EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KERRY for the Committee on Small Business and Entrepreneurship:

* Hector V. Barreto, Jr., of California, to be Administrator of the Small Business Administration.

By Mr. ROCKEFELLER for the Committee on Veterans’ Affairs:

* Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests of the committee and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. BINGAMAN, Mr. JOHNSON, and Mr. BURNS):

S. 1210. A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, to the Committee on Indian Affairs.

By Ms. CANTWELL (for herself and Mr. Smith of Oregon):

S. 1211. A bill to authorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1212. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for qualified energy management devices, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL:

S. 1213. A bill to authorize a short-term program of grants to certain electric utilities to be passed through, in the form of credits toward electric bills, to consumers that reduce electric energy consumption and to establish an Electric Energy Conservation Fund to provide loans to utilities and non-profit organizations to fund energy productivity projects; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself and Mr. Graham):

S. 1214. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States ports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS:

S. 1215. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. MIKULSKI:

S. 1216. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations and offices for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DODD (for himself, Mr. DeWINE, Ms. Snowe, Mr. KENNEDY, Mr. ROBERTS, Mr. JOHNSON, Mr. EDWARDS, Ms. FEINSTEIN, Ms. COLLINS, Mr. WELLSTONE, Mr. BINGAMAN, and Mrs. MURRAY):

S. 1217. A bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 312

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. Hagel) and the Senator from Colorado (Mr. Allard) were added as co-sponsors of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 661

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. Hollings) was added as a co-sponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 761

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. Wellstone) was added as a co-sponsor of S. 761, a bill to provide loans for the improvement of telecommunications services on Indian reservations.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. Snowe) was added as a co-sponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 839

At the request of Mrs. Hutchison, the name of the Senator from Connecticut (Mr. Dodd) was added as a co-sponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to reduce the reduction in payments to hospitals for indirect costs of medical education.

S. 1042

At the request of Mr. Inouye, the name of the Senator from Virginia (Mr. Allen) was added as a co-sponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1048

At the request of Mr. DeWINE, the name of the Senator from Georgia (Mr. Miller) was added as a co-sponsor of S. 1048, a bill to amend the Internal Revenue Code of 1986 to provide relief for payment of asbestos-related claims.

S. 1082

At the request of Mr. Torricelli, the name of the Senator from Georgia (Mr. Miller) was added as a co-sponsor of S. 1082, a bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs.

S. 1126

At the request of Mr. Inouye, the name of the Senator from New Mexico (Mr. Bingaman) was added as a co-sponsor of S. 1116, a bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control.

S. 1134

At the request of Mr. Lieberman, the name of the Senator from Georgia (Mr. Miller) was added as a co-sponsor of S. 1134, a bill to amend the Internal Revenue Code of 1986 to modify the rules applicable to qualified small business stock.

S. 1149

At the request of Mr. Hatch, the names of the Senator from Mississippi (Mr. Cochran), the Senator from Illinois (Mr. Durbin), the Senator from Texas (Mrs. Hutchison), and the Senator from Virginia (Mr. Allen) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. J. Res. 18

At the request of Mr. Sarbanes, the name of the Senator from Ohio (Mr. DeWine) was added as a co-sponsor of S. J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. Inouye, Mr. Daschle, Mr. Johnson, and Mr. Burns):

S. 1210. A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senators Inouye, Daschle, Johnson, and Burns in introducing a bill that reauthorizes...
strengthen and clarify NAHASDA. These technical amendments were necessary to ensure the proper implementation of NAHASDA.

With the recent enactment of the Native American Housing Assistance and Self-Determination Act Amendments of 1999, P.L. 106-568, NAHASDA is better suited to meet its goals and responsibilities.

The bill I am introducing today will extend NAHASDA for an additional five years. With the groundwork now laid, both Indian tribes and HUD should be able to provide improved housing assistance to Indian and Alaska Native communities.

Moreover, the extension of NAHASDA will encourage greater utilization of NAHASDA programs including its Title VI Loan Guarantee program as tribes in leveraging federal funds in partnership with the private sector.

As Chairman of the Committee on Indian Affairs, I am committed to ensuring that NAHASDA is implemented in a fair, efficient and productive manner. It is my hope that the enactment of certain technical amendments in P.L. 106-568, and the reauthorization of NAHASDA will ensure improved housing assistance to all Indian and Alaska Native communities for years to come. 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. 1210

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

SEC. 1. SHORT TITLE. This Act may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2001”.


(b) FEDERAL GUARANTEES.—Subsections (a) and (b) of section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4156) are each amended by striking “; 1998, 1999, 2000, and 2001;” and inserting “; through 2006;”.


By Mr. HOLLINGS (for himself and Mr. GRAHAM):

S. 1214. A bill to amend the Merchant Marine Act, 1996, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to introduce the Port and Maritime Security Act of 2001. This legislation is long overdue. It is needed to facilitate future technological and advances and increases in international trade, and ensure that we have the sort of security control necessary to ensure that our borders are protected from drug smuggling, illegal aliens, trade fraud, threats of terrorism as well as potential threats to our ability to mobilize U.S. military force. I introduced similar legislation in the last Congress, but time did not allow us to proceed any further with the legislative process. However, this is just too important an issue to let it go by, and I intend to work with Senator GRAHAM, and others to try and craft a policy to help protect our maritime borders.

The Department of Transportation recently conducted an evaluation of our marine transportation needs for the 21st Century. In September 1999, the Transportation Task Force—An Assessment of the U.S. Marine Transportation System, the report reflected a highly collaborative effort among public sector agencies, private sector organizations and other stakeholders in the MTS.

The report indicates that the United States has more than 1,000 channels and 69,000 miles of coastal, inland and coastal waterways in the United States which serve over 300 ports, with more than 3,700 terminals that handle passenger and cargo movements. These waterways and ports link to 152,000 miles of railways, 460,000 miles of undersea and underground pipelines and 45,000 miles of interstate highways. Annually, the U.S. marine transportation system moves more than 2 billion tons of domestic and international freight, imports 3 billion tons of domestic oil, transports 134 million barrels of crude oil by ferry, serves 78 million Americans engaged in recreational boating, and hosts more than 5 million cruise ship passengers.

The MTS provides economic value, as waterborne cargo contributes more than $742 billion to U.S. gross domestic product and creates employment for more than 13 million citizens. While these figures reveal the magnitude of our waterborne commerce, they don’t reveal the spectacular growth of waterborne commerce, or the potential problems in coping with this growth. It is estimated that the total volume of domestic and international trade is expected to double over the next twenty years. The doubling of trade also brings up the troubling issue of how the U.S. is going to protect our maritime borders from crime, threats of terrorism, or even our ability to mobilize U.S. armed forces.

Security at our maritime borders is given substantially less Federal consideration than airports or land borders.
In the aviation industry, the Federal Aviation Administration (FAA) is inte-
mately involved in ensuring that security measures are imple-
mplemented, and funded. The FAA works with various Federal officials to assess threats direct toward commercial aviation and to target various types of se-
curity measures as potential threats change. For example, during the Gulf
War, airports were directed to ensure that no vehicles were parked within a
set distance of the entrance to a terminal.

Currently, each air carrier, whether a U.S. carrier or foreign air carrier, is
required to submit a proposal on how it plans to meet its security needs. Air
 carriers also are responsible for screening passengers and baggage in compli-
ance with FAA regulations. The types of materials being transported, as well as
the specific requirements in place, are considered by the FAA. The FAA uses its labora-
tories to check the machinery to determine if the equipment can detect ex-
plosives that are capable of destroying commercial aircraft. Clearly, as we
learned from the Pan Am 103 disaster over Lockerbie, Scotland in 1988, Congres-
s passed legislation in 1990 “the Aviation Security Improvement Act,”
which was carefully considered by the Commerce Committee, to develop the
types of measures I noted above. We also made sure that airports, the FAA,
air carriers and law enforcement worked together to protect the flying public.

Following the crash of TWA flight 800 in 1996, we also leaped to spend money,
when it was first thought to have been caused by a terrorist act. The FAA
spent about $150 million on additional screening equipment, and we continue today
to look into research and develop-
ment for better, and more effective equipment. Finally, the FAA is respon-
bale for ensuring that background checks, employment records/criminal records, of security screeners and those
with access to secured airports are car-
rried out in an effective and thorough manner. The FAA, at the direction of
Congress, is responsible for certifying screening companies, and has developed
ways to better test screeners. This is all done in the name of pro-
tecting the public. Seaports deserve no less consideration.

At land borders, there is a similar in-
vestment in security by the Federal Government. In TEA–21, approved $1400
million a year for five years for the Na-
tional Corridor Planning and Develop-
ment and Coordinated Border Infra-
structure Program. Eligible activities under this program include improve-
ments to existing transportation and supporting infrastructure that facili-
tate cross-border vehicle and cargo movements; construction of highways and
related safety enforcement facili-
ties that facilitate movements related to international trade; operational im-
provements, including improvements relating to electronic data intercharge
and use of telecommunications, to ex-
bate or reduce crossings of the U.S. and cargo movements; and planning, coordina-
tion, design and location studies.

By way of contrast, at U.S. seaports, the Federal Government invests noth-
ing in infrastructure, other than the
buoy maintenance of the U.S. Coast
Guard, U.S. Customs Service, and the
Immigration and Naturalization Serv-
ice, and whatever equipment those
agencies have to accomplish their man-
dates. Physical infrastructure is pro-
vided by state-controlled port authori-
ties, or by private sector marine ter-
mal operators. There are no controls,
or requirements in place, except for
certain standards promulgated by the
Coast Guard for the protection of
offshore terminals. Essentially, where sea ports are concerned, we have
abrogated the Federal respon-
sibility of border control to the state and private sector.

I think that the U.S. Coast Guard and Customs Agency are doing an out-
standing job, but they are outgunned. There is simply too much money in the
illegal activities they are seeking to curtail or eradicate, and there is too
much traffic coming into, and out of
the United States. For instance, in the latest data available, 1999, we had more
than 10 million TEU’s imported into the United States. For the uninitiated,
a TEU refers to a twenty-foot equiva-

tent unit shipping container. By way of comparison, a regular truck measures
48-feet in length. So in translation, we imported close to 5 million truckloads of
cargo. According to the Customs Service, seaports are able to inspect
between 1 percent and 2 percent of the containers, so in other words, a drug
smuggler has a 98 percent chance of gaining illegal entry.

It is amazing to think, that when you
or I walk through an international air-
port we will walk through a metal de-
tector, and our bags will be x-rayed,
and Customs will interview us, and
may check our bags. However, at a U.S.
seaport you could import a 48 foot truck load of cargo, and have at least a
98 percent chance of not even being in-
spected. It just doesn’t seem right.

For instance, the Port of Charleston which is the fourth
largest container port in the United States, just recently we got our first
unit even capable of x- raying inter-
modal shipping containers, and we
have the temporary deployment of a
canine unit. By way of comparison, the
Dallas/Fort Worth is the fourth largest
airport in the United States, it would be inconceivable that an airport of this
magnitude have just one single canine, and one piece of screening equipment.
This is simply not sufficient.

The need for the evaluation of higher
scrutiny of our system of seaport secu-
rity came at the request of Senator
GRAHAM, and I would like to commend him for his persistent efforts in ad-
ressing this issue. Senator GRAHAM has had problems with security at
some of the Florida seaports, and al-
though the state has taken some steps to address the issue, there is a great
need for considerable improvement. Senator GRAHAM laudably convinced
the President to appoint a Commission, designed similarly to the Aviation Se-
curity Commission, to review security at U.S. seaports.

The Commission visited twelve major
U.S. seaports, as well as two foreign
ports. It compiled a record of countless hours of testimony and heard from,
and reviewed the security practices of the shipping industry. It also met with
local law enforcement officials to dis-
cuss the issues and their experiences as
well as what they can do.

For instance, the Commission found
that the twelve U.S. seaports ac-
counted for 56 percent of the number of cocaine seizures, 32 percent of the
marijuana seizures, and 65 percent of hero
drug seizures in commercial cargo
shipments and vessels at all ports of
terminal. For instance, in my own area, the
Coast Guard for the protection of
the President to appoint a Commission,
to address the issue, there is a great
need for considerable improvement. Senator GRAHAM laudably convinced
the President to appoint a Commission,
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that the twelve U.S. seaports ac-
counted for 56 percent of the number of cocaine seizures, 32 percent of the
marijuana seizures, and 65 percent of hero
drug seizures in commercial cargo
shipments and vessels at all ports of
entry nationwide. Yet, we have done
relatively little, other than send in an
undermanned contingency of Coast
Guards and Customs officials to do
whatever they can.

Drugs are not the only criminal prob-
lem confronting U.S. seaports. For ex-
ample, alien smuggling has become in-
creasingly lucrative enterprise. To il-
lustrate, in August of 1999, INS offi-
cials found 132 Chinese men hiding aboard a container ship docked in Sa-
vannah, GA. The INS district director was quoted as saying: “This was a very
sophisticated ring, and never in my 23
years with the INS have I seen any-
things as large or sophisticated”. Ac-
cord ing to a recent INS report on
inspections, 1999, alien smuggling
efforts on alien smuggling RPT-Num-
ber: B–238952, smuggling collectively may earn as much as several billion
dollars per year bringing in illegal aliens.

Another problem facing seaports is
cargo theft. Cargo theft does not al-
ways occur at seaports, but in many in-
stances the theft has occurred because of knowledge of cargo contents. Inter-
national shipping provides access to
a lot of information and a lot of cargo to
many different people along the course of
its journey. We need to take steps to
ensure that we do not facilitate theft.

Losses as a result of cargo theft have been estimated as high as $12 billion
annually, and it has been reported to have increased by as much as 20 per-
cent recently. The FBI has become so
concerned that it recently established a multi-district task force, Operation
Sudden Stop, to crack down on cargo
theft.

The other issues facing seaport secu-
irty may be less evident, but poten-
tially of greater threat. As a Nation in
general, we have been relatively lucky
to have been free of some of the terrorist threats that have plagued other nations. However, we must not become complacent. U.S. seaports are extremely exposed. On a daily basis many seaports have cargo that could cause serious illness and death to potentially large populations of civilians living near seaports if targeted by terrorism. Most of the population of the United States lies in proximity to our coastline.

The sheer magnitude of most seaports, their historical proximity to established population bases, the open nature of the facility, and the massive quantities of hazardous cargoes being shipped through a port could be extremely threatening to the large populations that live in areas surrounding our seaports. The same conditions in U.S. seaport localities. Seaports by their very nature, are open and exposed to surrounding areas, and as such it will be impossible to control all aspects of security, however, sensitive or critical safety areas should be protected. I also understand that U.S. seaports have different security needs in form and nature, are open and exposed to different courses of history. We need to ensure that it does not happen to any future military contingencies.

As I mentioned before, our seaports are international borders, and consequently we should treat them as such. However, I am realistic about the possibilities for increasing seaport security, the realities of international trade, and the many functional differences inherent in the different seaport localities. Seaports by their very nature, are open and exposed to surrounding areas, and as such it will be impossible to control all aspects of security, however, sensitive or critical safety areas should be protected. I also understand that U.S. seaports have different security needs in form and scope. For instance, a seaport in Alaska, that has very little international cargo does not need the same degree of attention that a seaport in a major metropolitan center, which imports and exports to thousands of international shipments. However, the legislation we are introducing today will allow for public input and will consider local issues in the implementation of new guidelines on port security, so as to address seaports that.

Substantively, the Port and Maritime Security Act establishes a multi-pronged effort to address security needs at U.S. Seaports, and in some cases formalizes existing practices that have proven effective. The bill authorizes the Department of Transportation to establish a task force on port security and to work with the private sector to develop solutions to address the need to initiate a system of security to protect our maritime borders.

The purpose of the task force is to implement the provisions of the act; to coordinate programs to enhance the security and safety of U.S. seaports; to provide long-term solutions for seaport safety issues; to coordinate with local port security committees established under the Organic Port Act; to coordinate the provisions of the bill; and to ensure that the public and local port security committees are kept informed about seaport security enhancement developments.

The bill requires the U.S. Coast Guard to establish local port security committees at each U.S. seaport. The membership of these committees is to include representatives of the port authority, labor organizations, the private sector, and Federal, State, and local government officials. These committees will be chaired by the U.S. Coast Guard's Captain-of-the-Port, and will be used to establish quarterly meetings with local law enforcement and attempt to submit a security program to the Coast Guard for review and approval. The assessment shall be performed with the cooperation and assistance of local officials, through local port security committees, and ensure the port is made aware of and participates in the analysis of security concerns. I continue to believe there is a need to perform background checks on transportation workers in sensitive positions to reveal potential threats to facilitate crime or terrorism. While the bill is silent on this matter, we will continue our discussions with law enforcement and transportation workers to develop a system that facilitates law enforcement but focuses more narrowly on those employees who have access to sensitive information.

The bill authorizes MarAd to provide loan guarantees to help cover some of the costs of port security infrastructure improvements, such as cameras and other monitoring equipment, fencing systems and other types of physical enhancements. The bill authorizes $8 million, annually for four years, to cover costs, as defined by the Credit Reform Act, which could guarantee up to $32 million in loans for security enhancements. The bill also establishes a grant program to help cover some of the same infrastructure costs. Additionally, the bill provides funds for the U.S. Customs Service to purchase screening equipment and other types of non-intrusive detection equipment. We have to provide Customs with the tools they need to help prevent further crime.

The bill requires a report to be attached on security and a revision of 1997 document entitled "Port Security: A National Planning Guide." The report and revised guide are to be submitted to Congress and are to include a description of activities undertaken under the Port and Maritime Security Act of 2001, in addition to analysis of the efforts of activities on port security and preventing acts of terrorism and crime.

The bill requires the Department of Transportation, to the extent feasible, to coordinate reporting of seaport related crimes and to work with state law enforcement officials to harmonize the reporting of data on cargo theft and alternatively, the feasibility of utilizing private data on cargo theft. Better data will be crucial in identifying the extent and location of criminal threats and will facilitate law enforcement efforts combating crime. The bill also requires the Secretaries of Agriculture, Treasury, and Transportation to work together to establish shared dockside inspection facilities at seaports for federal and state agencies, and provides $1 million, annually for four years, to carry out this section. Currently there are some seaports that do not have inspection space in the organic port area. It is crucial that inspections occur as close to the point of entry as possible.

The bill also establishes a program to train personnel involved in maritime transportation and maritime security. A better prepared security force will help enable us to more effectively combat potential threats of crime and terrorism. The bill also requires the Customs Service to improve reporting of imports at seaports to help ensure that Customs will have adequate information in advance of having the entry of cargo, and to do so in a manner consistent with their plans for the Automated Commercial Environmental ACE program.

Finally, the bill reauthorizes an extension of tonnage duties through 2006, and makes the proceeds of these collections available to carry out the Port and Maritime Security Act. These fees currently are set at certain levels, and are scheduled to be reduced in 2002. The legislation reauthorizes and extends the current fee level for an additional four years, but dedicates its use to enhancing our efforts to fight crime at U.S. seaports and to facilitating improved protection of our borders, as well as to enhance our efforts to ward off potential threats of terrorism.

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:

SEC. 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

The Congress makes the following findings:

S. 1214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
There are 361 public seaports in the United States, each with a broad range of characteristics, and all of which are an integral part of our Nation’s commerce.

2. United States seaports conduct over 95 percent of overseas United States trade, and complex domestic and international trade relationships have significantly changed the nature, conduct, and complexity of seaport commerce. These seaports account for about 90 percent of the cargo tonnage. Twenty-five United States seaports account for 80 percent of all container shipments. Cruise ships visiting foreign destinations embark from 16 seaports.

3. In the larger seaports, the activities can stretch along miles of public rights-of-way and public walkways that are used for vehicular access to cargo facilities. The facilities used to support arriving and departing cargo are sometimes miles long.

4. Seaports often are a major focus of Federal crime, including drug trafficking, cargo theft, and smuggling of contraband and aliens. At many ports, large and complex organizations associated with these crimes can pose threats to the people and critical infrastructures of seaports. Seaports that accept international cargo have a higher risk of international crimes like drug and alien smuggling and trafficking.

5. Seaports are open to the public and are often a major part of the flow of commerce. They are susceptible to large scale terrorism that could cause a threat to coastal, Great Lake, or riverine populations. Seaport terrorism could pose a significant threat to the ability of the United States to pursue its national security objectives.

6. United States seaports are international boundaries, however, unlike United States airports and land borders, United States seaports receive no Federal funds for security infrastructure.

7. Current inspection levels of containerized cargo are insufficient to counter potential seaport threats. Security-related equipment is not adequately deployed to allow for the non-intrusive inspection of containerized cargo. Additional promising technology is in the process of being developed that could inspect cargo in a non-intrusive and timely fashion.

8. The burgeoning cruise ship industry poses a special risk from a security perspective. The large number of United States citizens sailing on international cruises provides an attractive target to terrorists seeking to cause mass casualties. Approximately 80 percent of cruise line passengers are United States citizens and 20 percent are aliens. Approximately 92 percent of crewmembers are aliens.

9. Effective physical security and access control in seaports is fundamental to deterring and preventing terrorist threats to seaport operations, cargo shipments for smuggling or theft or other cargo crimes.

10. Seaports are critical to the national security and safety of United States seaports. Seaports are a major locus of Federal government; they may serve as a vector for terrorist attacks aimed at the population of the United States and may present weaknesses in the ability of the United States to realize its national security objectives. Seaports may serve as a vector for terrorist attacks aimed at the population of the United States.

11. Identification procedures for arriving workers and preventing intrusion are an important requirement that should be implemented.

12. The variety of trade and commerce that are carried out at seaports has greatly expanded. Bulk cargo, containerized cargo, passenger cargo and tourism, intermodal transportation and complex domestic and international trade relationships have significantly changed the nature, conduct, and complexity of seaport commerce.

13. The variety of trade and commerce that are carried out at seaports has greatly expanded. Bulk cargo, containerized cargo, passenger cargo and tourism, intermodal transportation and complex domestic and international trade relationships have significantly changed the nature, conduct, and complexity of seaport commerce.

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

15. The Commission has issued findings that indicate the following:

A. Frequent crime in seaports include drug smuggling, alien smuggling, theft, and smuggling of contraband and other trade violations, and cargo theft.

B. Data about crime in seaports have been fragmented and, by the very nature of their role in promoting the free flow of commerce, are susceptible to large scale terrorism that could pose a threat to coastal, Great Lake, or riverine populations.

C. National conspiracies are an issue at many seaports, and contribute to Federal crime.

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

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

F. A lack of minimum physical, procedural, and personnel security standards at seaports and at terminals, warehouses, trucking firms, and related facilities leaves many seaports and seaport users vulnerable to theft, pilferage, and unauthorized access by criminals.

G. Access to seaports and operations within seaports is often uncontrolled.

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

I. Meetings between law enforcement personnel, carriers, and seaport authorities regarding security are not being held routinely in the seaports. These meetings could increase coordination and cooperation at the local level.

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

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

L. A lack of timely, accurate, and complete manifest (including in-bound) and trade data is also insufficiently impacting law enforcement’s ability to function effectively.

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

15. National security and safety of United States seaports are international boundaries that—

A. Are particularly vulnerable to threats of drug smuggling, alien illegal smuggling, cargo theft, illegal entry of cargo and contraband;

B. May present weaknesses in the ability of the United States to realize its national security objectives;

C. May serve as a vector for terrorist attacks aimed at the population of the United States.

16. It is in the best interests of the United States—

A. To be mindful of the need for the free flow of interstate and foreign commerce and to ensure the efficient movement of cargo in interstate and foreign commerce;

B. To increase United States seaport security by establishing a better method of coordination amongst law enforcement officials responsible for seaport boundary, security, and trade issues;

C. To formulate guidance for the review of the physical seaport security program, recognizing the different character and nature of United States seaports;

D. To provide financial incentives to help the States and private sector to increase physical security of United States seaports;

E. To invest in long-term technology to facilitate the private sector development of technology that will assist in the non-intrusive timely detection of crime or potential crime;

F. To harmonize data collection on seaport-related and other cargo theft, in order to address areas of potential threat to safety and security;

G. To create shared inspection facilities to help facilitate the timely and efficient inspection of cargo and people and cargo in United States seaports;

H. To improve Customs reporting procedures to enhance the potential detection of crime in advance of arrival or departure of cargoes.

SEC. 3. PORT SECURITY TASK FORCE.

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

(1) to help implement the provisions of this Act;

(2) to help coordinate programs to enhance the security and safety of United States seaports;

(3) to provide long-term solutions for seaport security issues;

(4) to help coordinate the security operations of local seaport security committees;

(5) to help ensure that the public and local seaport security committees are kept informed about seaport security enhancement developments;

(6) to help provide guidance for the conditions under which loan guarantees and grants are made; and

(7) to establish an Interagency Commission on Crime and Security in United States Seaports.

(b) MEMBERSHIP.—The Task Force shall include representatives of the Coast Guard and the Maritime Administration and such other representatives as the Secretary may designate.
SEC. 4. ESTABLISHMENT OF LOCAL PORT SECURITY COMMITTEES.

(a) IN GENERAL.—The United States Coast Guard shall establish seaport security committees in its responsibilities under this Act, the Task Force, or a member organization or representative acting with the Task Force’s consent, may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately.

(b) FUNDING.—Of the amounts made available under section 17(b) there shall be made available to the Secretary of Transportation for activities of the Task Force $1,000,000 for each of fiscal years 2003 through 2006 without further appropriation to carry out this section, such sums to remain available until expended.

SEC. 5. COAST GUARD PORT SECURITY VULNERABILITY ASSESSMENTS.

(a) IN GENERAL.—The Commandant of the Coast Guard, in consultation with the Department of Homeland Security, shall assess the security posture of each port.

(b) INITIAL SCHEDULE.—The Coast Guard, in consultation with the Secretary of Transportation, shall develop a schedule for conducting seaport security vulnerability assessments.

SEC. 6. MARITIME TRANSPORTATION SECURITY PROGRAMS.

(a) IN GENERAL.—The Commandant and the Administrator shall jointly initiate a rule-making proceeding to prescribe regulations to protect the public from threats originating from vessels in maritime transportation originating or terminating in a United States seaport against an act of terrorism or crime. In prescribing a regulation under this subsection, the Commandant shall consult with the Secretary of the Treasury, the Attorney General, the heads of Federal, State, and local government agencies, seaport authorities, and the Task Force.

(b) SECURITY PROGRAMS.—

(1) PROGRAM TO BE ESTABLISHED.—Each port authority and medical terminal authority for an area designated under section 1241(b) at which a port security vulnerability assessment has been conducted under this Act shall establish a maritime transportation security program within 1 year after the assessment is completed.

(2) GENERAL REQUIREMENTS.—A security program established under paragraph (1) shall provide a law enforcement program and capability at that seaport to ensure the safety of the public from threats of crime and terrorism.

(c) SPECIFIC REQUIREMENTS.—A security program established under paragraph (1) shall be linked to the Captain-of-the-Port authorities for maritime trade and shall include:

(i) provisions for establishing and maintaining physical security for seaport areas and approaches;
(B) provisions for establishing and maintaining programs for passengers, cargo, and crewmembers, and personnel security for the employment of individuals and service providers;

(C) a credentialing process to limit access to sensitive areas;

(D) a process to restrict vehicular access to seaport areas and facilities;

(E) restrictions on carrying firearms and other prohibited weapons; and

(F) a private security officer certification program, or provisions for using the services of the State, local, and private law enforcement personnel.

(c) INCORPORATION OF MARINE TERMINAL OPERATOR’S PROGRAM.—Notwithstanding the requirements of subsection (b)(3), the Captain-of-the-Port may approve a security program of a marine terminal operator tenant with access to a secured area of the seaport, if the program or amendment incorporates—

(1) the measures the tenant will use, within the tenant’s leased areas or areas designated for the tenant’s exclusive use under an agreement with the port authority, to carry out the security requirements imposed by the Commandant and the Administration on the port authority; and

(2) the methods the port authority will use to monitor the tenant’s compliance with the security requirements.

(d) INCORPORATION OF OTHER SECURITY PROGRAMS AND LAWS.—Notwithstanding the requirements of subsection (b)(3), the Captain-of-the-Port may approve a security program of a port authority, or an existing program, that incorporates a State or local security program, policy, or law. In reviewing any such program, the Captain-of-the-Port shall—

(1) endeavor to avoid duplication and to recognize the State or local security program or policy; and

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

(e) REVIEW AND APPROVAL OF SECURITY PROGRAMS.—

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

(A) the Captain-of-the-Port shall notify the port authority or marine terminal authority in writing of the reasons for the disapproval; and

(B) the port authority or marine terminal authority shall submit a revised security plan within 6 months after receiving the notification of disapproval.

(2) 5-YEAR REVIEWS.—Whenever appropriate, but not less frequently than once every 5 years, each port authority or marine terminal operator required to develop a security program under this section shall review its program, make such revisions to the program as are necessary or appropriate, and submit the results of its review and the revised program to the Captain-of-the-Port.

(g) NO EROSION OF OTHER AUTHORITY.—Nothing in this section precludes any agency, instrumentality, or department of the United States from exercising, or limits its authority to exercise, any other statutory or regulatory authority to initiate or enforce seaport security standards.

SEC. 7. SECURITY PROGRAM GUIDANCE.

(a) IN GENERAL.—The Commandant and the Administrator, in consultation with the Task Force, shall develop voluntary security guidance that will serve as a benchmark for the review of security programs established under subsection (b). The guidance shall—

(1) be linked to the Captain-of-the-Port authorities for maritime trade;

(2) include a set of recommended “best practices” guidelines for the use of maritime terminal operators; and

(3) take into account the different nature and characteristics of United States seaports and the need to incorporate—

(b) REVISION.—The Commandant and the Maritime Administrator shall review the guidelines developed under subsection (a) not less frequently than every 5 years and revise them as necessary.

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

(1) GENERAL SECURITY.—The establishment of practical guidelines for requirements and procedures for the establishment and implementation of security programs, the assignment of personnel of maritime terminal operators, and personnel security for employment of individuals and service providers.

(2) ACCESS TO SENSITIVE AREAS.—The use of a credentialing process for staff of public or private sector service providers, to limit access to sensitive areas.

(3) VEHICULAR ACCESS.—The use of restrictions on vehicular access to seaport areas and facilities, including requirements that seaport authorities and primary users of seaports implement procedures that achieve appropriate levels of control of vehicular access and accountability for enforcement of controlled access by vehicles.

(4) FIREARMS.—Restrictions on carrying firearms.

(5) CERTIFICATION OF PRIVATE SECURITY OFFICERS.—A private security officer certification program to improve the professionalism of seaport security officers.

SEC. 8. INTERNATIONAL SEAPORT SECURITY.

(a) COAST GUARD; INTERNATIONAL APPLICATION.—The Commandant shall make every effort to have guidance developed under section 7(a) adopted by appropriate international organizations as an international standard and shall, acting through appropriate Federal law enforcement or security authorities, seek to encourage the development and adoption of seaport security standards under international agreements in other countries where adoption of the same or similar standards might be appropriate.

(b) MARITIME ADMINISTRATION; PORT ACCREDITATION PROGRAM.—The Administrator shall adopt procedures for the accreditation of seaports that implement security standards that are consistent with the guidance.

(c) INTERNATIONAL PORT SECURITY IMPROVEMENT ACTIVITIES.—

(1) IN GENERAL.—The Administrator shall establish a program to assist foreign seaport operators in identifying seaport security risks, conducting port security vulnerability assessments, and implementing port security improvements.

(2) IDENTIFICATION OF STRATEGIC FOREIGN PORTS.—The Administrator shall work with the Secretary of Defense and the Attorney General to identify those foreign seaports whose high level of port security vulnerability poses a strategic threat to United States defense interests or may be implicated in criminal activity in the United States.

(3) DISSEMINATION OF INFORMATION ABROAD.—The Administrator shall work with the Secretary of State to facilitate the dissemination of seaport security program information to port authorities and marine terminal operators in other countries.

(d) FUNDING.—Of the amounts made available under section 17(b) there shall be made available to the Administrator $500,000 for each of fiscal years 2003 through 2006 without further appropriation to carry out this section, such sums to remain available until expended.

SEC. 9. MARITIME SECURITY PROFESSIONAL TRAINING.

(a) IN GENERAL.—The Secretary shall establish a program, in consultation with the Federal Law Enforcement Center, the United States Merchant Marine Academy’s Global Maritime and Transportation School, and the Maritime Security Council, and the International Association of Airport and Seaport Police, to develop and procedures for training and certification of maritime security professionals.

(b) ESTABLISHMENT OF SECURITY INSTITUTE.—The Secretary shall establish the Maritime Security Training Institute at the United States Merchant Marine Academy’s Global Maritime and Transportation School to train and certify maritime security professionals in accordance with internationally recognized law enforcement standards. Institute instructors shall be knowledgeable about Federal and international law enforcement, maritime security, and port and maritime operations.

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

(1) Individuals who are employed, whether in the public or private sector, in maritime law enforcement or security activities;

(2) Individuals who are employed, whether in the public or private sector, in planning, executing, or managing security operations;

(3) United States ports;

(4) on passenger or cargo vessels with United States citizens as passengers or crewmembers;

(5) to foreign ports used by United States-flagged vessels or by foreign-flagged vessels with United States citizens as passengers or crewmembers.

(d) PROGRAM ELEMENTS.—The program established by the Secretary under subsection (a) shall include the following elements:

(1) The development of standards and procedures for certifying maritime security professionals.

(2) The training and certification of maritime security professionals in accordance with internationally accepted law enforcement, maritime security guidelines, policies, and procedures.

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

(4) The provision of offsite training and certification courses and certified personnel at United States and foreign ports used by United States-flagged vessels, or by foreign-flagged vessels with United States citizens as passengers or crewmembers, to develop and enhance security awareness.

(e) ANNUAL REPORT.—The Institute shall transmit an annual report to the Senate Committee on Commerce, Science, and
Transportation and the House of Representatives transportation and infrastructure on the expenditure of appropriated funds and the training and other activities of the Institute.

If funds of amounts made available under section 17(b), there shall be made available to the Secretary, without further appropriation, to carry out this section—

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

(2) $1,000,000 for each of fiscal years 2005 and 2006, such amounts to remain available until expended.

SEC. 10. PORT SECURITY INFRASTRUCTURE IMPROVEMENT.

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

``SEC. 1113. LOAN GUARANTEES FOR PORT SECURITY INFRASTRUCTURE IMPROVEMENTS.

``(a) In General.—The Secretary, under section 1109(a) and subject to the terms the Secretary shall prescribe and after consultation with the United States Coast Guard, the United States Customs Service, and the Port Security Task Force established under section 3 of the Port and Maritime Security Act of 2001, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for seaport security infrastructure improvements for an eligible project at any United States seaport involved in international trade.

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

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

``(d) Eligible Projects.—A project is eligible for a guarantee or commitment under subsection (a) if it is for the construction or acquisition of—

``(1) equipment or facilities to be used for seaport security monitoring and recording;
``(2) security gates and fencing;
``(3) security-related lighting systems;
``(4) remote surveillance systems;
``(5) concealed video systems; or
``(6) other security infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

``SEC. 1114. GENERAL.—The Secretary may provide financial assistance for eligible projects (within the meaning of section 1113(d)).

``(b) Matching Requirements.—

``(1) 75-PERCENT FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project. In calculating that percentage, the non-Federal share of project costs shall not exceed 75 percent of the total cost of such project. In calculating that percentage, the non-Federal share of project costs shall not exceed 75 percent of the total cost of such project. In calculating that percentage, the non-Federal share of project costs shall not exceed 75 percent of the total cost of such project.

``(2) Exceptions.—

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

``(B) HIGHER LEVEL OF SUPPORT REQUIRED.—

``(a) If the Secretary determines that a project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

``(c) Allocation.—The Secretary shall ensure that financial assistance provided under subsection (a) during a fiscal year is distributed so that funds are awarded for eligible projects that address emerging priorities or threats identified by the Task Force under section 5 of the Port and Maritime Security Act of 2001.

``(d) Project Proposals.—Each proposal for a grant under this section shall include the following:

``(1) The name of the individual or entity responsible for conducting the project.
``(2) A succinct statement of the purposes of the project.
``(3) A description of the qualifications of the individuals who will conduct the project.
``(4) An estimate of the funds and time required to complete the project.

``(e) Evidence of support of the project by appropriate representatives of States or territories of the United States.

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

``(7) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this title.
``(g) Transfer of Funds.—The Secretary shall submit an annual summary of loan guarantees and commitments to make loan guarantees under section 1113 of the Merchant Marine Act, 1936, and grants made under section 1114 of that Act, to the Task Force. The Task Force shall require the applicability of these guarantees or commitments to guarantee loans entered into under this section.

``(h) Annual Accounting.—The Secretary of Transportation shall submit an annual summary of the Federal Capital Credit Program other than that specified in paragraph 1(b) to the Task Force. The Task Force shall require that information available to the public and to local seaport security committees through appropriate media of communication, including the Internet, or reflecting the results of such activities in a clear and easily understandable manner.

``SEC. 11. SCREENING AND DETECTION EQUIPMENT.

``(a) Funding.—Of amounts made available under section 17(b), there shall be made available to the Commissioner of Customs without further appropriation for the purchase of non-intrusive screening and detection equipment for use at United States seaports—

``(1) $15,000,000 for fiscal year 2003,
``(2) $12,000,000 for fiscal year 2004,
``(3) $18,000,000 for fiscal year 2005, and
``(4) $19,000,000 for fiscal year 2006, such sums to remain available until expended.

``(b) Accounting.—The Secretary of Transportation shall submit a report for each fiscal year to the Commissioner of Customs, the House of Representatives Committee on Transportation and Infrastructure and the House of Representatives Committee on Transportation and Infrastructure pursuant to this section.

``SEC. 12. ANNUAL REPORT ON MARITIME SECURITY AND TERRORISM.

Section 903 of the International Maritime and Port Security Act (46 U.S.C. App. 1802) is amended by adding at the end thereof the following:

``Beginning with the first report required by the Act and the annual report of those activities on seaport security against acts of terrorism.
``(c) REVISION OF PORT SECURITY PLANNING GUIDE.

The Secretary of Transportation, acting through the Maritime Administration and after consultation with the United States Coast Guard and the United States Coast Guard, shall publish a revised version of the document entitled “Port Security: A National Planning Guide”, incorporating the guidance promulgated under section 7, within 3 years after the date of enactment of this Act, and make that document available on the Internet.

``SEC. 14. SECRETARY OF TRANSPORTATION TO COORDINATE PORT-RELATED CRIME DATA COLLECTION.

(a) In General.—The Secretary of Transportation shall—

``(1) require, to the extent feasible, United States government agencies with significant regulatory or law enforcement responsibilities at United States seaports to modify their information databases to ensure the collection and retrievability of data relating to crimes committed at United States seaports; and

``(2) evaluate the feasibility of capturing data on cargo theft offenses (including such offenses occurring outside such seaports) and the information contained in such data to determine the extent of evaluated data on cargo theft offenses (including such offenses occurring outside such seaports) and the information contained in such data to determine the extent of evaluated data on cargo theft offenses (including such offenses occurring outside such seaports) and the information contained in such data to determine the extent of evaluated data on cargo theft offenses (including such offenses occurring outside such seaports) and the information contained in such data to determine the extent of evaluated data on cargo theft offenses (including such offenses occurring outside such seaports) and the information contained in such data to determine the extent of evaluated data on cargo theft offenses (including such offenses occurring outside such seaports) and the information contained in such data to determine the extent of the theft among the States and with the United States government’s reports.

``(b) Documentation.—In the annual report of the Secretary of Transportation shall include a description of activities undertaken under this Act and an analysis of the effect of those activities on seaport security against acts of terrorism.

``SEC. 15. CONSTRUCTION OF SEAPORT SECURITY PROGRAMS.

Nothing in this Act shall be construed to preclude the Secretary of Transportation from entering into agreements with States or other entities to provide funds on a non-Federal basis for seaport security programs.

"(c) PORT SECURITY INFRASTRUCTURE IMPROVE-
enactment of this Act on the feasibility of each activity authorized by subsection (a),

(C) Interstate or Foreign Shipment by
Carrier.—
(1) IN GENERAL.—Section 659 of title 18, United States Code, is amended—
(A) by striking “with intent to convert to his own use” each place it appears;
(B) by inserting “trailer,” after “motortruck,” in the first undesignated paragraph;
(C) by inserting “air cargo container,” after “aircraft,” in the first undesignated paragraph;
(D) by inserting a comma and “or from any intermodal container, trailer, container
freight station, warehouse, or freight con-
solidation facility,” after “air navigation fac-
cility” in the first undesignated paragraph;
(E) by striking “one year” and inserting “3 years” in the fifth undesignated paragraph;
(F) by adding at the end of the fifth undes-
ignated paragraph the following: “Notwith-
standing the preceding sentence, the court
may, upon motion of the Attorney General,
reduce any penalty imposed under this para-
graph with respect to any defendant who
provides information leading to the arrest
and conviction of any dealer or wholesaler of
stolen merchandise, not less than the
amounts set forth in paragraphs (1) and (2) on
a real-time basis to any Federal, State, or
local government agency that has a regulatory
or law-enforcement interest in the goods.”
and conviction of any dealer or wholesaler of
stolen merchandise, not less than the
amounts set forth in paragraphs (1) and (2) on
a real-time basis to any Federal, State, or
local government agency that has a regulatory
or law-enforcement interest in the goods.

SEC. 15. SHARED DOCKSIDE INSPECTION FACIL-
ITY.—
(a) IN GENERAL.—The Secretary of
the Treasury, the Secretary of Agriculture,
the Secretary of Transportation, and the Attor-
ney General shall work with each other, the
Task Force established under section 17(b), to
establish shared dockside inspection facilities
at United States seaports for Federal and State
agencies.

(b) FUNDING.—Of the amounts made
available under section 17(b), there shall be
made available to the Secretary of the Transpor-
tation, without further appropriation, $1,000,000 for each of fiscal years 2003, 2004,
and 2005, to modify existing data bases to capture data
on cargo theft offenses and to make grants to
States to enhance data on cargo theft, such
sums to remain available until expended.

SEC. 16. IMPROVED CUSTOMS REPORTING PRO-
CEDURES.
In an manner that is consistent with the
promulgation of the manifesting and in-bond
regulations and with the phased-in imple-
mentation of those regulations in the devel-
opment of the Automated Commercial Envi-
ronment Project, the United States Customs
Service shall improve reporting of imports
at United States seaports—
(1) by promulgating regulations to require
notwithstanding the second sentence of sec-
tion 411(b) of the Tariff Act of 1930 (19 U.S.C.
1411(b)), all ocean manifests to be trans-
mittable electronically to the Service in sufficient
time for the information to be
used effectively by the Service;
(2) by promulgating regulations to require,
notwithstanding sections 552, 553, and 1641 of
such Act (19 U.S.C. 1552, 1553, and 1641), all
entries of goods, including in-bond entries,
to provide the same information required for
entries of goods released into the commerce
of the United States to the Service before the
goods are released for shipment from the
seaport of first arrival; and
(3) by distributing the information
described in paragraphs (1) and (2) on a real-
time basis to any Federal, State, or local
government agency that has a regulatory or
law-enforcement interest in the goods.

SEC. 17. 4-YEAR REAUTHORIZATION OF TONNAGE
DUTIES.
(a) IN GENERAL.—
(1) EXTENSION OF DUTIES.—Section 36 of
the Act of August 16, 1912 (36 Stat. 121; 46 U.S.
App. 121) is amended by striking “through
2002,” each place it appears and inserting “through
2006.”
(2) CONFORMING AMENDMENT.—The Act enti-
tled “An Act concerning tonnage duties on
vessels entering otherwise than by sea,” ap-
proved March 8, 1912 (36 Stat. 323; 46 U.S.
App. 125) is amended by striking “through
2002,” and inserting “through 2006.”
(b) AVAILABILITY OF FUNDS.—Amounts de-
posited in the general fund of the Treasury
as receipts of tonnage charges collected as a
result of the amendments made by sub-
section (a) shall be made available in each of
fiscal years 2003 through 2006 to carry out
this Act, as provided in sections 3(g), 4(f),
5(f), 8(d), 9(f), 10(c), 11(a), 14(d), and 15(b).

SEC. 18. DEFINITIONS.
In this Act:
(1) ADMINISTRATOR.—The term “Adminis-
trator” means the Administrator of the Mar-
time Administration.
(2) CAPTAIN-OF-THE-PORT.—The term “Cap-
tain-of-the-Port” means the United States
Coast Guard’s Captain-of-the-Port.
(3) COMMANDANT.—The term “Com-
mandant” means the Commandant of the
United States Coast Guard.
(4) SECURITIZATION.—As otherwise pro-
vided, the term “Securitization” means the Sec-
retary of Transportation.
that would-be providers face in financing child care facility development. Financial institutions often view child care projects as high risks for loan default.

In low-income neighborhoods, child care providers face severely restricted revenues and low real estate values. In urban areas, would-be child care providers must contend with buildings in poor physical condition and high property costs.

In all areas, reimbursement rates for child care subsidies are generally too low to cover the recovery cost of purchasing or developing facilities, especially after allowing for the cost of running the program. In addition, new providers often have no business training, and may need to learn how to manage their finances and business.

The Child Care Facilities Financing Act authorizes $50 million annually to fund enhancement of facilities for home- and center-based child care providers—including both center-based and home-based child care.

The financial assistance may be in the form of loans, grants, investments, or other assistance, allowing for flexibility depending on the situation of the child care provider. The assistance may be used for acquisition, construction, or renovation of child care facilities or equipment. It may also be used for improving child care management and business practices.

Grant funds under our legislation are required to be matched 50–50, further enhancing local capacity by leveraging Federal funding and creating valuable public/private partnerships. The added benefit in providing this kind of assistance is that it will spur further community and economic development by building local partnerships.

Reduced anxiety about child care means that parents can become more reliable and productive workers. An evaluation of California’s ‘welfare-to-work’ program found that mothers participating in the program were twice as likely to drop out during the first year if they expressed dissatisfaction with the child care provider or facility they were using.

Let me share with you an example from my state of Connecticut. In the Hill neighborhood of New Haven, one of the most underserved areas of the city, there are more than 2,500 children under the age of five, but just 200 licensed child care spaces, including family care.

LULAC Head Start has been serving the Hill neighborhood since 1983, operating a part-day, early childhood program out of a cramped and poorly lit church basement. This basement program could no longer be licensed by the state and was closed. The 54 children being served were moved to another location which is overcrowded.

Thanks to a collaboration between the Hill Development Corporation, LULAC Head Start and the New Haven Child Development Program, low-income families in the Hill community will have more access to affordable and high-quality child care services.

A new facility, the Hill Parent Child Center, is under construction and will provide multicultural child care, school readiness, and Head Start services for 172 low-income children in New Haven.

Fortunately for this Hill Community, Connecticut has a new child care financing program. Connecticut multi-Cities Local Initiatives Support Corporation and the National Child Care Initiative joined forces with the State of Connecticut to design a program to finance the development of child care facilities.

Unfortunately, there are many more children in New Haven and other parts of Connecticut as well as across the Nation who still need child care. Sadly, most States do not have a child care financing system in place.

We should do all we can to ensure that safe, adequate, quality child care is available for more families, particularly low-income families, so that we can truly leave no child behind. When the economic situation of families improve, distressed communities become revitalized.

Expanding the supply of quality child care is an important step in investing in the needs of families with young children.

I hope that you will join Senator DeVine and me in supporting this legislation to ensure that parents have as many choices as possible in selecting child care while they work. It is hard enough for low-income families to make ends meet without the additional anxiety of poor choices of care for their children.

I ask unanimous consent that a brief summary of the legislation be printed in the RECORD:

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

**THE CHILD CARE FACILITIES FINANCING ACT**

**THE PROBLEM**

Many low-income communities face a severe shortage of child care and equipment.

Child care providers in low-income areas often lack the access to capital and management expertise to expand the capacity and the quality of their programs.

A lack of stable child care threatens the ability of low-income parents to find and maintain stable employment.

Quality child care can really make a difference in a child’s ability to start school ready to learn.

**THE SOLUTION**

The Child Care Facilities Financing Act authorizes $50 million annually to fund grants and/or technical assistance to enhance the ability of home- and center-based child care providers to serve their communities. Funds will be used to provide:

- Financial assistance by intermediaries, in the form of loans, grants, and interest subsidies, for the acquisition, construction, or improvement of facilities for home- and center-based child care and technical assistance to improve business management and entrepreneurial skills to ensure long-term viability of child care providers.

The Child Care Facilities Financing Act requires that the federal investment be matched, dollar for dollar, by funds from the private sector, stimulating valuable public/private partnerships.

**BUILDING ON A PROVEN MODEL**

The Child Care Facilities Financing Act draws from the community development model—using small, seed-money investments to leverage existing community resources.

Tested in communities across the nation, this approach has been proven to be successful in expanding child care capacity:

- In New Haven, Connecticut, the Local Initiatives Support Corporation (LISC) established the Community Investment Collaborative for Kids—closing on $3.6 million in public/private financing to construct a new 10 room, 171 child Head Start and child care center on a vacant lot in a low-income neighborhood.
- The Ohio Community Development Finance Fund offers stable resources for planning, technical assistance and funding for the development of expanded quality child care. It leverages federal funds of $1.00 in public funding and has has touched the lives of over 13,000 Ohio children. Wonder World, an urban child care center in Akron, Ohio, was operating in a dingy and poorly lit space of an old church. Despite these conditions the center had a waiting list. With help from the Ohio Community Development Finance Fund, a new eight room Head Start and a new eight room child care center were constructed serving approximately 200 children.

**AMENDMENTS SUBMITTED AND PROPOSED**

**SA 1028.** Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (H.R. 2299), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; and for other purposes.

**SA 1029.** Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

**SA 1030.** Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

**SA 1031.** Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra, which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 1028.** Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (H.R. 2299), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows: On page 66, line 8, after the word “bus”, insert the following phrase: “as that term is defined in section 301 of the American with Disabilities Act of 1990 (42 U.S.C. §12111);”