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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

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

4 SEC. 2. PORT SECURITY TASK FORCE.

5 (a) ESTABLISHMENT.—The Secretary shall establish

6 a Port Security Task Force. The Task Force shall advise
and make recommendations to the Secretary regarding matters related to—

(1) implementing the provisions of this Act;
(2) coordinating programs to enhance the security and safety of United States seaports;
(3) providing long-term solutions for seaport security issues;
(4) coordinating the security operations of local seaport security committees;
(5) ensuring that the public and local seaport security committees are kept informed about seaport security enhancement developments;
(6) establishing conditions under which loan guarantees and grants are made; and
(7) consulting with the Coast Guard and the Maritime Administration in establishing port security program guidance.

(b) Membership.—

(1) In general.—The Task Force shall include representatives of the Coast Guard and the Maritime Administration.
(2) Other federal agencies.—The Secretary shall consult with the Secretary of the Treasury to invite the participation of the United States Customs Service, and may invite the participation of
other departments and agencies of the United States
with an interest in port security, port security-re-
lated matters, and border protection issues.

(3) **State and Local Government Representatives.**—The Secretary shall appoint to the
Task Force representatives of State and local law
enforcement agencies having an interest in port se-
curity issues.

(4) **Required Private Sector Representatives.**—The Task Force shall include representa-
tives, appointed by the Secretary, of—

(A) port authorities;
(B) management organizations;
(C) longshore labor organizations;
(D) ocean carriers;
(E) marine terminal operators;
(F) trucking companies;
(G) railroad companies;
(H) transportation labor organizations;
(I) transportation workers;
(J) ocean shippers;
(K) freight forwarding companies; and
(L) other representatives whose participa-
tion the Secretary considers beneficial.
(c) **SUBCOMMITTEES.**—The Task Force may establish subcommittees to facilitate consideration of specific issues, including port security border protection and maritime domain awareness issues.

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

(e) **EXEMPTION FROM FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Task Force.

(f) **ACCEPTANCE OF CONTRIBUTIONS; JOINT VENTURE ARRANGEMENTS.**—In carrying out 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.

(g) **FUNDING.**—Of the amounts made available under section 15(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.

SEC. 3. ESTABLISHMENT OF LOCAL PORT SECURITY COMMITTEES.

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

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

(2) to define the physical boundaries within which to conduct vulnerability assessments in recognition of the unique characteristics of each port;

(3) to review port security vulnerability assessments conducted under section 4;

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

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

(6) to conduct an exercise at least once every 3 years to verify the effectiveness of each port authority and marine terminal security plan; and

(7) to make recommendations and advise on security infrastructure needs.
(b) Membership.—In establishing those committees, the Secretary may use or augment any existing harbor safety committee or seaport readiness committee, but the membership of the seaport security committee shall include local or regional representatives of—

(1) the port authority;

(2) Federal, State and local government;

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

(4) longshore and transportation labor organizations;

(5) transportation workers;

(6) management organizations; and

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

(e) Chairman.—The local seaport security committee shall be chaired by the Captain-of-the-Port.

(d) Exemption from FACa.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a local seaport security committee.

(e) Acceptance of Contributions; Joint Venture Arrangements.—In carrying out its responsibilities under this Act, a local seaport security committee, or a member organization or representative acting with the committee’s consent, may accept contributions of
funds, material, services, and the use of personnel and fa-
cilities from public and private entities by contract or
other arrangement if the confidentiality of security-sen-
sitive information is maintained and access to such infor-
mation is limited appropriately.

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

SEC. 4. COAST GUARD PORT SECURITY VULNERABILITY AS-
SESSMENTS.

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

(b) INITIAL SCHEDULE.—The Secretary, in coopera-
tion with local port security committee officials with prop-
er security clearances, shall complete no fewer than 10
seaport security vulnerability assessments annually, until
it has completed such assessments for the 50 ports determined by the Secretary to be the most strategic or economically strategic ports in the United States. If a seaport security vulnerability assessment has been conducted within 5 years by or on behalf of a port authority or marine terminal operator, and the Secretary determines that it was conducted in a manner that is generally consistent with the standards and procedures developed under subsection (a), the Secretary may accept that assessment rather than conducting another seaport security vulnerability assessment for that port.

(c) REVIEW BY PORT AUTHORITY.—The Secretary shall make the seaport security vulnerability assessment for a seaport available for review and comment by members of the local port security committee with proper security clearances, marine terminal operator representatives with proper security clearances, and representatives of other entities with proper security clearances determined by the local port security committee to be connected or affiliated with marine commerce.

(d) MAPS AND CHARTS.—

(1) COLLECTION AND DISTRIBUTION.—The Secretary, working through local seaport security committees established under section 3 where appropriate, shall—
(A) collect, store securely, and maintain maps and charts of all United States seaports that clearly indicate the location of infrastructure and overt-security equipment;

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

(i) the Maritime Administration;

(ii) the United States Coast Guard;

(iii) the United States Customs Service;

(iv) the Department of Defense;

(v) the Federal Bureau of Investigation; and

(vi) the Immigration and Naturalization Service.

(2) OTHER AGENCIES.—The Secretary shall establish a process for providing relevant maps and charts collected under paragraph (1), and other relevant material, available, on a secure and confidential basis, to appropriate Federal, State, and local government agencies, and seaport authorities, for the purpose of obtaining the comments of those agencies before completing a seaport vulnerability assessment for each such seaport.
(3) Secure storage and limited access.—

The Secretary shall establish procedures that ensure that maps, charts, and other material made available to Federal, State, and local government agencies, seaport authorities, and local seaport security committees are maintained in a secure and confidential manner and that access thereto is limited appropriately.

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

(f) Funding.—Of the amounts made available under section 15(b) there shall be made available to the Sec-
retary $10,000,000 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. MARITIME TRANSPORTATION SECURITY PROGRAMS.

(a) IN GENERAL.—The Secretary shall initiate a rulemaking proceeding to prescribe regulations to protect the public from threats of crime or terrorism from or to vessels in maritime transportation originating or terminating in a United States seaport as well as threats of crime or terrorism to maritime or intermodal infrastructure directly associated with coastal, intercoastal, and inland marine terminals. In prescribing a regulation under this subsection, the Secretary shall—

   (1) consult with the Secretary of the Treasury, the Attorney General, the heads of other departments, agencies, and instrumentalities of the United States Government, State and local authorities, and the Task Force; and

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

      (A) protecting the public; and

      (B) the public interest in promoting maritime and intermodal transportation and commerce.
(b) Security Programs.—

(1) Program to be established.—Each port authority and marine terminal operator, or other entity determined by the local port security committee to be connected or affiliated with maritime commerce for an area designated under section 3(a)(2) 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 security program and capability at that seaport that is adequate to ensure the safety of the public from threats of crime and terrorism.

(3) 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—

(A) provisions for establishing and maintaining physical security for seaport areas and approaches;

(B) provisions for establishing and maintaining procedural security for processing passengers, cargo, and crewmembers;
(C) a credentialing process for the purpose of limiting access to coastal, intercoastal and inland marine terminals, designed to ensure that individuals and service providers have properly gained admittance;

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

(E) a process to restrict vehicular access to seaport areas and facilities, ensuring that credentialed persons have efficient and safe procedures for gaining admittance to seaport areas and related facilities;

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

(G) provisions for the use of qualified State and local law enforcement personnel, port authority law enforcement and security personnel, and private sector security personnel; and

(H) provision for offering a certification program for State and local law enforcement personnel, port authority law enforcement and security personnel, and private sector security 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 port authority, or an amendment to an existing program, that incorporates 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 Secretary on the port authority; and

(2) the methods the port authority will use to monitor and audit 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 Federal, 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 recog-
nize the Federal, 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 Federal, State, or local law.

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

(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, without
compromising national security, notify the port
authority or marine terminal operator, or other
entity determined by the local seaport security
committee to be connected or affiliated with
maritime commerce in writing of the reasons
for the disapproval; and

(B) the port authority or marine terminal
operator, or other entity determined by the local
seaport security committee to be connected or
affiliated with maritime commerce shall submit
a revised security plan within 6 months after receiving the notification of disapproval.

(f) 5-Year Reviews.—Whenever appropriate, but in no event 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) Use of IAFIS for Background Checks.—

(1) In General.—The Secretary shall initiate a rulemaking within 90 days after the date of enactment of this Act to establish a program under which a port authority or marine terminal operator may use an automated fingerprint identification system for employees first hired after the program is implemented who may have access to ocean manifests in the scope of their employment.

(2) Use of IAFIS.—Notwithstanding any provision of law to the contrary, the Secretary may access the Integrated Automated Fingerprint Identification System for the purpose of carrying out the requirements of this Act.

(3) Privacy and Procedural Safeguards.—

The program established by the Secretary under
paragraph (1) shall include provisions for protecting
the privacy of individuals whose fingerprints are ex-
amined, and incorporate the following principles:

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

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

(i) Murder.

(ii) Espionage.

(iii) Treason.

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

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

(vi) Theft.

(vii) Kidnapping.

(viii) Smuggling, including the smug-
gling of alien individuals.
(ix) Bribery.

(x) Rape.

(xi) Assault.

(xii) Conspiracy to commit any offense described in clause (i) through (xi).

(C) Any conviction for which an individual completed a term of imprisonment more than 10 years before the date of application for employment shall be ignored.

(D) Before an adverse determination is made about the employment of an individual because of the principle described in subparagraph (B)—

(i) consideration will be given to Federal and State mitigation remedies, parole, probation, pardon, and expungement procedures;

(ii) an inquiry will be made into the circumstances of the act or offense, the time elapsed since the act or offense was committed, any social or private restitution made by the individual who committed the act or offense, and any other mitigating circumstances; and
(iii) consideration shall be given to any other factors from which it may reasonably be concluded that the individual is unlikely to engage in criminal activity.

(E) An individual who is denied employment because of information obtained through the program will be given notice and an opportunity to appeal to the Administrator of the Maritime Administration or the Administrator’s designee.

(F) Any information, other than information on felony convictions described in subparagraph (B), shall be kept confidential by the investigating authority and may be used only for security purposes.

(4) REIMBURSEMENT.—The Secretary may require reimbursement from port authorities and marine terminal operators for use of the Integrated Automated Fingerprint Identification System.

(h) NO EROSION OF OTHER AUTHORITY.—Nothing in this section precludes any agency, instrumentality, or department of the United States Government from exercising, or limits its authority to exercise, any other statutory or regulatory authority to initiate or enforce seaport security standards.
SEC. 6. SECURITY PROGRAM GUIDANCE.

(a) In General.—The Secretary, in consultation with the Task Force, shall develop voluntary security guidance that will serve as a benchmark for the review of security plans that—

(1) are 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 promote commerce.

(b) Revision.—The Secretary, in consultation with the Task Force, 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 practices for physical security of seaport areas and approaches, procedural security for processing passengers, cargo, crewmembers, and other individuals seeking access to port facilities, and personnel security for individual employees and service providers.
(2) ACCESS TO SEAPORT AREAS AND FACILITIES.—The use of a credentials process, administered by public or private sector security services, designed to ensure that individuals and service providers have properly gained admittance to seaport areas and facilities.

(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, ensuring that credentialed persons have efficient and safe procedures for gaining admittance to seaport areas and related facilities.

(4) FIREARMS.—Restrictions on carrying firearms, and other prohibited weapons.

(5) CERTIFICATION OF SECURITY OFFICERS.—A security officer certification program to improve the professionalism of State and local law enforcement personnel, port authority law enforcement and security personnel, and private sector security personnel.
SEC. 7. INTERNATIONAL SEAPORT SECURITY.

(a) INTERNATIONAL APPLICATION.—The Secretary shall make every effort to have the guidance developed under section 6(a) adopted by appropriate international organizations as an international standard and shall, acting through appropriate officers of the United States Government, 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) INTERNATIONAL PORT SECURITY IMPROVEMENT ACTIVITIES.—

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

(2) IDENTIFICATION OF STRATEGIC FOREIGN PORTS.—The Secretary shall work with the Secretary of Defense and the Attorney General to identify those foreign seaports where inadequate security or a 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 Secretary 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.

(c) Funding.—Of the amounts made available under section 15(b) there shall be made available to the Secretary $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. 8. MARITIME SECURITY PROFESSIONAL TRAINING.

(a) In General.—The Secretary shall establish a program, in consultation with the Federal Law Enforcement Training Center, the Maritime Security Council, the International Association of Airport and Seaport Police, and the American Association of Port Authorities, to develop standards and procedures for training and certification of maritime security professionals.

(b) Establishment of Security Institute.—The Secretary shall establish the Maritime Security Institute 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) Maritime security professionals.

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

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

(A) at United States ports;

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

(C) in 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,
or eligible individuals employed in the public or private sector.

(2) The training and certification of maritime security professionals and eligible individuals employed in the public or private sector in accordance with internationally accepted law enforcement and 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 crew-members, to develop and enhance security awareness and practices.

(c) ANNUAL REPORT.—The Institute shall transmit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the expenditure of appropriated funds and the training and other activities of the Institute.
(f) FUNDING.—Of the amounts made available under
section 15(b), there shall be made available to the Sec-
retary, 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. 9. 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 the following:

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

   “(a) IN GENERAL.—The Secretary, under section
   1103(a) and subject to the terms the Secretary shall pre-
   scribe and after consultation with the Coast Guard, the
   United States Customs Service, and the Port Security
   Task Force established under section 2 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 an eligible project for purposes of 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. GRANTS.

(a) Financial Assistance.—The Secretary may provide financial assistance for eligible projects (within the meaning of that term under 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 may be provided by in-kind contributions and other noncash support.

(2) Exceptions.—

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

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

(c) Allocation.—The Secretary shall ensure that financial assistance provided under subsection (a) during
a fiscal year is distributed so that funds are awarded for eligible projects that address emerging priorities or threats identified by the Task Force under section 4 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.

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

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

“(7) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this title.”.
(b) **ANNUAL ACCOUNTING.**—The Secretary of Trans-
portation shall submit an annual summary of loan guaran-
tees and commitments to make loan guarantees under sec-
tion 1113 of the Merchant Marine Act, 1936 and grants 
made under section 1114 of that Act, as amended by this 
Act, to the Task Force. The Task Force shall make that 
information available to the public and to local seaport se-
curity committees through appropriate media of commu-
ication, including the Internet.

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

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

2. $10,000,000 for each of such fiscal years 
   for grants under section 1114 of the Merchant Ma-
   rine Act, 1936, as amended by this Act, and

3. $2,000,000 for each such fiscal year to 
   cover administrative expenses related to loan guar-
   antees and grants,

such amounts to remain available until expended.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
tion to the amounts made available under subsection
(c)(2), there are authorized to be appropriated to the Secretary of Transportation for grants under section 1114 of the Merchant Marine Act, 1936, as amended by this Act, $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006.

SEC. 10. SCREENING AND DETECTION EQUIPMENT.

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

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

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

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

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

such sums to remain available until expended.

(b) ACCOUNTING.—The Secretary shall submit a report for each such fiscal year to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the expenditure of funds appropriated pursuant to this section.
SEC. 11. ANNUAL REPORT ON MARITIME SECURITY AND TERRORISM.

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

SEC. 12. REVISION OF PORT SECURITY PLANNING GUIDE.

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

SEC. 13. 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 crime at or affecting such seaports;

(2) evaluate the feasibility of capturing data on cargo theft offenses (including such offenses occurring outside such seaports) that would indicate the port of entry, the port where the shipment originated, and where the theft occurred, and maintaining the confidentiality of shipper and carrier unless voluntarily disclosed, and, if feasible, implement its capture;

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

   (A) establish an outreach program to work with State law enforcement officials to harmonize the reporting of data on cargo theft among the States and with the United States government’s reports; and

   (B) if the harmonization of the reporting of such data among the States is not feasible, evaluate the feasibility of using private databases on cargo theft and disseminating cargo
theft information that maintains the confidentiality of shipper and carrier to the Captain of the Port of the port of entry for further dissemination to appropriate law enforcement officials; and

(4) restrict the use of all data captured or disseminated under this subsection to use by law enforcement authorities for law enforcement or port security measures.

(b) REPORT ON FEASIBILITY.—The Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 1 year after the date of enactment of this Act on the feasibility of each activity authorized by subsection (a).

(c) FUNDING.—Out of amounts made available under section 15(b), there shall be made available to the Secretary of Transportation, without further appropriation, $1,000,000 for each of fiscal years 2003, 2004, 2005, and 2006, to modify existing data bases to capture data on cargo theft offenses and to make grants to States to harmonize data on cargo theft, such sums to remain available until expended.
SEC. 14. SHARED DOCKSIDE INSPECTION FACILITIES.

(a) In General.—The Secretary of Transportation and the heads of other Federal departments and agencies shall work with each other, the Task Force, and the States to establish shared dockside inspection facilities at United States seaports for Federal and State agencies.

(b) Funding.—Of the amounts made available under section 15(b), there shall be made available to the Secretary of the Transportation, without further appropriation, $1,000,000 for each of fiscal years 2003, 2004, 2005, and 2006, such sums to remain available until expended, to establish shared dockside inspection facilities at United States seaports in consultation with the Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General.

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

(a) In General.—


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

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

SEC. 16. DEFINITIONS.

In this Act:

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

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

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