—The Secretary of Homeland Security shall combine the information described in subsection (b) with other law enforcement and national security information that the Secretary determines useful to assist in locating containers and shipments that could pose a threat to the security of the United States and to create a profile of every container and every shipment within the container that will enter the United States.

(d) CARGO SCREENING.—

(1) IN GENERAL.—Officers of the Directorate shall review the profile of a shipment that a shipper desires to transport into the United States to determine whether the shipment or the container in which it is carried should be subjected to additional inspection by the Directorate. In making such a determination, an officer shall consider, in addition to any other relevant factors—

(A) whether the shipper has regularly shipped cargo to the United States in the past; and

(B) the specificity of the description of the shipment's contents.

(2) NOTIFICATION.—The Secretary of Homeland Security shall transmit to the shipper and the person in charge of the vessel, aircraft, or vehicle on which a shipment is located a notification of whether the shipment is to be subjected to additional inspection as described in paragraph (1).

(e) CONSISTENCY WITH THE NATIONAL CUSTOMS AUTOMATION PROGRAM.—The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall ensure that the National Customs Automation Program established pursuant to section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is compatible with the shipment profile plan developed under this section.

SEC. 224. INSPECTION OF MERCHANDISE AT FOREIGN FACILITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan to—

(1) station inspectors from the Directorate, other Federal agencies, or the private sector at the foreign facilities of manufacturers or common carriers to profile and inspect merchandise and the containers or other means by which such merchandise is transported as they are prepared for shipment on a vessel that will arrive at any port or place in the United States;

(2) develop procedures to ensure the security of merchandise inspected as described in paragraph (1) until it reaches the United States; and

(3) permit merchandise inspected as described in paragraph (1) to receive expedited inspection upon arrival in the United States.

Subtitle D—Security of Seaports and Containers

SEC. 231. SEAPORT SECURITY REQUIREMENTS.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue final regulations setting forth minimum security requirements, including security performance standards for United States seaports. The regulations shall—

(1) limit private vehicle access to the terminal area of a United States seaport to vehicles that are registered at such seaport and display a seaport registration pass;

(2) prohibit individuals, other than law enforcement officers, from carrying firearms or explosives inside a United States seaport without written authorization from the Captain-of-the-Port;

(3) prohibit individuals from physically accessing the terminal area of a United States seaport without a seaport specific access pass;

(4) require that officers of the Directorate, and other appropriate law enforcement officers, at United States seaports be provided with, and utilize, personal radiation detection pagers to increase the ability of such officers to accurately detect radioactive materials that could be used to commit terrorist acts in the United States;

(5) require that the terminal area of each United States seaport be equipped with—

(A) a secure perimeter;

(B) monitored or locked access points; and

(C) sufficient lighting; and

(6) include any additional security requirement that the Secretary determines is reasonably necessary to ensure seaport security.

(b) LIMITATION.—Except as provided in subsection (c), any United States seaport that does not meet the minimum security requirements described in subsection (a) is prohibited from—

(1) handling, storing, stowing, loading, discharging, or transporting dangerous cargo; and

(2) transferring passengers to or from a passenger vessel that—

(A) weighs more than 100 gross tons;

(B) carries more than 12 passengers for hire; and

(C) has a planned voyage of more than 24 hours, part of which is on the high seas.

(c) EXCEPTION.—The Secretary of Homeland Security may waive 1 or more of the minimum requirements described in subsection (a) for a United States seaport if the Secretary determines that it is not appropriate for such seaport to implement the requirement.

SEC. 232. SEAPORT SECURITY CARDS.

Section 70105 of title 46, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—(1) Unless the requirements of paragraph (2) are met, the Secretary shall prescribe regulations to prohibit—

''(A) an individual from entering an area of a vessel or facility that is designated as a secure area by the Secretary for purposes of a security plan for the vessel or facility that is approved by the Secretary under section 70103 of this title; and

''(B) an individual who is regularly employed at a United States seaport or who is employed by a common carrier that transports merchandise to or from a United States seaport from entering a United States seaport.

''(2) The prohibition imposed under paragraph (1) may not apply to—

''(A) an individual who—

''(i) holds a transportation security card issued under this section; and

''(ii) is authorized to be in area in accordance with the plan if the individual is attempting to enter an area of a vessel or facility that is designated as a secure area by the Secretary for purposes of a security plan for the vessel or facility approved by the Secretary under section 70103 of this title; or

''(B) an individual who is accompanied by another individual who may access the secure area or United States seaport in accordance with this section.

''(3) A person may not admit an individual into a United States seaport or a secure area unless the individual is in compliance with this subsection.'';

(2) in paragraph (2) of subsection (b)—

(A) in subparagraph (E), by striking ''and'';

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following new subparagraph:

''(F) an individual who is regularly employed at a United States seaport or who is employed by a common carrier that transports merchandise to or from a United States seaport; and'';

(3) in paragraph (1) of subsection (c)—

(A) in subparagraph (C), by striking ''or'';

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon and ''or''; and

(C) at the end, by inserting the following new subparagraph:

''(E) has not provided sufficient information to allow the Secretary to make the determinations described in subparagraph (A), (B), (C), or (D).'';

(4) by striking subsection (f); and

(5) by inserting after subsection (e) the following new subsections:

''(f) DATA ON CARDS.—A transportation security card issued under this section shall—

''(1) be tamper resistant; and

''(2) contain—

''(A) the number of the individual's commercial driver's license issued under chapter 313 of title 49, if any;

''(B) the State-issued vehicle registration number of any vehicle that the individual desires to bring into the United States seaport, if any;

''(C) the work permit number issued to the individual, if any;

''(D) a unique biometric identifier to identify the license holder; and

''(E) a safety rating assigned to the individual by the Secretary of Homeland Security.

''(g) DEFINITIONS.—In this section:

''(1) ALIEN.—The term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

''(2) UNITED STATES SEAPORT.—The term 'United States seaport' means a place in the United States on a waterway with shoreside facilities for the intermodal transfer of cargo containers that are used in international trade.''.

SEC. 233. SECURING SENSITIVE INFORMATION.

(a) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Captain-of-the-Port of each United States seaport shall secure and protect all sensitive information, including information that is currently available to the public, related to the seaport.

(b) SENSITIVE INFORMATION.—In this section, the term ''sensitive information'' means—

(1) maps of the seaport;

(2) blueprints of structures located within the seaport; and

(3) any other information related to the security of the seaport that the Captain-of-the-Port determines is appropriate to secure and protect.

SEC. 234. CONTAINER SECURITY.

(a) CONTAINER SEALS.—

(1) APPROVAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall approve minimum standards for high security container seals that—

(A) meet or exceed the American Society for Testing Materials Level D seals;

(B) permit each seal to have a unique identification number; and

(C) contain an electronic tag that can be read electronically at a seaport.

(2) REQUIREMENT FOR USE.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall deny entry of a vessel into the United States if the containers carried by the vessel are not sealed with a high security container seal approved under paragraph (1).

(b) IDENTIFICATION NUMBER.—

(1) REQUIREMENT.—A shipment that is shipped to or from the United States either directly or via a foreign port shall have a designated universal transaction number.

(2) TRACKING.—The person responsible for the security of a container shall record the universal transaction number assigned to the shipment under paragraph (1), as well as any seal identification number on the container, at every port of entry and point at which the container is transferred from one conveyance to another conveyance.

(c) PILOT PROGRAM.—

(1) GRANTS.—The Secretary of Homeland Security is authorized to award grants to eligible entities to develop an improved seal for cargo containers that—

(A) permit the immediate detection of tampering with the seal;

(B) permit the immediate detection of tampering with the walls, ceiling, or floor of a container that indicates a person is attempting to improperly access the container; and

(C) transmit information regarding tampering with the seal, walls, ceiling, or floor of the container in real time to the appropriate authorities at a remote location.

(2) APPLICATION.—Each eligible entity seeking a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(3) ELIGIBLE ENTITY.—In this subsection, the term ''eligible entity'' means any national laboratory, nonprofit private organization, institution of higher education, or other entity that the Secretary determines is eligible to receive a grant authorized by paragraph (1).

(d) EMPTY CONTAINERS.—

(1) CERTIFICATION.—The Secretary of Homeland Security shall prescribe in regulations requirements for certification of empty containers that are to be shipped to or from the United States either directly or via a foreign port. Such regulations shall require that an empty container—

(A) be inspected and certified as empty prior to being loaded onto a vessel for transportation to a United States seaport; and

(B) be sealed with a high security container seal approved under subsection (a)(1) to enhance the security of United States seaports.

SEC. 235. OFFICE AND INSPECTION FACILITIES.

(a) OPERATIONAL SPACE IN SEAPORTS.—Each entity that owns or operates a United States seaport that receives cargo from a foreign country, whether governmental, quasi-governmental, or private, shall provide to the Directorate permanent office and inspection space within the seaport that is sufficient for the Directorate officers at the seaport to carry out their responsibilities. Such office and inspection space—

(1) shall be provided at no cost to the Directorate; and

(2) may be located outside the terminal area of the seaport.

(b) INSPECTION TECHNOLOGY.—The Secretary of Homeland Security shall maintain permanent inspection facilities that utilize available inspection technology in the space provided at each seaport pursuant to subsection (a).

SEC. 236. SECURITY GRANTS TO SEAPORTS.

(a) CRITERIA FOR AWARDING GRANTS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall use the proportion of the containerized imports that are received at a United States seaport as a factor to be considered when determining whether to select that seaport for award of a competitive grant for security.

(b) DEFINITIONS.—In this section:

(1) CONTAINERIZED IMPORTS.—The term ''containerized imports'' means the number of twenty-foot equivalent units of containerized imports that enter the United States annually through a United States seaport as estimated by the Bureau of Transportation Statistics of the Department of Transportation.

(2) COMPETITIVE GRANT FOR SECURITY.—The term ''competitive grant for security'' means a grant of Federal financial assistance that the Secretary of Homeland Security is authorized to award to a United States seaport for the purpose of enhancing security at the seaport, including a grant of funds appropriated under the heading ''Maritime and Land Security'' in title I of division I of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7).

TITLE III—AUTHORIZATION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General and the Secretary of Homeland Security such sums as are necessary to carry out this Act. Sums authorized to be appropriated under this section are authorized to remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 101—CALLING FOR THE PROSECUTION OF IRAQIS AND THEIR SUPPORTERS FOR WAR CRIMES, AND FOR OTHER PURPOSES

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 101

Resolved, That it is the sense of the Senate that—