

108TH CONGRESS
1ST SESSION

S. 1147

To protect United States ports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2003

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect United States ports, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “High-Tech Port Secu-
5 rity Act of 2003”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CAPTAIN-OF-THE-PORT.—The term “Cap-
9 tain-of-the-Port”, with respect to a port, means the
10 individual designated by the Commandant of the
11 Coast Guard as the Captain-of-the-Port at that port.

1 (2) CONTAINER.—The term “container” means
2 a cargo container designed or used for the inter-
3 national transportation of merchandise by vessel.

4 (3) BLAST-RESISTANT CONTAINER.—The term
5 “blast-resistant container” means a container that
6 incorporates blast-resistant technology and has been
7 certified as a blast-resistant container by the Sec-
8 retary pursuant to section 101.

9 (4) REGULATED CONTAINER.—The term “regu-
10 lated container” means a container that is manufac-
11 tured after the date that is 15 months after the date
12 the Secretary prescribes regulations under section
13 101.

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of the Department of Homeland Secu-
16 rity.

17 (6) VESSEL.—The term “vessel” has the mean-
18 ing given that term in section 401 of the Tariff Act
19 of 1930 (19 U.S.C. 1401).

20 **TITLE I—PORT SECURITY AND** 21 **SAFE CARGO**

22 **SEC. 101. BLAST-RESISTANT CONTAINERS.**

23 (a) REGULATIONS.—Not later than 90 days after the
24 date of the enactment of this Act, the Secretary shall pre-
25 scribe regulations—

1 (1) establishing standards for the certification
2 of blast-resistant containers;

3 (2) establishing the procedure by which inter-
4 ested parties may apply for such certification, in-
5 cluding the submittal of prototypes and cost esti-
6 mates; and

7 (3) requiring that, effective on and after the
8 date that is 15 months after the date such regula-
9 tions are prescribed by the Secretary, no vessel car-
10 rying 1 or more regulated containers and seeking to
11 enter the United States shall be allowed such entry
12 unless all such regulated containers are certified
13 blast-resistant containers pursuant to the standards
14 and procedures described in this section.

15 (b) CERTIFICATION.—The Secretary shall evaluate
16 each application for certification submitted pursuant to
17 the regulations described in paragraphs (1) and (2) of
18 subsection (a), and shall notify each applicant whether
19 such container is certified as blast-resistant—

20 (1) not later than the date that is 90 days after
21 the application is submitted, if such application is
22 submitted not later than the date that is 90 days
23 after the Secretary prescribes such regulations under
24 subsection (a); or

1 (2) not later than such other date as may be es-
2 tablished by the Secretary pursuant to such regula-
3 tions, if such application is submitted after the date
4 that is 90 days after the date the regulations are
5 prescribed.

6 (c) DEADLINE.—

7 (1) GENERALLY.—Not later than 15 months
8 after the date the Secretary prescribes regulations
9 under subsection (a), the Secretary shall deny entry
10 of a vessel into the United States if any of the regu-
11 lated containers carried by such vessel are not cer-
12 tified under subsections (a) and (b).

13 (2) EXTENSION OF DEADLINE.—The Secretary
14 may extend the deadline under paragraph (1) for up
15 to 1 year if the Secretary—

16 (A) determines that none of the prototypes
17 with respect to which applications have been
18 submitted prior to such deadline are economi-
19 cally feasible; and

20 (B) submits a report (which may be in
21 classified form) to the Committee on Com-
22 merce, Science, and Transportation of the Sen-
23 ate and the Committee on Transportation and
24 Infrastructure of the House of Representatives
25 describing—

- 1 (i) the reasons for such extension; and
2 (ii) such steps as the Secretary deems
3 necessary or appropriate to ensure that
4 economically feasible prototypes exist prior
5 to the extended deadline.

6 **SEC. 102. SCREENING PRIOR TO DEPARTURE FROM PORT.**

7 (a) REGULATIONS.—Not later than 90 days after the
8 date of the enactment of this Act, the Secretary shall pre-
9 scribe regulations—

10 (1) establishing standards for the certification
11 of equipment designed to screen a container carried
12 by a vessel entering the United States for radio-
13 active and explosive materials before the container
14 leaves the port;

15 (2) establishing the procedure by which inter-
16 ested parties may apply for such certification, in-
17 cluding the submittal of prototypes and cost esti-
18 mates; and

19 (3) requiring that, effective on and after the
20 date that is 15 months after the date such regula-
21 tions are prescribed by the Secretary, every con-
22 tainer carried by a vessel entering the United States
23 shall be screened for radioactive and explosive mate-
24 rials before the container leaves the port.

1 (b) CERTIFICATION.—The Secretary shall evaluate
2 each application for certification submitted pursuant to
3 the regulations described in paragraphs (1) and (2) of
4 subsection (a), and shall notify each applicant whether the
5 screening equipment is certified for purposes of screening
6 containers for radioactive and explosive materials—

7 (1) not later than the date that is 90 days after
8 the application is submitted, if such application is
9 submitted not later than the date that is 90 days
10 after the Secretary prescribes such regulations under
11 subsection (a); or

12 (2) not later than such other date as may be es-
13 tablished by the Secretary pursuant to such regula-
14 tions, if such application is submitted after the date
15 that is 90 days after the date the regulations are
16 prescribed.

17 (c) SCREENING EQUIPMENT DEPLOYMENT.—

18 (1) TWENTY LARGEST PORTS.—The Secretary
19 shall take all necessary action, including providing
20 grants to ports, to ensure that, not later than 15
21 months after the date the Secretary prescribes regu-
22 lations under subsection (a), the 20 largest ports in
23 the United States, as determined by the Secretary
24 under section 201(a)(1), and any other United
25 States ports determined by the Secretary to be high-

1 ly vulnerable, have deployed screening equipment
2 certified under subsections (a) and (b).

3 (2) OTHER PORTS.—The Secretary shall take
4 all necessary action to ensure that every other port
5 in the United States deploys such certified screening
6 equipment as soon as practicable.

7 (d) MANDATORY SCREENING DEADLINE.—Not later
8 than the date that is 15 months after the date the Sec-
9 retary prescribes regulations under subsection (a), the
10 Secretary shall require that any container carried by a ves-
11 sel entering any of the 20 largest ports in the United
12 States, and any other United States port determined by
13 the Secretary to be highly vulnerable, shall be screened
14 for radioactive and explosive materials before the con-
15 tainer leaves the port.

16 **TITLE II—PROTECTION OF** 17 **LARGEST PORTS**

18 **SEC. 201. COMMAND AND CONTROL CENTERS.**

19 (a) ESTABLISHMENT OF COMMAND AND CONTROL
20 CENTERS.—Not later than 90 days after the date of the
21 enactment of this Act, the Secretary shall—

22 (1) identify the 20 largest ports in the United
23 States, as measured by the number of containers
24 processed annually at each port; and

1 (2) in coordination with the Captain-of-the-Port
 2 and other officials responsible for security matters at
 3 each such port, develop a plan to establish a com-
 4 mand and control center for the purpose of coordi-
 5 nating, monitoring, and managing all of the security
 6 operations at the port.

7 (b) GRANTS.—

8 (1) IN GENERAL.—The Secretary shall establish
 9 a grant program for providing funds to port authori-
 10 ties, facility operators, and State and local agencies
 11 to develop and implement the command and control
 12 centers under subsection (a)(2).

13 (2) APPLICATION.—Each entity seeking a grant
 14 under this subsection shall submit an application to
 15 the Secretary at such time, in such manner, and ac-
 16 companied by such information as the Secretary may
 17 reasonably require.

18 **TITLE III—AUTHORIZATION OF** 19 **APPROPRIATIONS**

20 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated to the Sec-
 22 retary \$100,000,000 for the purpose of carrying out this
 23 Act.

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