

107TH CONGRESS
1ST SESSION

H. R. 3013

To direct the Secretary of Transportation to take actions to improve security at the maritime borders of the United States.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2001

Ms. BROWN of Florida introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Transportation to take actions to improve security at the maritime borders of the United States.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Port and Maritime
5 Security Act of 2001”.

6 **SEC. 2. PORT SECURITY TASK FORCE.**

7 (a) ESTABLISHMENT.—The Secretary shall establish
8 a Port Security Task Force. The Task Force shall advise

1 and make recommendations to the Secretary regarding
2 matters related to—

3 (1) implementing the provisions of this Act;

4 (2) coordinating programs to enhance the secu-
5 rity and safety of United States seaports;

6 (3) providing long-term solutions for seaport se-
7 curity issues;

8 (4) coordinating the security operations of local
9 seaport security committees;

10 (5) ensuring that the public and local seaport
11 security committees are kept informed about seaport
12 security enhancement developments;

13 (6) establishing conditions under which loan
14 guarantees and grants are made; and

15 (7) consulting with the Coast Guard and the
16 Maritime Administration in establishing port secu-
17 rity program guidance.

18 (b) MEMBERSHIP.—

19 (1) IN GENERAL.—The Task Force shall in-
20 clude representatives of the Coast Guard and the
21 Maritime Administration.

22 (2) OTHER FEDERAL AGENCIES.—The Sec-
23 retary shall consult with the Secretary of the Treas-
24 ury to invite the participation of the United States
25 Customs Service, and may invite the participation of

1 other departments and agencies of the United States
2 with an interest in port security, port security-re-
3 lated matters, and border protection issues.

4 (3) STATE AND LOCAL GOVERNMENT REP-
5 REPRESENTATIVES.—The Secretary shall appoint to the
6 Task Force representatives of State and local law
7 enforcement agencies having an interest in port se-
8 curity issues.

9 (4) REQUIRED PRIVATE SECTOR REPRESENTA-
10 TIVES.—The Task Force shall include representa-
11 tives, appointed by the Secretary, of—

- 12 (A) port authorities;
- 13 (B) management organizations;
- 14 (C) longshore labor organizations;
- 15 (D) ocean carriers;
- 16 (E) marine terminal operators;
- 17 (F) trucking companies;
- 18 (G) railroad companies;
- 19 (H) transportation labor organizations;
- 20 (I) transportation workers;
- 21 (J) ocean shippers;
- 22 (K) freight forwarding companies; and
- 23 (L) other representatives whose participa-
24 tion the Secretary considers beneficial.

1 (c) SUBCOMMITTEES.—The Task Force may estab-
2 lish subcommittees to facilitate consideration of specific
3 issues, including port security border protection and mari-
4 time domain awareness issues.

5 (d) LAW ENFORCEMENT SUBCOMMITTEE.—The
6 Task Force shall establish a subcommittee comprised of
7 Federal, State, and local government law enforcement
8 agencies to address port security issues, including resource
9 commitments and law enforcement sensitive matters.

10 (e) EXEMPTION FROM FACA.—The Federal Advi-
11 sory Committee Act (5 U.S.C. App.) does not apply to the
12 Task Force.

13 (f) ACCEPTANCE OF CONTRIBUTIONS; JOINT VEN-
14 TURE ARRANGEMENTS.—In carrying out its responsibil-
15 ities under this Act, the Task Force, or a member organi-
16 zation or representative acting with the Task Force's con-
17 sent, may accept contributions of funds, material, services,
18 and the use of personnel and facilities from public and
19 private entities by contract or other arrangement if the
20 confidentiality of security-sensitive information is main-
21 tained and access to such information is limited appro-
22 priately.

23 (g) FUNDING.—Of the amounts made available under
24 section 15(b), there shall be made available to the Sec-
25 retary of Transportation for activities of the Task Force

1 \$1,000,000 for each of fiscal years 2003 through 2006
2 without further appropriation.

3 **SEC. 3. ESTABLISHMENT OF LOCAL PORT SECURITY COM-**
4 **MITTEES.**

5 (a) IN GENERAL.—The Secretary shall establish local
6 seaport security committees—

7 (1) to use the information made available under
8 this Act;

9 (2) to define the physical boundaries within
10 which to conduct vulnerability assessments in rec-
11 ognition of the unique characteristics of each port;

12 (3) to review port security vulnerability assess-
13 ments conducted under section 4;

14 (4) to implement the guidance developed under
15 section 6;

16 (5) to coordinate planning and other necessary
17 security activities by conducting meetings at least 4
18 times each year, to disseminate information that will
19 facilitate law enforcement activities;

20 (6) to conduct an exercise at least once every
21 3 years to verify the effectiveness of each port au-
22 thority and marine terminal security plan; and

23 (7) to make recommendations and advise on se-
24 curity infrastructure needs.

1 (b) MEMBERSHIP.—In establishing those committees,
2 the Secretary may use or augment any existing harbor
3 safety committee or seaport readiness committee, but the
4 membership of the seaport security committee shall in-
5 clude local or regional representatives of—

6 (1) the port authority;

7 (2) Federal, State and local government;

8 (3) Federal, State, and local government law
9 enforcement agencies;

10 (4) longshore and transportation labor organi-
11 zations;

12 (5) transportation workers;

13 (6) management organizations; and

14 (7) private sector interests whose inclusion is
15 considered beneficial by the Captain-of-the-Port.

16 (c) CHAIRMAN.—The local seaport security com-
17 mittee shall be chaired by the Captain-of-the-Port.

18 (d) EXEMPTION FROM FACCA.—The Federal Advi-
19 sory Committee Act (5 U.S.C. App.) does not apply to a
20 local seaport security committee.

21 (e) ACCEPTANCE OF CONTRIBUTIONS; JOINT VEN-
22 TURE ARRANGEMENTS.—In carrying out its responsibil-
23 ities under this Act, a local seaport security committee,
24 or a member organization or representative acting with
25 the committee's consent, may accept contributions of

1 funds, material, services, and the use of personnel and fa-
2 cilities from public and private entities by contract or
3 other arrangement if the confidentiality of security-sen-
4 sitive information is maintained and access to such infor-
5 mation is limited appropriately.

6 (f) FUNDING.—Of the amounts made available under
7 section 15(b) there shall be made available to the Sec-
8 retary \$3,000,000 for each of fiscal years 2003 through
9 2006 without further appropriation to carry out this sec-
10 tion, such sums to remain available until expended.

11 **SEC. 4. COAST GUARD PORT SECURITY VULNERABILITY AS-**
12 **SESSMENTS.**

13 (a) IN GENERAL.—The Secretary, in consultation
14 with the Defense Threat Reduction Agency, the Center for
15 Civil Force Protection, and other appropriate public and
16 private sector organizations, shall develop standards and
17 procedures for conducting seaport security vulnerability
18 assessments. The Port Security Task Force shall review
19 standards and procedures for conducting seaport security
20 vulnerability assessments in order to provide comments
21 and recommendations to the Secretary for consideration.

22 (b) INITIAL SCHEDULE.—The Secretary, in coopera-
23 tion with local port security committee officials with prop-
24 er security clearances, shall complete no fewer than 10
25 seaport security vulnerability assessments annually, until

1 it has completed such assessments for the 50 ports deter-
2 mined by the Secretary to be the most strategic or eco-
3 nomically strategic ports in the United States. If a seaport
4 security vulnerability assessment has been conducted with-
5 in 5 years by or on behalf of a port authority or marine
6 terminal operator, and the Secretary determines that it
7 was conducted in a manner that is generally consistent
8 with the standards and procedures developed under sub-
9 section (a), the Secretary may accept that assessment
10 rather than conducting another seaport security vulner-
11 ability assessment for that port.

12 (c) REVIEW BY PORT AUTHORITY.—The Secretary
13 shall make the seaport security vulnerability assessment
14 for a seaport available for review and comment by mem-
15 bers of the local port security committee with proper secu-
16 rity clearances, marine terminal operator representatives
17 with proper security clearances, and representatives of
18 other entities with proper security clearances determined
19 by the local port security committee to be connected or
20 affiliated with marine commerce.

21 (d) MAPS AND CHARTS.—

22 (1) COLLECTION AND DISTRIBUTION.—The
23 Secretary, working through local seaport security
24 committees established under section 3 where appro-
25 priate, shall—

1 (A) collect, store securely, and maintain
2 maps and charts of all United States seaports
3 that clearly indicate the location of infrastruc-
4 ture and overt-security equipment;

5 (B) make those maps and charts available
6 upon request, on a secure and confidential
7 basis, to—

8 (i) the Maritime Administration;

9 (ii) the United States Coast Guard;

10 (iii) the United States Customs Serv-
11 ice;

12 (iv) the Department of Defense;

13 (v) the Federal Bureau of Investiga-
14 tion; and

15 (vi) the Immigration and Naturaliza-
16 tion Service.

17 (2) OTHER AGENCIES.—The Secretary shall es-
18 tablish a process for providing relevant maps and
19 charts collected under paragraph (1), and other rel-
20 evant material, available, on a secure and confiden-
21 tial basis, to appropriate Federal, State, and local
22 government agencies, and seaport authorities, for
23 the purpose of obtaining the comments of those
24 agencies before completing a seaport vulnerability
25 assessment for each such seaport.

1 (3) SECURE STORAGE AND LIMITED ACCESS.—

2 The Secretary shall establish procedures that ensure
3 that maps, charts, and other material made available
4 to Federal, State, and local government agencies,
5 seaport authorities, and local seaport security com-
6 mittees are maintained in a secure and confidential
7 manner and that access thereto is limited appro-
8 priately.

9 (e) ANNUAL STATUS REPORT TO CONGRESS.—Not-
10 withstanding section 7(c) of the Ports and Waterways
11 Safety Act (33 U.S.C. 1226(c)), the Secretary shall report
12 annually to the Committee on Commerce, Science, and
13 Transportation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives on the status of seaport security in a form
16 that does not compromise, or present a threat to the dis-
17 closure of security-sensitive information about, the seaport
18 security vulnerability assessments conducted under this
19 Act. The report may include recommendations for further
20 improvements in seaport security measures and for any
21 additional enforcement measures necessary to ensure com-
22 pliance with the seaport security plan requirements of this
23 Act.

24 (f) FUNDING.—Of the amounts made available under
25 section 15(b) there shall be made available to the Sec-

1 retary \$10,000,000 for each of fiscal years 2003 through
2 2006 without further appropriation to carry out this sec-
3 tion, such sums to remain available until expended.

4 **SEC. 5. MARITIME TRANSPORTATION SECURITY PRO-**
5 **GRAMS.**

6 (a) IN GENERAL.—The Secretary shall initiate a
7 rulemaking proceeding to prescribe regulations to protect
8 the public from threats of crime or terrorism from or to
9 vessels in maritime transportation originating or termi-
10 nating in a United States seaport as well as threats of
11 crime or terrorism to maritime or intermodal infrastruc-
12 ture directly associated with coastal, intercoastal, and in-
13 land marine terminals. In prescribing a regulation under
14 this subsection, the Secretary shall—

15 (1) consult with the Secretary of the Treasury,
16 the Attorney General, the heads of other depart-
17 ments, agencies, and instrumentalities of the United
18 States Government, State and local authorities, and
19 the Task Force; and

20 (2) consider whether a proposed regulation is
21 consistent with—

22 (A) protecting the public; and

23 (B) the public interest in promoting mari-
24 time and intermodal transportation and com-
25 merce.

1 (b) SECURITY PROGRAMS.—

2 (1) PROGRAM TO BE ESTABLISHED.—Each port
3 authority and marine terminal operator, or other en-
4 tity determined by the local port security committee
5 to be connected or affiliated with maritime com-
6 merce for an area designated under section 3(a)(2)
7 at which a port security vulnerability assessment has
8 been conducted under this Act shall establish a mar-
9 itime transportation security program within 1 year
10 after the assessment is completed.

11 (2) GENERAL REQUIREMENTS.—A security pro-
12 gram established under paragraph (1) shall provide
13 a security program and capability at that seaport
14 that is adequate to ensure the safety of the public
15 from threats of crime and terrorism.

16 (3) SPECIFIC REQUIREMENTS.—A security pro-
17 gram established under paragraph (1) shall be
18 linked to the Captain-of-the-Port authorities for
19 maritime trade and shall include—

20 (A) provisions for establishing and main-
21 taining physical security for seaport areas and
22 approaches;

23 (B) provisions for establishing and main-
24 taining procedural security for processing pas-
25 sengers, cargo, and crewmembers;

1 (C) a credentialing process for the purpose
2 of limiting access to coastal, intercoastal and
3 inland marine terminals, designed to ensure
4 that individuals and service providers have
5 properly gained admittance;

6 (D) provisions for the personal security of
7 individuals within the port;

8 (E) a process to restrict vehicular access to
9 seaport areas and facilities, ensuring that
10 credentialed persons have efficient and safe pro-
11 cedures for gaining admittance to seaport areas
12 and related facilities;

13 (F) restrictions on carrying firearms and
14 other prohibited weapons;

15 (G) provisions for the use of qualified
16 State and local law enforcement personnel, port
17 authority law enforcement and security per-
18 sonnel, and private sector security personnel;
19 and

20 (H) provision for offering a certification
21 program for State and local law enforcement
22 personnel, port authority law enforcement and
23 security personnel, and private sector security
24 personnel.

1 (c) INCORPORATION OF MARINE TERMINAL OPERA-
2 TOR'S PROGRAM.—Notwithstanding the requirements of
3 subsection (b)(3), the Captain-of-the-Port may approve a
4 security program of a port authority, or an amendment
5 to an existing program, that incorporates a security pro-
6 gram of a marine terminal operator tenant with access to
7 a secured area of the seaport, if the program or amend-
8 ment incorporates—

9 (1) the measures the tenant will use, within the
10 tenant's leased areas or areas designated for the ten-
11 ant's exclusive use under an agreement with the port
12 authority, to carry out the security requirements im-
13 posed by the Secretary on the port authority; and

14 (2) the methods the port authority will use to
15 monitor and audit the tenant's compliance with the
16 security requirements.

17 (d) INCORPORATION OF OTHER SECURITY PRO-
18 GRAMS AND LAWS.—Notwithstanding the requirements of
19 subsection (b)(3), the Captain-of-the-Port may approve a
20 security program of a port authority, or an existing pro-
21 gram, that incorporates a Federal, State, or local security
22 program, policy, or law. In reviewing any such program,
23 the Captain-of-the-Port shall—

1 (1) endeavor to avoid duplication and to recog-
2 nize the Federal, State, or local security program or
3 policy; and

4 (2) ensure that no security program established
5 under subsection (b)(3) conflicts with any applicable
6 provision of Federal, State, or local law.

7 (e) REVIEW AND APPROVAL OF SECURITY PRO-
8 GRAMS.—

9 (1) IN GENERAL.—The Captain-of-the-Port
10 shall review and approve or disapprove each security
11 program established under subsection (b). If the
12 Captain-of-the-Port disapproves a security program,
13 then—

14 (A) the Captain-of-the-Port shall, without
15 compromising national security, notify the port
16 authority or marine terminal operator, or other
17 entity determined by the local seaport security
18 committee to be connected or affiliated with
19 maritime commerce in writing of the reasons
20 for the disapproval; and

21 (B) the port authority or marine terminal
22 operator, or other entity determined by the local
23 seaport security committee to be connected or
24 affiliated with maritime commerce shall submit

1 a revised security plan within 6 months after
2 receiving the notification of disapproval.

3 (f) 5-YEAR REVIEWS.—Whenever appropriate, but in
4 no event less frequently than once every 5 years, each port
5 authority or marine terminal operator required to develop
6 a security program under this section shall review its pro-
7 gram, make such revisions to the program as are nec-
8 essary or appropriate, and submit the results of its review
9 and the revised program to the Captain-of-the-Port.

10 (g) USE OF IAFIS FOR BACKGROUND CHECKS.—

11 (1) IN GENERAL.—The Secretary shall initiate
12 a rulemaking within 90 days after the date of enact-
13 ment of this Act to establish a program under which
14 a port authority or marine terminal operator may
15 use an automated fingerprint identification system
16 for employees first hired after the program is imple-
17 mented who may have access to ocean manifests in
18 the scope of their employment.

19 (2) USE OF IAFIS.—Notwithstanding any provi-
20 sion of law to the contrary, the Secretary may access
21 the Integrated Automated Fingerprint Identification
22 System for the purpose of carrying out the require-
23 ments of this Act.

24 (3) PRIVACY AND PROCEDURAL SAFEGUARDS.—
25 The program established by the Secretary under

1 paragraph (1) shall include provisions for protecting
2 the privacy of individuals whose fingerprints are ex-
3 amined, and incorporate the following principles:

4 (A) Notice of the criteria to be used under
5 the program shall be published and publicly
6 available.

7 (B) Except as provided in subparagraph
8 (C), a felony conviction for any of the following
9 offenses constitutes grounds for disqualification
10 of an individual to whom the program applies
11 from employment in a position in which the in-
12 dividual would have access to ocean manifests
13 in the scope of that individual's employment:

14 (i) Murder.

15 (ii) Espionage.

16 (iii) Treason.

17 (iv) The unlawful sale or distribution
18 of an explosive or weapon.

19 (v) The unlawful importation, manu-
20 facture, or distribution or intention to dis-
21 tribute controlled substances.

22 (vi) Theft.

23 (vii) Kidnapping.

24 (viii) Smuggling, including the smug-
25 gling of alien individuals.

1 (ix) Bribery.

2 (x) Rape.

3 (xi) Assault.

4 (xii) Conspiracy to commit any of-
5 fense described in clause (i) through (xi).

6 (C) Any conviction for which an individual
7 completed a term of imprisonment more than
8 10 years before the date of application for em-
9 ployment shall be ignored.

10 (D) Before an adverse determination is
11 made about the employment of an individual
12 because of the principle described in subpara-
13 graph (B)—

14 (i) consideration will be given to Fed-
15 eral and State mitigation remedies, parole,
16 probation, pardon, and expungement pro-
17 cedures;

18 (ii) an inquiry will be made into the
19 circumstances of the act or offense, the
20 time elapsed since the act or offense was
21 committed, any social or private restitution
22 made by the individual who committed the
23 act or offense, and any other mitigating
24 circumstances; and

1 (iii) consideration shall be given to
2 any other factors from which it may rea-
3 sonably be concluded that the individual is
4 unlikely to engage in criminal activity.

5 (E) An individual who is denied employ-
6 ment because of information obtained through
7 the program will be given notice and an oppor-
8 tunity to appeal to the Administrator of the
9 Maritime Administration or the Administrator's
10 designee.

11 (F) Any information, other than informa-
12 tion on felony convictions described in subpara-
13 graph (B), shall be kept confidential by the in-
14 vestigating authority and may be used only for
15 security purposes.

16 (4) REIMBURSEMENT.—The Secretary may re-
17 quire reimbursement from port authorities and ma-
18 rine terminal operators for use of the Integrated
19 Automated Fingerprint Identification System.

20 (h) NO EROSION OF OTHER AUTHORITY.—Nothing
21 in this section precludes any agency, instrumentality, or
22 department of the United States Government from exer-
23 cising, or limits its authority to exercise, any other statu-
24 tory or regulatory authority to initiate or enforce seaport
25 security standards.

1 **SEC. 6. SECURITY PROGRAM GUIDANCE.**

2 (a) IN GENERAL.—The Secretary, in consultation
3 with the Task Force, shall develop voluntary security guid-
4 ance that will serve as a benchmark for the review of secu-
5 rity plans that—

6 (1) are linked to the Captain-of-the-Port au-
7 thorities for maritime trade;

8 (2) include a set of recommended “best prac-
9 tices” guidelines for the use of maritime terminal
10 operators; and

11 (3) take into account the different nature and
12 characteristics of United States seaports and the
13 need to promote commerce.

14 (b) REVISION.—The Secretary, in consultation with
15 the Task Force, shall review the guidelines developed
16 under subsection (a) not less frequently than every 5 years
17 and revise them as necessary.

18 (c) AREAS COVERED.—The guidance developed under
19 subsection (a) shall include the following areas:

20 (1) GENERAL SECURITY.—The establishment of
21 practices for physical security of seaport areas and
22 approaches, procedural security for processing pas-
23 sengers, cargo, crewmembers, and other individuals
24 seeking access to port facilities, and personnel secu-
25 rity for individual employees and service providers.

1 (2) ACCESS TO SEAPORT AREAS AND FACILI-
2 TIES.—The use of a credentials process, adminis-
3 tered by public or private sector security services,
4 designed to ensure that individuals and service pro-
5 viders have properly gained admittance to seaport
6 areas and facilities.

7 (3) VEHICULAR ACCESS.—The use of restric-
8 tions on vehicular access to seaport areas and facili-
9 ties, including requirements that seaport authorities
10 and primary users of seaports implement procedures
11 that achieve appropriate levels of control of vehicular
12 access and accountability for enforcement of con-
13 trolled access by vehicles, ensuring that credentialed
14 persons have efficient and safe procedures for gain-
15 ing admittance to seaport areas and related facili-
16 ties.

17 (4) FIREARMS.—Restrictions on carrying fire-
18 arms, and other prohibited weapons.

19 (5) CERTIFICATION OF SECURITY OFFICERS.—
20 A security officer certification program to improve
21 the professionalism of State and local law enforce-
22 ment personnel, port authority law enforcement and
23 security personnel, and private sector security per-
24 sonnel.

1 **SEC. 7. INTERNATIONAL SEAPORT SECURITY.**

2 (a) INTERNATIONAL APPLICATION.—The Secretary
3 shall make every effort to have the guidance developed
4 under section 6(a) adopted by appropriate international
5 organizations as an international standard and shall, act-
6 ing through appropriate officers of the United States Gov-
7 ernment, seek to encourage the development and adoption
8 of seaport security standards under international agree-
9 ments in other countries where adoption of the same or
10 similar standards might be appropriate.

11 (b) INTERNATIONAL PORT SECURITY IMPROVEMENT
12 ACTIVITIES.—

13 (1) IN GENERAL.—The Secretary shall establish
14 a program to assist foreign seaport operators in
15 identifying port security risks, conducting port secu-
16 rity vulnerability assessments, and implementing
17 port security standards.

18 (2) IDENTIFICATION OF STRATEGIC FOREIGN
19 PORTS.—The Secretary shall work with the Sec-
20 retary of Defense and the Attorney General to iden-
21 tify those foreign seaports where inadequate security
22 or a high level of port security vulnerability poses a
23 strategic threat to United States defense interests or
24 may be implicated in criminal activity in the United
25 States.

1 (3) DISSEMINATION OF INFORMATION
2 ABROAD.—The Secretary shall work with the Sec-
3 retary of State to facilitate the dissemination of sea-
4 port security program information to port authori-
5 ties and marine terminal operators in other coun-
6 tries.

7 (c) FUNDING.—Of the amounts made available under
8 section 15(b) there shall be made available to the Sec-
9 retary \$500,000 for each of fiscal years 2003 through
10 2006 without further appropriation to carry out this sec-
11 tion, such sums to remain available until expended.

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

13 (a) IN GENERAL.—The Secretary shall establish a
14 program, in consultation with the Federal Law Enforce-
15 ment Training Center, the Maritime Security Council, the
16 International Association of Airport and Seaport Police,
17 and the American Association of Port Authorities, to de-
18 velop standards and procedures for training and certifi-
19 cation of maritime security professionals.

20 (b) ESTABLISHMENT OF SECURITY INSTITUTE.—The
21 Secretary shall establish the Maritime Security Institute
22 to train and certify maritime security professionals in ac-
23 cordance with internationally recognized law enforcement
24 standards. Institute instructors shall be knowledgeable

1 about Federal and international law enforcement, mari-
2 time security, and port and maritime operations.

3 (c) TRAINING AND CERTIFICATION.—The following
4 individuals shall be eligible for training at the Institute:

5 (1) Maritime security professionals.

6 (2) Individuals who are employed, whether in
7 the public or private sector, in maritime law enforce-
8 ment or security activities.

9 (3) Individuals who are employed, whether in
10 the public or private sector, in planning, executing,
11 or managing security operations—

12 (A) at United States ports;

13 (B) on passenger or cargo vessels with
14 United States citizens as passengers or crew-
15 members;

16 (C) in foreign ports used by United States-
17 flagged vessels or by foreign-flagged vessels
18 with United States citizens as passengers or
19 crewmembers.

20 (d) PROGRAM ELEMENTS.—The program established
21 by the Secretary under subsection (a) shall include the fol-
22 lowing elements:

23 (1) The development of standards and proce-
24 dures for certifying maritime security professionals,

1 or eligible individuals employed in the public or pri-
2 vate sector.

3 (2) The training and certification of maritime
4 security professionals and eligible individuals em-
5 ployed in the public or private sector in accordance
6 with internationally accepted law enforcement and
7 security guidelines, policies, and procedures.

8 (3) The training of students and instructors in
9 all aspects of prevention, detection, investigation,
10 and reporting of criminal activities in the inter-
11 national maritime environment.

12 (4) The provision of offsite training and certifi-
13 cation courses and certified personnel at United
14 States and foreign ports used by United States-
15 flagged vessels, or by foreign-flagged vessels with
16 United States citizens as passengers or crew-
17 members, to develop and enhance security awareness
18 and practices.

19 (e) ANNUAL REPORT.—The Institute shall transmit
20 an annual report to the Committee on Commerce, Science,
21 and Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives on the expenditure of appropriated funds and
24 the training and other activities of the Institute.

1 (f) FUNDING.—Of the amounts made available under
2 section 15(b), there shall be made available to the Sec-
3 retary, without further appropriation, to carry out this
4 section—

5 (1) \$2,500,000 for each of fiscal years 2003
6 and 2004, and

7 (2) \$1,000,000 for each of fiscal years 2005
8 and 2006,

9 such amounts to remain available until expended.

10 **SEC. 9. PORT SECURITY INFRASTRUCTURE IMPROVEMENT.**

11 (a) IN GENERAL.—Title XI of the Merchant Marine
12 Act, 1936 (46 U.S.C. App. 1271 et seq.) is amended by
13 adding at the end the following:

14 **“SEC. 1113. LOAN GUARANTEES FOR PORT SECURITY IN-**
15 **FRASTRUCTURE IMPROVEMENTS.**

16 “(a) IN GENERAL.—The Secretary, under section
17 1103(a) and subject to the terms the Secretary shall pre-
18 scribe and after consultation with the Coast Guard, the
19 United States Customs Service, and the Port Security
20 Task Force established under section 2 of the Port and
21 Maritime Security Act of 2001, may guarantee or make
22 a commitment to guarantee the payment of the principal
23 of, and the interest on, an obligation for seaport security
24 infrastructure improvements for an eligible project at any
25 United States seaport involved in international trade.

1 “(b) LIMITATIONS.—Guarantees or commitments to
2 guarantee under this section are subject to the extent ap-
3 plicable to all the laws, requirements, regulations, and pro-
4 cedures that apply to guarantees or commitments to guar-
5 antee made under this title.

6 “(c) TRANSFER OF FUNDS.—The Secretary may ac-
7 cept the transfer of funds from any other department,
8 agency, or instrumentality of the United States Govern-
9 ment and may use those funds to cover the cost (as de-
10 fined in section 502 of the Federal Credit Reform Act of
11 1990 (2 U.S.C. 61a)) of making guarantees or commit-
12 ments to guarantee loans entered into under this section.

13 “(d) ELIGIBLE PROJECTS.—A project is an eligible
14 project for purposes of subsection (a) if it is for the con-
15 struction or acquisition of—

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

18 “(2) security gates and fencing;

19 “(3) security-related lighting systems;

20 “(4) remote surveillance systems;

21 “(5) concealed video systems; or

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

1 **“SEC. 1114. GRANTS.**

2 “(a) FINANCIAL ASSISTANCE.—The Secretary may
3 provide financial assistance for eligible projects (within the
4 meaning of that term under section 1113(d)).

5 “(b) MATCHING REQUIREMENTS.—

6 “(1) 75-PERCENT FEDERAL FUNDING.—Except
7 as provided in paragraph (2), Federal funds for any
8 eligible project under this section shall not exceed 75
9 percent of the total cost of such project. In calcu-
10 lating that percentage, the non-Federal share of
11 project costs may be provided by in-kind contribu-
12 tions and other noncash support.

13 “(2) EXCEPTIONS.—

14 “(A) SMALL PROJECTS.—There are no
15 matching requirements for grants under sub-
16 section (a) for projects costing not more than
17 \$25,000.

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

25 “(c) ALLOCATION.—The Secretary shall ensure that
26 financial assistance provided under subsection (a) during

1 a fiscal year is distributed so that funds are awarded for
2 eligible projects that address emerging priorities or threats
3 identified by the Task Force under section 4 of the Port
4 and Maritime Security Act of 2001.

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

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

9 “(2) A succinct statement of the purposes of
10 the project.

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

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

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

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

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

1 (b) ANNUAL ACCOUNTING.—The Secretary of Trans-
2 portation shall submit an annual summary of loan guaran-
3 tees and commitments to make loan guarantees under sec-
4 tion 1113 of the Merchant Marine Act, 1936 and grants
5 made under section 1114 of that Act, as amended by this
6 Act, to the Task Force. The Task Force shall make that
7 information available to the public and to local seaport se-
8 curity committees through appropriate media of commu-
9 nication, including the Internet.

10 (c) FUNDING.—Of amounts made available under
11 section 15(b), there shall be made available to the Sec-
12 retary of Transportation without further appropriation—

13 (1) \$8,000,000 for each of the fiscal years
14 2003, 2004, 2005, and 2006 as guaranteed loan
15 costs (as defined in section 502(5) of the Federal
16 Credit Reform Act of 1990; 2 U.S.C. 661a(5)),

17 (2) \$10,000,000 for each of such fiscal years
18 for grants under section 1114 of the Merchant Ma-
19 rine Act, 1936, as amended by this Act, and

20 (3) \$2,000,000 for each such fiscal year to
21 cover administrative expenses related to loan guar-
22 antees and grants,

23 such amounts to remain available until expended.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
25 tion to the amounts made available under subsection

1 (c)(2), there are authorized to be appropriated to the Sec-
2 retary of Transportation for grants under section 1114
3 of the Merchant Marine Act, 1936, as amended by this
4 Act, \$10,000,000 for each of the fiscal years 2003, 2004,
5 2005, and 2006.

6 **SEC. 10. SCREENING AND DETECTION EQUIPMENT.**

7 (a) FUNDING.—Of amounts made available under
8 section 15(b), there shall be made available to the Sec-
9 retary without further appropriation for the purchase of
10 nonintrusive screening and detection equipment for use at
11 United States seaports—

12 (1) \$15,000,000 for fiscal year 2003,

13 (2) \$16,000,000 for fiscal year 2004,

14 (3) \$18,000,000 for fiscal year 2005, and

15 (4) \$19,000,000 for fiscal year 2006,

16 such sums to remain available until expended.

17 (b) ACCOUNTING.—The Secretary shall submit a re-
18 port for each such fiscal year to the Committee on Com-
19 merce, Science, and Transportation of the Senate and the
20 Committee on Transportation and Infrastructure of the
21 House of Representatives on the expenditure of funds ap-
22 propriated pursuant to this section.

1 **SEC. 11. ANNUAL REPORT ON MARITIME SECURITY AND**
2 **TERRORISM.**

3 Section 905 of the International Maritime and Port
4 Security Act (46 U.S.C. App. 1802) is amended by adding
5 at the end thereof the following: “Beginning with the first
6 report submitted under this section after the date of en-
7 actment of the Port and Maritime Security Act of 2001,
8 the Secretary shall include a description of activities un-
9 dertaken under that Act and an analysis of the effect of
10 those activities on seaport security against acts of ter-
11 rorism.”.

12 **SEC. 12. REVISION OF PORT SECURITY PLANNING GUIDE.**

13 The Secretary of Transportation, after consultation
14 with the Task Force, the Maritime Administration, and
15 the Coast Guard, shall publish a revised version of the
16 document entitled “Port Security: A National Planning
17 Guide”, incorporating the guidance promulgated under
18 section 6, within 3 years after the date of enactment of
19 this Act, and make that revised document available on the
20 Internet.

21 **SEC. 13. SECRETARY OF TRANSPORTATION TO COORDI-**
22 **NATE PORT-RELATED CRIME DATA COLLEC-**
23 **TION.**

24 (a) IN GENERAL.—The Secretary of Transportation
25 shall—

1 (1) require, to the extent feasible, United States
2 Government agencies with significant regulatory or
3 law enforcement responsibilities at United States
4 seaports to modify their information databases to
5 ensure the collection and retrievability of data relat-
6 ing to crime at or affecting such seaports;

7 (2) evaluate the feasibility of capturing data on
8 cargo theft offenses (including such offenses occur-
9 ring outside such seaports) that would indicate the
10 port of entry, the port where the shipment origi-
11 nated, and where the theft occurred, and maintain-
12 ing the confidentiality of shipper and carrier unless
13 voluntarily disclosed, and, if feasible, implement its
14 capture;

15 (3) if the capture of data under paragraph (2)
16 is feasible—

17 (A) establish an outreach program to work
18 with State law enforcement officials to har-
19 monize the reporting of data on cargo theft
20 among the States and with the United States
21 government's reports; and

22 (B) if the harmonization of the reporting
23 of such data among the States is not feasible,
24 evaluate the feasibility of using private data-
25 bases on cargo theft and disseminating cargo

1 theft information that maintains the confiden-
2 tiality of shipper and carrier to the Captain of
3 the Port of the port of entry for further dis-
4 semination to appropriate law enforcement offi-
5 cials; and

6 (4) restrict the use of all data captured or dis-
7 seminated under this subsection to use by law en-
8 forcement authorities for law enforcement or port se-
9 curity measures.

10 (b) REPORT ON FEASIBILITY.—The Secretary of
11 Transportation shall report to the Committee on Com-
12 merce, Science, and Transportation of the Senate and the
13 Committee on Transportation and Infrastructure of the
14 House of Representatives within 1 year after the date of
15 enactment of this Act on the feasibility of each activity
16 authorized by subsection (a).

17 (c) FUNDING.—Out of amounts made available under
18 section 15(b), there shall be made available to the Sec-
19 retary of Transportation, without further appropriation,
20 \$1,000,000 for each of fiscal years 2003, 2004, 2005, and
21 2006, to modify existing data bases to capture data on
22 cargo theft offenses and to make grants to States to har-
23 monize data on cargo theft, such sums to remain available
24 until expended.

1 **SEC. 14. SHARED DOCKSIDE INSPECTION FACILITIES.**

2 (a) IN GENERAL.—The Secretary of Transportation
3 and the heads of other Federal departments and agencies
4 shall work with each other, the Task Force, and the States
5 to establish shared dockside inspection facilities at United
6 States seaports for Federal and State agencies.

7 (b) FUNDING.—Of the amounts made available under
8 section 15(b), there shall be made available to the Sec-
9 retary of the Transportation, without further appropria-
10 tion, \$1,000,000 for each of fiscal years 2003, 2004,
11 2005, and 2006, such sums to remain available until ex-
12 pended, to establish shared dockside inspection facilities
13 at United States seaports in consultation with the Sec-
14 retary of the Treasury, the Secretary of Agriculture, and
15 the Attorney General.

16 **SEC. 15. 4-YEAR REAUTHORIZATION OF TONNAGE DUTIES.**

17 (a) IN GENERAL.—

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

22 (2) CONFORMING AMENDMENT.—The Act enti-
23 tled “An Act concerning tonnage duties on vessels
24 entering otherwise than by sea”, approved March 8,
25 1910 (36 Stat 234; 46 U.S.C. App. 132), is amend-

1 ed by striking “through 2002,” and inserting
2 “through 2006,”.

3 (b) AVAILABILITY OF FUNDS.—Amounts deposited in
4 the general fund of the Treasury as receipts of tonnage
5 charges collected as a result of the amendments made by
6 subsection (a) shall be made available in each of fiscal
7 years 2003 through 2006 to carry out this Act, as pro-
8 vided in sections 2(g), 3(f), 4(f), 7(d), 8(f), 9(c), 10(a),
9 13(d), and 14(b).

10 **SEC. 16. DEFINITIONS.**

11 In this Act:

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

15 (2) SECRETARY.—Except as otherwise provided,
16 the term “Secretary” means the Secretary of Trans-
17 portation.

18 (3) TASK FORCE.—The term “Task Force”
19 means the Port Security Task Force established
20 under section 2.

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