

107TH CONGRESS
2D SESSION

H. R. 3621

To improve the security of seaports and the marine environment to promote public safety and commerce.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2002

Mr. VITTER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and the Judiciary, 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 improve the security of seaports and the marine environment to promote public safety and commerce.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Port Security and Terrorism Prevention Act”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—PORT AND MARITIME SECURITY

Sec. 101. National Maritime Security Advisory Committee.

Sec. 102. Initial security evaluations and port vulnerability assessments.

- Sec. 103. Establishment of local port security committees.
- Sec. 104. Maritime facility security plans.
- Sec. 105. Employment investigations and restrictions for security-sensitive positions.
- Sec. 106. Maritime domain awareness.
- Sec. 107. International port security.
- Sec. 108. Maritime security professional training.
- Sec. 109. Port security infrastructure improvement.
- Sec. 110. Security of cargo.
- Sec. 111. Revision of port security planning guide.
- Sec. 112. Shared dockside inspection facilities.
- Sec. 113. Mandatory advanced electronic information for cargo.
- Sec. 114. Prearrival messages from vessels destined to United States ports.
- Sec. 115. Maritime safety and security teams.
- Sec. 116. Extension of seaward jurisdiction.
- Sec. 117. Suspension of limitation on strength of Coast Guard.
- Sec. 118. Definitions.

TITLE II—ADDITIONAL MARITIME SAFETY AND SECURITY RELATED MEASURES

- Sec. 201. Destruction or interference with vessels or maritime facilities.
- Sec. 202. Sanctions for failure to heave to; sanctions for obstruction of boarding and providing false information.
- Sec. 203. Extension of Deepwater Port Act to natural gas.
- Sec. 204. Assignment of Coast Guard personnel as sea marshals and enhanced use of other security personnel.
- Sec. 205. National maritime transportation security plan.
- Sec. 206. Vessel security plans.
- Sec. 207. Protection of security-related information.
- Sec. 208. Enhanced crewmember identification.
- Sec. 209. Piracy and privateering.
- Sec. 210. Criminal sanctions for violence against maritime navigation, placement of destructive devices, and malicious dumping.

1 **TITLE I—PORT AND MARITIME** 2 **SECURITY**

3 **SEC. 101. NATIONAL MARITIME SECURITY ADVISORY COM-** 4 **MITTEE.**

5 (a) IN GENERAL.—Section 7 of the Ports and Water-
6 ways Safety Act (33 U.S.C. 1226) is amended by adding
7 at the end the following:

8 “(d) NATIONAL MARITIME SECURITY ADVISORY
9 COMMITTEE.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a National Maritime Security Advisory Com-
3 mittee, comprised of not more than 21 members ap-
4 pointed by the Secretary. The Secretary may require
5 that a prospective member undergo a background
6 check or obtain an appropriate security clearance be-
7 fore appointment.

8 “(2) ORGANIZATION.—The Secretary—

9 “(A) shall designate a chairperson of the
10 Advisory Committee;

11 “(B) shall approve a charter, including
12 such procedures and rules as the Secretary
13 deems necessary for the operation of the Advi-
14 sory Committee;

15 “(C) may establish subcommittees to facili-
16 tate consideration of specific issues, including
17 maritime and port security, border protection,
18 and maritime domain awareness issues, the po-
19 tential effects on national energy security, the
20 United States economy, and the environment of
21 disruptions of crude oil, refined petroleum prod-
22 ucts, liquified natural gas, and other energy
23 sources; and

24 “(D) may invite the participation of other
25 Federal agencies and of State and local govern-

1 ment agencies of State, including law enforce-
2 ment agencies, with an interest or expertise in
3 anti-terrorism or maritime and port security
4 and safety related issues.

5 “(3) MATERIAL AND MISSION SUPPORT.—In
6 carrying out this subsection, the Secretary may ac-
7 cept contributions of funds, material, services, and
8 the use of personnel and facilities from public or pri-
9 vate entities, by contract or other arrangement, if
10 the confidentiality of security-sensitive information is
11 maintained and access to such information is limited
12 appropriately. The Secretary shall deposit any funds
13 accepted under this paragraph as miscellaneous re-
14 ceipts in the general fund of the Treasury.

15 “(4) FUNCTIONS.—The Advisory Committee
16 shall—

17 “(A) advise, consult with, and make rec-
18 ommendations to the Secretary on ways to en-
19 hance the security and safety of United States
20 ports; and

21 “(B) provide advice and recommendations
22 to the Secretary on matters related to maritime
23 and port security and safety, including—

24 “(i) long-term solutions for maritime
25 and port security issues;

1 “(ii) coordination of security and safe-
2 ty operations and information between and
3 among Federal, State, and local govern-
4 ments and area and local port security
5 committees and harbor safety committees;

6 “(iii) conditions for maritime security
7 and safety grants;

8 “(iv) development of a National Mari-
9 time Transportation Security Plan;

10 “(v) development and implementation
11 of local maritime security plans;

12 “(vi) protection of port energy trans-
13 portation facilities; and

14 “(vii) helping to ensure that the pub-
15 lic and area and local port security com-
16 mittees are kept informed about maritime
17 security enhancement developments.

18 “(5) TERMINATION.—The Advisory Committee
19 shall terminate on September 30, 2005.”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Secretary such sums
22 as may be necessary to carry out section 7(d) of the Ports
23 and Waterways Safety Act (as added by subsection (a)
24 of this section), such sums to remain available until ex-
25 pended.

1 **SEC. 102. INITIAL SECURITY EVALUATIONS AND PORT VUL-**
2 **NERABILITY ASSESSMENTS.**

3 Section 7 of the Ports and Waterways Safety Act (33
4 U.S.C. 1226) is further amended by adding at the end
5 the following:

6 “(e) INITIAL SECURITY EVALUATIONS AND PORT
7 VULNERABILITY ASSESSMENTS.—

8 “(1) DEVELOPMENT OF STANDARDS.—The Sec-
9 retary, in consultation with appropriate public and
10 private sector officials and organizations, shall de-
11 velop standards and procedures for conducting ini-
12 tial security evaluations and port vulnerability as-
13 sessments.

14 “(2) INITIAL SECURITY EVALUATIONS.—The
15 Secretary shall conduct an initial security evaluation
16 of all port authorities, waterfront facilities, and pub-
17 lic or commercial structures located within or adja-
18 cent to the marine environment. The Secretary shall
19 consult the local port security committee while devel-
20 oping the initial security evaluation, and may require
21 each port authority, waterfront facility operator, or
22 operator of a public or commercial structure located
23 within or adjacent to the marine environment to
24 submit security information for review by the local
25 port security committee.

1 “(3) PORT VULNERABILITY ASSESSMENTS.—

2 The Secretary shall review initial security evalua-
3 tions and conduct a port vulnerability assessment for
4 each port for which the Secretary determines such
5 an assessment is appropriate. If a port vulnerability
6 assessment has been conducted within 5 years by or
7 on behalf of a port authority or marine terminal op-
8 erator, and the Secretary determines that it was
9 conducted in a manner that is generally consistent
10 with the standards and procedures specified under
11 this subsection, the Secretary may accept that as-
12 sessment rather than conducting another port vul-
13 nerability assessment for that port.

14 “(4) REVIEW AND COMMENT OPPORTUNITY.—

15 The Secretary shall make each initial security eval-
16 uation and port vulnerability assessment for a port
17 available for review and comment by the local port
18 security committee, officials of the port authority,
19 marine terminal operator representatives, and rep-
20 resentatives of other entities connected to or affili-
21 ated with maritime commerce or port security as the
22 Secretary determines to be appropriate, based on the
23 recommendations of the local port security com-
24 mittee.

1 “(5) UNAUTHORIZED DISCLOSURE.—The Sec-
2 retary shall ensure that all initial security evalua-
3 tions, port vulnerability assessments, and any associ-
4 ated materials are properly safeguarded from unau-
5 thorized disclosure.

6 “(6) MATERIAL AND MISSION SUPPORT.—In
7 carrying out responsibilities under this subsection,
8 the Secretary may accept contributions of funds,
9 material, services, and the use of personnel and fa-
10 cilities from public and private entities by contract
11 or other arrangement if the confidentiality of secu-
12 rity-sensitive information is maintained and access
13 to such information is limited appropriately. The
14 Secretary shall deposit any funds accepted under
15 this paragraph as miscellaneous receipts in the gen-
16 eral fund of the Treasury.”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Secretary
19 \$10,000,000 for each of fiscal years 2002 through 2006
20 to carry out section 7(e) of the Ports and Waterways Safe-
21 ty Act (as added by this subsection (a) of this section),
22 such sums to remain available until expended.

23 (c) SECURITY ASSESSMENT METHODOLOGY
24 PROJECT.—

1 (1) IN GENERAL.—The Secretary, in coopera-
2 tion with the team described in paragraph (4), shall
3 carry out a demonstration project to assist the Port
4 of Baton Rouge, Louisiana, in the development of a
5 security assessment methodology (in this subsection
6 referred to as the “SAM”) and a training program
7 to implement the SAM.

8 (2) ELEMENTS OF PROJECT.—The project shall
9 have the following elements:

10 (A) Development of the SAM and a train-
11 ing program to implement the SAM.

12 (B) Training of the personnel of the Port
13 of Baton Rouge in use of the SAM.

14 (C) Use of the SAM to conduct a security
15 assessment of the Port’s facilities.

16 (D) Documentation of the assessment re-
17 sults, conclusions, and any needed actions to
18 address unacceptable security risks at the Port
19 and making the results available to appropriate
20 public safety agency personnel.

21 (3) PURPOSE.—The SAM shall assess the abil-
22 ity of a port to—

23 (A) detect terrorist or criminal activity;

24 (B) after detection of such activity, ade-
25 quately respond to prevent successful comple-

1 tion of the activity or to reduce the con-
2 sequences of the activity to acceptable levels;
3 and

4 (C) provide capabilities to mitigate the
5 consequences of the activity.

6 (4) SAM TEAM MEMBERS.—The Secretary shall
7 carry out the project in cooperation with—

8 (A) the Coast Guard;

9 (B) the Defense Threat Reduction Agency;

10 (C) the Louisiana State University
11 Counter Terrorist Academy;

12 (D) the Center for Civil Force Protection
13 of the Department of Justice;

14 (E) Louisiana State Police; and

15 (F) Southern University.

16 (5) AUTHORIZATION OF APPROPRIATIONS.—

17 There is authorized to be appropriated to the Sec-
18 retary to carry out this subsection \$2,000,000 for
19 fiscal year 2002, \$5,000,000 for fiscal year 2003,
20 \$10,000,000 for fiscal year 2004, and \$7,000,000
21 for fiscal year 2005. Such sums shall remain avail-
22 able until expended.

1 **SEC. 103. ESTABLISHMENT OF LOCAL PORT SECURITY**
2 **COMMITTEES.**

3 (a) IN GENERAL.—Section 7 of the Ports and Water-
4 ways Safety Act (33 U.S.C. 1226) is further amended by
5 adding at the end the following:

6 “(f) LOCAL PORT SECURITY COMMITTEES.—

7 “(1) ESTABLISHMENT.—The Secretary shall es-
8 tablish local port security committees.

9 “(2) FUNCTIONS.—A local port security com-
10 mittee established under this subsection shall—

11 “(A) help coordinate planning and other
12 port security activities;

13 “(B) help make use of, and disseminate
14 the information made available under this sec-
15 tion;

16 “(C) make recommendations concerning
17 initial security evaluations and port vulner-
18 ability assessments by identifying the unique
19 characteristics of each port;

20 “(D) assist in the review of port vulner-
21 ability assessments promulgated under this sec-
22 tion;

23 “(E) assist in implementing the guidance
24 promulgated under this section;

25 “(F) annually review maritime security
26 plans for each local port authority, waterfront

1 facility operator, or operator of a public or com-
2 mercial structure located within or adjacent to
3 the marine environment; and

4 “(G) assist the Captain-of-the-Port in con-
5 ducting a field security exercise at least once
6 every 3 years to verify the effectiveness of one
7 or more maritime security plans for a local port
8 authority, waterfront facility operator, or oper-
9 ator of a public or commercial structure located
10 within or adjacent to the marine environment.

11 “(3) USE OF EXISTING COMMITTEES.—In es-
12 tablishing these local port security committees, the
13 Secretary may use or augment any existing port or
14 harbor safety committee or port readiness com-
15 mittee, if the membership of the port security com-
16 mittee includes representatives of—

17 “(A) the port authority or authorities;

18 “(B) Federal, State, and local government;

19 “(C) Federal, State, and local law enforce-
20 ment agencies;

21 “(D) longshore labor organizations or
22 transportation workers;

23 “(E) local port-related business officials or
24 management organizations;

1 “(F) shipping companies, vessel owners,
2 terminal owners and operators, truck, rail and
3 pipeline operators, where such are in operation;
4 and

5 “(G) other persons or organizations whose
6 inclusion is deemed beneficial by the Captain-
7 of-the-Port or the Secretary.

8 “(4) CHAIR.—Each local port security com-
9 mittee shall be chaired by the Captain-of-the-Port.

10 “(5) JURISDICTION.—Each port may have a
11 separate port security committee or, at the discre-
12 tion of the Captain-of-the-Port, a Captain-of-the-
13 Port zone may have a single port security committee
14 covering all ports within that zone.

15 “(6) QUARTERLY MEETINGS.—The port secu-
16 rity committee shall meet at least 4 times each year
17 at the call of the Chairperson.

18 “(7) FACA NOT APPLICABLE.—The Federal
19 Advisory Committee Act (5 U.S.C. App.) does not
20 apply to a port security committee established under
21 this subsection.

22 “(8) MATERIAL AND MISSION SUPPORT.—In
23 carrying out responsibilities under this subsection,
24 the Secretary may accept contributions of funds,
25 material, services, and the use of personnel and fa-

1 facilities from public and private entities by contract
2 or other arrangement if the confidentiality of secu-
3 rity-sensitive information is maintained and access
4 to such information is limited appropriately. The
5 Secretary shall deposit any funds accepted under
6 this paragraph as miscellaneous receipts in the gen-
7 eral fund of the United States Treasury.”.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Secretary \$5,000,000
10 for fiscal year 2002, \$8,000,000 for fiscal year 2003, and
11 \$5,000,000 for each of fiscal years 2004 through 2006
12 to carry out section 7(f) of the Ports and Waterways Safe-
13 ty Act (as added by subsection (a) of this section), such
14 sums to remain available until expended.

15 **SEC. 104. MARITIME FACILITY SECURITY PLANS.**

16 (a) IN GENERAL.—Section 7 of the Ports and Water-
17 ways Safety Act (33 U.S.C. 1226) is further amended by
18 adding at the end the following:

19 “(g) MARITIME FACILITY SECURITY PLANS.—

20 “(1) REGULATIONS TO ESTABLISH REQUIRE-
21 MENT.—The Secretary, after consultation with the
22 Secretary of the Treasury and the Attorney General,
23 shall issue regulations establishing requirements for
24 submission of a maritime facility security plan, as
25 the Secretary determines necessary, by each port au-

1 thority, waterfront facility operator, or operator of a
2 public or commercial structure located within or ad-
3 jacent to the marine environment (as defined in sec-
4 tion 2101(15) of title 46, United States Code). The
5 Secretary shall ensure that the local port security
6 committee is consulted in the development of a mari-
7 time facility security plan under those regulations.

8 “(2) PURPOSE; SPECIFICITY; CONTENT.—

9 “(A) PURPOSE.—A maritime facility secu-
10 rity plan shall provide a law enforcement pro-
11 gram and capability at the port that is ade-
12 quate to safeguard the public and to improve
13 the response to threats of crime and terrorism.

14 “(B) SPECIFICITY.—Notwithstanding
15 other provisions of this Act, the Secretary may
16 impose specific, or different requirements on in-
17 dividual ports, port authorities, marine terminal
18 operators or other entities required to submit a
19 maritime facility security plan under regula-
20 tions promulgated under this subsection.

21 “(3) INCORPORATION OF EXISTING SECURITY
22 PLANS.—The Secretary may approve a maritime fa-
23 cility security plan, or an amendment to an existing
24 program or plan, that incorporates—

1 “(A) a security program of a marine ter-
2 minal operator tenant with access to a secured
3 area of the port, under such conditions as the
4 Secretary deems appropriate; or

5 “(B) a maritime facility security plan of a
6 port authority that incorporates a State or local
7 security program, policy, or law.

8 “(4) APPROVAL PROCESS.—

9 “(A) IN GENERAL.—The Secretary, in con-
10 sultation with the appropriate local port secu-
11 rity committee established under subsection (f),
12 shall review and approve or disapprove each
13 maritime facility security plan submitted under
14 regulations promulgated under this subsection.

15 “(B) RESUBMISSION OF DISAPPROVED
16 PLANS.—If the Secretary disapproves a mari-
17 time facility security plan—

18 “(i) the Secretary shall notify the plan
19 submitter in writing of the reasons for the
20 disapproval; and

21 “(ii) the submitter shall submit a re-
22 vised maritime facility security plan within
23 180 days after receiving the notification of
24 disapproval.

1 “(5) PERIODIC REVIEW AND RESUBMISSION.—

2 Whenever appropriate, but no less frequently than
3 once every 5 years, each port authority, marine ter-
4 minal operator, or other entity required to submit a
5 maritime facility security plan under regulations
6 promulgated under this subsection shall review its
7 plan, make necessary or appropriate revisions, and
8 submit the results of its review and revised plan to
9 the Secretary.

10 “(6) INTERIM SECURITY MEASURES.—The Sec-

11 retary shall require each port authority, waterfront
12 facility operator, or operator of a public or commer-
13 cial structure located within or adjacent to the ma-
14 rine environment to implement any necessary secu-
15 rity measures until the maritime facility security
16 plan for that port authority, waterfront facility oper-
17 ator, or operator of a public or commercial structure
18 located within or adjacent to the marine environ-
19 ment is approved.”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is

21 authorized to be appropriated to the Secretary \$3,500,000
22 for each of fiscal years 2002 through 2006 to carry out
23 section 7(g) of the Ports and Waterways Safety Act (as
24 added by subsection (a) of this section), such sums to re-
25 main available until expended.

1 **SEC. 105. EMPLOYMENT INVESTIGATIONS AND RESTRIC-**
 2 **TIONS FOR SECURITY-SENSITIVE POSITIONS.**

3 Section 7 of the Ports and Waterways Safety Act (33
 4 U.S.C. 1226) is further amended by adding at the end
 5 the following:

6 “(h) DESIGNATION OF CONTROLLED ACCESS AREAS;
 7 PROTECTION OF SECURITY-SENSITIVE INFORMATION;
 8 EMPLOYMENT INVESTIGATIONS AND CRIMINAL HISTORY
 9 RECORD CHECKS.—

10 “(1) ACCESS AREAS; RESTRICTED INFORMA-
 11 TION REGULATIONS.—The Secretary, after consulta-
 12 tion with the Secretary of the Treasury and the At-
 13 torney General, shall prescribe regulations to—

14 “(A) require, as necessary, the designation
 15 of controlled access areas in the maritime facil-
 16 ity security plan for each waterfront facility and
 17 other public or commercial structure located
 18 within or adjacent to the marine environment;
 19 and

20 “(B) limit access to security-sensitive in-
 21 formation, such as passenger and cargo mani-
 22 fests.

23 “(2) SCREENING; BACKGROUND CHECKS.—In
 24 prescribing access limitations under this section, the
 25 Secretary may—

1 “(A) require that persons entering or
2 exiting secure, restricted, or controlled access
3 areas undergo physical screening;

4 “(B) require appropriate escorts for per-
5 sons without proper clearances or credentials;
6 and

7 “(C) require employment investigations
8 and criminal history record checks to ensure
9 that individuals who have unrestricted access to
10 controlled areas or have access to security-sen-
11 sitive information do not pose a threat to na-
12 tional security or to the safety and security of
13 maritime commerce.

14 “(3) DISQUALIFICATION FROM NEW OR CON-
15 TINUED EMPLOYMENT.—An individual may not be
16 employed in a security-sensitive position at any wa-
17 terfront facility or other public or commercial struc-
18 ture located within or adjacent to the marine envi-
19 ronment if—

20 “(A) the individual does not meet other
21 criteria established by the Secretary; or

22 “(B) a background investigation or crimi-
23 nal records check reveals that the individual
24 was convicted, or found not guilty by reason of

1 insanity, of an offense described in paragraph
2 (4).

3 “(4) DISQUALIFYING OFFENSES.—The offenses
4 referred to in paragraph (3)(B) are the following:

5 “(A) Murder.

6 “(B) Assault with intent to murder.

7 “(C) Espionage.

8 “(D) Sedition.

9 “(E) Treason.

10 “(F) Rape.

11 “(G) Kidnaping.

12 “(H) Unlawful possession, sale, distribu-
13 tion, importation, or manufacture of an explo-
14 sive or weapon.

15 “(I) Extortion.

16 “(J) Armed or felony unarmed robbery.

17 “(K) Importation, manufacture, or dis-
18 tribution of, or intent to distribute, a controlled
19 substance.

20 “(L) A felony involving a threat.

21 “(M) A felony involving willful destruction
22 of property.

23 “(N) Smuggling.

24 “(O) Theft of property in the custody of
25 the United States Customs Service.

1 “(P) Attempt to commit, or conspiracy to
2 commit any of the offenses referred to in sub-
3 paragraphs (A) through (O).

4 “(5) ALTERNATIVE ARRANGEMENTS.—Notwith-
5 standing paragraph (1), an individual may be em-
6 ployed in a security-sensitive position although that
7 individual would otherwise be disqualified from such
8 employment if the employer establishes alternate se-
9 curity arrangements acceptable to the Secretary.

10 “(6) ACCESS TO DATABASES.—Notwithstanding
11 any other provision of law to the contrary, but sub-
12 ject to existing or new procedural safeguards im-
13 posed by the Attorney General, the Secretary is au-
14 thorized to access the Federal Bureau of Investiga-
15 tion’s Integrated Automatic Fingerprinting Identifi-
16 cation System, the Fingerprint Identification
17 Record System, the Interstate Identification Index,
18 the National Crime Identification System, and the
19 Integrated Entry and Exit Data System for the pur-
20 pose of conducting or verifying the results of any
21 background investigation or criminal records check
22 required by this subsection.

23 “(7) RESTRICTIONS ON USE AND MAINTENANCE
24 OF INFORMATION.—

1 “(A) SECRETARY MAY GIVE RESULTS OF
2 INVESTIGATION TO EMPLOYERS.—The Sec-
3 retary may transmit the results of a back-
4 ground check or criminal records check to a
5 port authority, marine terminal operator, or
6 other entity the Secretary determines necessary
7 for carrying out the requirements of this sub-
8 section.

9 “(B) FOIA NOT TO APPLY.—Information
10 obtained by the Secretary under this subsection
11 may not be made available to the public under
12 section 552 of title 5, United States Code.

13 “(C) CONFIDENTIALITY.—Except to the
14 extent necessary to carry out this subsection,
15 any information other than criminal acts or of-
16 fenses constituting grounds for ineligibility for
17 employment under paragraph (3) shall be main-
18 tained confidentially by the Secretary and may
19 be used only for making determinations under
20 this section.

21 “(8) EFFECTIVENESS AUDITS.—The Secretary
22 shall provide for the periodic audit of the effective-
23 ness of employment investigations and criminal his-
24 tory record checks required by this subsection.

1 “(9) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to the Sec-
3 retary such sums as may be necessary to carry out
4 this subsection.”.

5 **SEC. 106. MARITIME DOMAIN AWARENESS.**

6 (a) IN GENERAL.—The Secretary shall conduct a
7 study on ways to enhance maritime domain awareness
8 through improved collection and coordination of maritime
9 intelligence and submit a report on the findings of that
10 study to the Committees on Commerce, Science, and
11 Transportation and Appropriations of the Senate and the
12 Committees on Transportation and Infrastructure and
13 Appropriations of the House of Representatives.

14 (b) SPECIFIC MATTERS TO BE ADDRESSED.—In the
15 study, the Secretary shall—

16 (1) identify actions, funding, and other re-
17 sources necessary for multi-agency cooperative ef-
18 forts to improve the maritime security of the United
19 States;

20 (2) specifically address measures necessary to
21 ensure the effective collection, dissemination, and in-
22 terpretation of maritime intelligence and data, infor-
23 mation resource management and database require-
24 ments, architectural measures for cross-agency inte-
25 gration, data sharing, correlation and safeguarding

1 of data, and cooperative analysis to identify and ef-
2 fectively respond to threats to maritime security;

3 (3) estimate the potential costs of establishing
4 and operating such a new or linked database and
5 provides recommendations on what agencies should
6 contribute to the cost of its operation;

7 (4) estimate of potential costs and benefits of
8 utilizing commercial supercomputing platforms and
9 data bases to enhance information collection and
10 analysis capabilities across multiple Federal agen-
11 cies; and

12 (5) provide a suggested time frame for the de-
13 velopment of such a system or database.

14 (c) PARTICIPATION OF OTHER AGENCIES.—The Sec-
15 retary shall consult with the Director of Central Intel-
16 ligence, the Secretary of State, the Secretary of the Treas-
17 ury, the Secretary of Defense, the Attorney General, the
18 Secretary of Agriculture, the Secretary of Commerce, the
19 Secretary of Energy, the Director of the Federal Emer-
20 gency Management Agency, and the heads of other depart-
21 ments and agencies as necessary and invite their participa-
22 tion in the preparation of the study and report required
23 by subsection (a).

1 (d) DEADLINE.—The Secretary shall submit the re-
 2 port required by subsection (a) within 180 days after the
 3 date of enactment of this Act.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 authorized to be appropriated to the Secretary \$500,000
 6 in fiscal year 2002 to carry out this section.

7 **SEC. 107. INTERNATIONAL PORT SECURITY.**

8 (a) IN GENERAL.—Part A of subtitle II of title 46,
 9 United States Code, is amended by adding at the end the
 10 following:

11 **“CHAPTER 25—INTERNATIONAL PORT SECURITY**

“Sec.

“2501. Assessment.

“2502. Notifying foreign authorities.

“2503. Actions when ports not maintaining and carrying out effective security
 measures.

“2504. Travel advisories concerning security at foreign ports.

“2505. Suspensions.

“2506. Acceptance of contributions; joint venture arrangements.

12 **“§ 2501. Assessment**

13 “(a) IN GENERAL.—At intervals the Secretary of
 14 Transportation considers necessary, the Secretary shall
 15 assess the effectiveness of the security measures main-
 16 tained at—

17 “(1) a foreign port—

18 “(A) served by vessels of the United
 19 States;

20 “(B) from which foreign vessels serve the
 21 United States; or

1 “(C) that poses a high risk of introducing
2 danger to United States ports and waterways,
3 United States citizens, vessels of the United
4 States, or any other United States interests;
5 and

6 “(2) any other foreign port the Secretary con-
7 siders appropriate.

8 “(b) PROCEDURES AND STANDARDS.—As the Sec-
9 retary determines necessary for security purposes, the
10 Secretary shall conduct an assessment under subsection
11 (a)—

12 “(1) in consultation with appropriate authori-
13 ties of the government of the foreign country con-
14 cerned and operators of vessels of the United States
15 serving the foreign port for which the Secretary is
16 conducting the assessment;

17 “(2) to establish the extent to which a foreign
18 port effectively maintains and carries out inter-
19 nationally recognized security measures; and

20 “(3) by using a standard based on the stand-
21 ards for port security and recommended practices of
22 the International Maritime Organization and other
23 appropriate international organizations.

24 “(c) CONSULTATION.—In carrying out this section,
25 the Secretary shall consult with—

1 “(1) the Secretary of State—

2 “(A) on the terrorist or relevant criminal
3 threat that exists in each country involved; and

4 “(B) identify foreign ports that—

5 “(i) are not under the de facto control
6 of the government of the foreign country in
7 which they are located; and

8 “(ii) pose a high risk of introducing
9 danger to international maritime com-
10 merce; and

11 “(2) the Secretary of the Treasury and coordi-
12 nate any such assessment with the United States
13 Customs Service.

14 **“§ 2502. Notifying foreign authorities**

15 “(a) DISSEMINATION OF INFORMATION ABOUT THE
16 PROGRAM.—The Secretary shall work with the Secretary
17 of State to facilitate the dissemination of port security
18 program information to port authorities and marine ter-
19 minal operators in other countries.

20 “(b) SPECIFIC NOTIFICATIONS.—If the Secretary of
21 Transportation, after conducting an assessment under sec-
22 tion 2501, finds that a port does not maintain and carry
23 out effective security measures, the Secretary, through the
24 Secretary of State, shall notify the appropriate authorities
25 of the government of the foreign country of the finding

1 and recommend the steps necessary to bring the security
2 measures in use at the port up to the standard used by
3 the Secretary of Transportation in making the assess-
4 ment.

5 **“§ 2503. Actions when ports not maintaining and car-**
6 **rying out effective security measures**

7 “(a) IN GENERAL.—If the Secretary of Transpor-
8 tation finds that a port does not maintain and carry out
9 effective security measures, the Secretary shall—

10 “(1) in consultation with the Secretaries of
11 State, Treasury, Agriculture, and the Attorney Gen-
12 eral, develop measures to protect the safety and se-
13 curity of United States ports from risks related to
14 vessels arriving from a foreign port that does not
15 maintain an acceptable level of security;

16 “(2) have the identity of the port posted and
17 displayed prominently at all United States ports at
18 which scheduled passenger carriage is provided regu-
19 larly to that port; and

20 “(3) require each United States and foreign
21 vessel providing transportation between the United
22 States and the port to provide written notice of the
23 decision, on or with the ticket, to each passenger
24 buying a ticket for transportation between the
25 United States and the port;

1 “(b) STATE DEPARTMENT TO BE NOTIFIED.—The
2 Secretary immediately shall notify the Secretary of State
3 of a finding that a port does not maintain and carry out
4 effective security measures so that the Secretary of State
5 may issue a travel advisory.

6 “(c) CONGRESSIONAL NOTIFICATION REQUIRED.—
7 The Secretary promptly shall submit to Congress a report
8 (and classified annex if necessary) identifying any port
9 that the Secretary finds does not maintain and carry out
10 effective security measures and describe any action taken
11 under this section with regard to that port.

12 “(d) ACTION CANCELED.—An action required under
13 this section is no longer required if the Secretary, in con-
14 sultation with the Secretary of State, decides that effective
15 security measures are maintained and carried out at the
16 port. The Secretary shall notify Congress when the action
17 is no longer required.

18 **“§ 2504. Travel advisories concerning security at for-**
19 **eign ports**

20 “(a) IN GENERAL.—Upon being notified by the Sec-
21 retary of Transportation that the Secretary has deter-
22 mined that a condition exists that threatens the safety or
23 security of passengers, passenger vessels, or crew traveling
24 to or from a foreign port which the Secretary has deter-
25 mined under this chapter to be a port which does not

1 maintain and administer effective security measures, the
2 Secretary of State shall immediately issue a travel advisory
3 with respect to the port. The Secretary of State shall
4 take the necessary steps to publicize the travel advisory
5 widely.

6 “(b) WHEN TRAVEL ADVISORY MAY BE CAN-
7 CELED.—The travel advisory required to be issued under
8 subsection (a) of this section may be lifted only if the Sec-
9 retary of Transportation, in consultation with the Sec-
10 retary of State, has determined that effective security
11 measures are maintained and administered at the port
12 with respect to which the Secretary of Transportation had
13 made the determination.

14 “(c) CONGRESSIONAL NOTIFICATION.—The Sec-
15 retary of State shall immediately notify Congress of any
16 change in the status of a travel advisory imposed pursuant
17 to this section.

18 **“§ 2505. Suspensions**

19 “(a) IN GENERAL.—The President, without prior no-
20 tice or a hearing, shall suspend the right of any vessel
21 of the United States to provide foreign sea transportation,
22 and the right of a person to operate vessels in foreign sea
23 commerce, to or from a foreign port, if the President finds
24 that—

7 “(b) DENIAL OF ENTRY.—If a person operates a ves-
8 sel in violation of this section, the President may deny the
9 vessels of that person entry to United States ports.

15 **“§ 2506. Acceptance of contributions; joint venture**
16 **arrangements**

•HR 3621 IH

1 (b) CONFORMING AMENDMENT.—The table of chap-
 2 ters at the beginning of subtitle II of title 46, United
 3 States Code, is amended by inserting the following new
 4 item in part A after the item for chapter 23:

“**25. International Port Security** **2501**”.

5 (c) REPEALS.—Sections 902, 905, 907, 908, 909,
 6 910, 911, 912, and 913 of the International Maritime and
 7 Port Security Act (46 U.S.C. App. 1801, 1802, 1803,
 8 1804, 1805, 1806, 1807, 1808, and 1809), are repealed.

9 (d) FOREIGN-FLAG VESSELS.—Within 6 months
 10 after the date of enactment of this Act and every year
 11 thereafter, the Secretary, in consultation with the Sec-
 12 retary of State, shall provide a report to the Committees
 13 on Commerce, Science, and Transportation, Foreign Rela-
 14 tions, and Appropriations of the Senate and the Commit-
 15 tees on Transportation and Infrastructure, International
 16 Relations, and Appropriations of the House of Representa-
 17 tives that lists the following information:

18 (1) A list of all nations whose flag vessels have
 19 entered United States ports in the previous year.

20 (2) Of the nations on that list, a separate list
 21 of those nations—

22 (A) whose registered flag vessels appear as
 23 Priority III or higher on the Boarding Priority
 24 Matrix maintained by the Coast Guard;

1 (B) that have presented, or whose flag ves-
2 sels have presented, false, intentionally incom-
3 plete, or fraudulent information to the United
4 States concerning passenger or cargo manifests,
5 crew identity or qualifications, or registration or
6 classification of their flag vessels;

7 (C) whose vessel registration or classifica-
8 tion procedures have been found by the Sec-
9 retary to be noncompliant with international
10 classifications or do not exercise adequate con-
11 trol over safety and security concerns; or

12 (D) whose laws or regulations are not suf-
13 ficient to allow tracking of ownership and reg-
14 istration histories of registered flag vessels.

15 (3) Actions taken by the United States, whether
16 through domestic action or international negotiation,
17 including agreements at the International Maritime
18 Organization under section 902 of the International
19 Maritime and Port Security Act (46 U.S.C. App.
20 1801), to improve transparency and security of ves-
21 sel registration procedures in nations on the list
22 under paragraph (2).

23 (4) Recommendations for legislative or other
24 actions needed to improve security of United States

1 ports against potential threats posed by flag vessels
2 of nations named in paragraph (2).

3 **SEC. 108. MARITIME SECURITY PROFESSIONAL TRAINING.**

4 (a) IN GENERAL.—

5 (1) DEVELOPMENT OF STANDARDS.—Not later
6 than 6 months after the date of enactment of this
7 Act, the Secretary shall develop standards and cur-
8 riculum to allow for the training and certification of
9 maritime security professionals. In developing these
10 standards and curriculum, the Secretary shall con-
11 sult with the National Maritime Security Advisory
12 Committee established under section 7(d) of the
13 Ports and Maritime Safety Act (33 U.S.C. 2116(d)).

14 (2) SECRETARY TO CONSULT ON STANDARDS.—
15 In developing standards under this section, the Sec-
16 retary may, without regard to the Federal Advisory
17 Committee Act (5 U.S.C. App.), consult with the
18 Federal Law Enforcement Training Center, the
19 United States Merchant Marine Academy's Global
20 Maritime and Transportation School, the Maritime
21 Security Council, the International Association of
22 Airport and Port Police, the National Cargo Secu-
23 rity Council, and any other Federal, State, or local
24 government or law enforcement agency or private or-

1 organization or individual determined by the Secretary
2 to have pertinent expertise.

3 (b) MINIMUM STANDARDS.—The standards estab-
4 lished by the Secretary under subsection (a) shall include
5 the following elements:

6 (1) The training and certification of maritime
7 security professionals in accordance with accepted
8 law enforcement and security guidelines, policies,
9 and procedures, including, as appropriate, rec-
10 ommendations for incorporating a background check
11 process for personnel trained and certified in foreign
12 ports.

13 (2) The training of students and instructors in
14 all aspects of prevention, detection, investigation,
15 and reporting of criminal activities in the inter-
16 national maritime environment.

17 (c) ESTABLISHMENT OF SECURITY INSTITUTE.—The
18 Secretary shall establish a Maritime Security Institute in
19 the southern portion of the State of Louisiana to train
20 and certify maritime security professionals in accordance
21 with internationally recognized law enforcement stand-
22 ards.

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

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

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

7 (A) at United States ports;

8 (B) on passenger or cargo vessels with
9 United States citizens as passengers or crew-
10 members;

11 (C) in foreign ports used by United States-
12 flagged vessels or by foreign-flagged vessels
13 with United States citizens as passengers or
14 crewmembers.

15 (e) ANNUAL REPORT.—The Secretary shall transmit
16 an annual report to the Committees on Commerce,
17 Science, and Transportation and Appropriations of the
18 Senate and the Committees on Transportation and Infra-
19 structure and Appropriations of the House of Representa-
20 tives on the expenditure of appropriated funds and the
21 training under this section.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary to carry
24 out this section \$5,500,000 for each of fiscal years 2002

1 through 2006. Such sums shall remain available until ex-
2 pended.

3 **SEC. 109. PORT SECURITY INFRASTRUCTURE IMPROVE-**
4 **MENT.**

5 (a) IN GENERAL.—The Merchant Marine Act, 1936
6 (46 U.S.C. App. 1101 et seq.) is amended by adding at
7 the end the following:

8 **“TITLE XIV—PORT SECURITY IN-**
9 **FRASTRUCTURE IMPROVE-**
10 **MENT**

11 **“SEC. 1401. GRANTS.**

12 “(a) IN GENERAL.—The Secretary may provide
13 grants to public and private entities for eligible projects.

14 “(b) ELIGIBLE PROJECTS.—A project shall be eligi-
15 ble for a grant under subsection (a) if the project is for
16 the construction or acquisition of security infrastructure
17 identified in a maritime facility security plan approved by
18 the Secretary under section 7(g) of the Ports and Water-
19 ways Safety Act.

20 “(c) MATCHING REQUIREMENTS.—

21 “(1) 80-PERCENT FEDERAL FUNDING.—Except
22 as provided in paragraph (2), Federal funds for any
23 eligible project under this section shall not exceed 80
24 percent of the total cost of such project.

25 “(2) EXCEPTIONS.—

1 “(A) SMALL PROJECTS.—There are no
2 matching requirements for grants under sub-
3 section (a) for projects costing not more than
4 \$100,000.

5 “(B) HIGHER LEVEL OF SUPPORT RE-
6 QUIRED.—If the Secretary determines that a
7 proposed project merits support and cannot be
8 undertaken without a higher rate of Federal
9 support, then the Secretary may approve grants
10 under this section with a matching requirement
11 other than that specified in paragraph (1).

12 “(d) ALLOCATION.—The Secretary shall ensure that
13 financial assistance provided under subsection (a) during
14 a fiscal year is distributed so that funds are awarded for
15 eligible projects that address emerging priorities or threats
16 identified by the National Maritime Security Advisory
17 Committee established under section 7(d) of the Ports and
18 Waterways Safety Act (33 U.S.C. 1226(d)).

19 **“SEC. 1402. ALLOCATION OF RESOURCES.**

20 “‘In carrying out this title, the Secretary may ensure
21 that not less than \$6,000,000 in grants under section
22 1401, are made available for eligible projects (as defined
23 in section 1401)) located in any State to which reference
24 is made by name in section 607 of this Act during each
25 of the fiscal years 2002 through 2006.’”.

1 (b) ANNUAL ACCOUNTING.—The Secretary shall sub-
2 mit an annual summary of grants made under section
3 1401 of Merchant Marine Act, 1936 to the Committees
4 on Commerce, Science, and Transportation and Appro-
5 priations of the Senate, the Committees on Transportation
6 and Infrastructure and Appropriations of the House of
7 Representatives, and the National Maritime Advisory
8 Committee through appropriate media of communication,
9 including the Internet.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary—

12 (1) \$80,000,000 for each of fiscal years 2002
13 through 2006 for grants under section 1401 of the
14 Merchant Marine Act, 1936; and

15 (2) \$5,000,000 for each of fiscal years 2002
16 through 2006 to cover administrative expenses re-
17 lated to such grants,
18 such sums to remain available until expended.

19 **SEC. 110. SECURITY OF CARGO.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Commissioner of Cus-
22 toms \$20,000,000 for each of fiscal years 2002 through
23 2006 for the purchase of non-intrusive screening and de-
24 tection equipment for use at United States ports, such
25 sums to remain available until expended.

1 (b) FUNDING FOR FISCAL YEAR 2002.—There is au-
2 thorized to be appropriated \$145,000,000 for the United
3 States Customs Service for fiscal year 2002 for 1,200 new
4 customs inspector positions, 300 new customs agent posi-
5 tions, and other necessary port security positions, and for
6 purchase and support of equipment (including camera sys-
7 tems for docks and vehicle-mounted computers), canine
8 enforcement for port security, and to update computer
9 systems to help improve customs reporting procedures.

10 (c) PILOT PROGRAM FOR TRACKING AND ANTI-TAM-
11 PERING.—

12 (1) PILOT PROGRAM.—The Secretary of Trans-
13 portation, in cooperation with the Secretary of the
14 Treasury and the United States Customs Service,
15 shall work with the private sector to establish a pilot
16 program to track cargo within the United States, so
17 that cargo can be tracked from the time it arrives
18 in the United States until it reaches its final des-
19 tination.

20 (2) PROTECTIONS AND STANDARDS.—The Sec-
21 retary of Transportation, in cooperation with the
22 United States Customs Service and the Maritime
23 Administration, shall develop and implement im-
24 proved anti-theft protections and anti-tampering
25 standards to ensure that cargo containers cannot be

1 opened or tampered with during shipment within the
2 United States.

3 (3) FUNDING.—Funds authorized by this Act
4 may be used to carry out this subsection.

5 **SEC. 111. REVISION OF PORT SECURITY PLANNING GUIDE.**

6 The Secretary, acting through the Maritime Adminis-
7 tration and after consultation with the Advisory Com-
8 mittee and the United States Coast Guard, shall publish
9 a revised version of the document entitled “Port Security:
10 A National Planning Guide”, incorporating the require-
11 ments promulgated under section 7(g) of the Ports and
12 Waterways Security Act (33 U.S.C. 2116(g)), within 1
13 year after the date of enactment of this Act, and make
14 that revised document available on the Internet.

15 **SEC. 112. SHARED DOCKSIDE INSPECTION FACILITIES.**

16 (a) IN GENERAL.—The Secretary of the Treasury,
17 the Secretary of Agriculture, the Secretary of Transpor-
18 tation, the Attorney General, and the Administrator of the
19 General Services Administration shall work with each
20 other, the Advisory Committee, and the States to establish
21 shared dockside inspection facilities at United States ports
22 for Federal and State agencies.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary \$2,000,000
25 for each of fiscal years 2002 through 2006 to establish

1 shared dockside inspection facilities at United States ports
2 in consultation with the Secretary of the Treasury, the
3 Secretary of Agriculture, and the Attorney General.

4 **SEC. 113. MANDATORY ADVANCED ELECTRONIC INFORMA-**
5 **TION FOR CARGO.**

6 (a) CARGO INFORMATION.—Section 431(b) of the
7 Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

8 (1) by striking “Any manifest” and inserting
9 “(1) Any manifest”; and

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

12 “(2)(A) In addition to any other requirement under
13 this section, for every land, air, or vessel carrier required
14 to make entry or obtain clearance under the customs laws
15 of the United States, the pilot, master, operator, or owner
16 of such carrier (or the authorized agent of such owner or
17 operator) shall provide by electronic transmission cargo
18 manifest information in advance of such entry or clearance
19 in such manner, time, and form as the Secretary shall pre-
20 scribe. The Secretary may exclude any class of land, air-
21 craft, or vessel for which he concludes the requirements
22 of this subparagraph are not necessary.

23 “(B) The Secretary by regulation shall require non-
24 vessel operating common carriers to meet the require-
25 ments of subparagraph (A).”.

1 (b) CONFORMING AMENDMENTS.—Subparagraphs
 2 (A) and (C) of section 431(d)(1) of such Act are each
 3 amended by inserting “or subsection (b)(2)” before the
 4 semicolon.

5 **SEC. 114. PREARRIVAL MESSAGES FROM VESSELS DES-**
 6 **TINED TO UNITED STATES PORTS.**

7 The Ports and Waterways Safety Act (33 U.S.C.
 8 1221 et seq.) is amended—

9 (1) by striking “environment” in section 2(a)
 10 (33 U.S.C. 1221(a)) and inserting “environment,
 11 and the safety and security of United States ports
 12 and waterways,”;

13 (2) by striking paragraph (5) of section 4(a)
 14 (33 U.S.C. 1223(a)) and inserting the following:

15 “(5) require—

16 “(A) the receipt of prearrival messages
 17 from any vessel destined for a port or place
 18 subject to the jurisdiction of the United States;

19 “(B) the message to include any informa-
 20 tion the Secretary determines to be necessary
 21 for the control of the vessel and the safety and
 22 security of the port, waterways, facilities, ves-
 23 sels, and marine environment; and

24 “(C) the message to be transmitted in elec-
 25 tronic form (or otherwise as determined by the

1 Secretary) 96 hours (or other period deter-
2 mined by the Secretary) before the vessel's
3 entry into port, and deny port entry to any ves-
4 sel that fails to comply with the requirements of
5 this paragraph.”;

6 (3) by striking “environment” in section 5(a)
7 (33 U.S.C. 1224(a)) and inserting “environment,
8 and the safety and security of United States ports
9 and waterways,”; and

10 (4) by adding at the end of section 5 (33
11 U.S.C. 1224) the following:

12 “Nothing in this section interferes with the Secretary’s au-
13 thority to require information under section 4(a)(5) before
14 a vessel’s arrival in a port or place subject to the jurisdic-
15 tion of the United States.”.

16 **SEC. 115. MARITIME SAFETY AND SECURITY TEAMS.**

17 (a) IN GENERAL.—To enhance the domestic mari-
18 time security capability of the United States, the Sec-
19 retary shall establish such maritime safety and security
20 teams as are needed to safeguard the public and protect
21 vessels, harbors, ports, waterfront facilities, and cargo in
22 waters subject to the jurisdiction of the United States
23 from destruction, loss or injury from crime, or sabotage
24 due to terrorist activity, and to respond to such activity
25 in accordance with security plans developed under section

1 7 of the Ports and Waterways Safety Act (33 U.S.C.
2 2116).

3 (b) MISSION.—Each maritime safety and security
4 team shall be trained, equipped and capable of being em-
5 ployed to—

6 (1) deter, protect against, and rapidly respond
7 to threats of maritime terrorism;

8 (2) enforce moving or fixed safety or security
9 zones established pursuant to law;

10 (3) conduct high speed intercepts;

11 (4) board, search, and seize any article or thing
12 on a vessel or waterfront facility found to present a
13 risk to the vessel, facility or port;

14 (5) rapidly deploy to supplement United States
15 armed forces domestically or overseas;

16 (6) respond to criminal or terrorist acts within
17 the port so as to minimize, insofar as possible, the
18 disruption caused by such acts;

19 (7) assist with port vulnerability assessments
20 required under this Act; and

21 (8) carry out other such missions as are as-
22 signed to it in support of the goals of this Act.

23 (c) COORDINATION WITH OTHER AGENCIES.—To
24 the maximum extent feasible, each maritime safety and
25 security team shall coordinate its activities with other Fed-

1 eral, State, and local law enforcement and emergency re-
2 sponse agencies.

3 **SEC. 116. EXTENSION OF SEAWARD JURISDICTION.**

4 (a) DEFINITION OF TERRITORIAL WATERS.—Section
5 1 of title XIII of the Act of June 15, 1917 (50 U.S.C.
6 195) is amended—

7 (1) by striking “The term ‘United States’ as
8 used in this Act includes” and inserting the fol-
9 lowing:

10 “In this Act:

11 “(1) UNITED STATES.—The term ‘United
12 States’ includes”; and

13 (2) by adding at the end the following:

14 “(2) TERRITORIAL WATERS.—The term ‘territorial
15 waters of the United States’ includes all waters of the ter-
16 ritorial sea of the United States as described in Presi-
17 dential Proclamation 5928 of December 27, 1988.”.

18 (b) CIVIL PENALTY FOR VIOLATION OF ACT OF
19 JUNE 15, 1917.—Section 2 of title II of the Act of June
20 15, 1917 (50 U.S.C. 192), is amended—

21 (1) by striking “IMPRISONMENT” in the section
22 heading and inserting “IMPRISONMENT; CIVIL PEN-
23 ALTIES”;

24 (2) by inserting “(a) IN GENERAL.—” before
25 “If” in the first undesignated paragraph;

1 (3) by striking “(a) If any other” and inserting
2 “(b) APPLICATION TO OTHERS.—If any other”; and
3 (4) by adding at the end the following:

4 “(c) CIVIL PENALTY.—

5 “(1) IMPOSITION.—A person who is found,
6 after notice and an opportunity for a hearing, to
7 have violated any rule, regulation or order issued
8 under this Act, or found to have knowingly ob-
9 structed or interfered with the exercise of any power
10 conferred by this Act, shall be liable to the United
11 States for a civil penalty, not to exceed \$25,000 for
12 each violation. Each day of a continuing violation
13 shall constitute a separate violation. The amount of
14 such civil penalty shall be assessed by the Secretary,
15 or the Secretary’s designee, by written notice. In de-
16 termining the amount of such penalty, the Secretary
17 shall take into account the nature, circumstances,
18 extent and gravity of the prohibited acts committed
19 and, with respect to the violator, the degree of culpa-
20 bility, any history of prior offenses, ability to pay,
21 and such other matters as justice may require.

22 “(2) COMPROMISE, ETC.—The Secretary may
23 compromise, modify, or remit, with or without condi-
24 tions, any civil penalty which is subject to imposition
25 or which has been imposed under this subsection.

1 “(3) COLLECTION.—If a person fails to pay an
 2 assessment of a civil penalty after it has become
 3 final, the Secretary may refer the matter to the At-
 4 torney General of the United States, for collection in
 5 any appropriate district court of the United
 6 States.”.

7 **SEC. 117. SUSPENSION OF LIMITATION ON STRENGTH OF**
 8 **COAST GUARD.**

9 (a) PERSONNEL END STRENGTHS.—Section 661(a)
 10 of title 14, United States Code, is amended by adding at
 11 the end the following: “If at the end of any fiscal year
 12 there is in effect a declaration of war or national emer-
 13 gency, the President may defer the effectiveness of any
 14 end-strength and grade distribution limitation with re-
 15 spect to that fiscal year prescribed by law for any military
 16 or civilian component of the Coast Guard, for a period
 17 not to exceed 6 months after the end of the war or termi-
 18 nation of the national emergency.”.

19 (b) OFFICERS IN COAST GUARD RESERVE.—Section
 20 724 of title 14, United States Code, is amended by adding
 21 at the end thereof the following:

22 “(c) DEFERRAL OF LIMITATION.—If at the end of
 23 any fiscal year there is in effect a declaration of war or
 24 national emergency, the President may defer the effective-
 25 ness of any end-strength and grade distribution limitation

1 with respect to that fiscal year prescribed by law for any
2 military or civilian component of the Coast Guard Reserve,
3 for a period not to exceed 6 months after the end of the
4 war or termination of the national emergency.”.

5 **SEC. 118. DEFINITIONS.**

6 In this title, the following definitions apply:

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

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

13 (3) ADVISORY COMMITTEE.—The term “Advi-
14 sory Committee” means the National Maritime Se-
15 curity Advisory Committee established under section
16 7(d) of the Ports and Waterways Safety Act (33
17 U.S.C. 1226(d)).

18 (4) MARINE TERMINAL OPERATOR.—The term
19 “marine terminal operator” has the meaning given
20 that term in section 1702(14) of title 46, United
21 States Code.

1 **TITLE II—ADDITIONAL MARI-**
 2 **TIME SAFETY AND SECURITY**
 3 **RELATED MEASURES**

4 **SEC. 201. DESTRUCTION OR INTERFERENCE WITH VESSELS**
 5 **OR MARITIME FACILITIES.**

6 (a) IN GENERAL.—Part A of subtitle II of title 46,
 7 United States Code, as amended by section 109 of this
 8 Act, is further amended by adding at the end the fol-
 9 lowing:

10 **“CHAPTER 27—DESTRUCTION OF OR INTER-**
 11 **FERENCE WITH VESSELS OR MARITIME FA-**
 12 **CILITIES**

“Sec.

“2701. Jurisdiction and scope.

“2702. Destruction of vessel or maritime facility.

“2703. Penalty when death results.

“2704. Imparting or conveying false information.

13 **“§ 2701. Jurisdiction and scope**

14 “(a) IN GENERAL.—There is jurisdiction over an of-
 15 fense under this chapter if—

16 “(1) the prohibited activity takes place within
 17 the United States, in waters subject to the jurisdic-
 18 tion of the United States, or in the marine environ-
 19 ment; or

20 “(2) the prohibited activity takes place outside
 21 the United States; and

1 “(A) an offender or a victim is a citizen of
2 the United States;

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

5 “(C) the activity involves a vessel of the
6 United States.

7 “(b) EXCEPTION.—Nothing in this chapter shall
8 apply to otherwise lawful activities carried out by or at
9 the direction of the United States Government.

10 **“§ 2702. Destruction of vessel or maritime facility**

11 “(a) IN GENERAL.—It is unlawful willfully—

12 “(1) to set fire to, damage, destroy, disable, or
13 wreck any vessel;

14 “(2) to place or cause to be placed a destructive
15 device, as defined in section 921(a)(4) of title 18,
16 United States Code, or destructive substance, as de-
17 fined in section 13 of that title, in, upon, or in prox-
18 imity to, or otherwise to make or cause to be made
19 unworkable or unusable or hazardous to work or
20 use, any vessel, or any part or other materials used
21 or intended to be used in connection with the oper-
22 ation of a vessel;

23 “(3) to set fire to, damage, destroy, or disable
24 or place a destructive device or substance in, upon,
25 or in proximity to, any maritime facility, including

1 any aid to navigation, lock, canal, or vessel traffic
2 service facility or equipment, or interferes by force
3 or violence with the operation of such facility, if such
4 action is likely to endanger the safety of any vessel
5 in navigation;

6 “(4) to set fire to, damage, destroy, or disable
7 or place a destructive device or substance in, upon,
8 or in proximity to, any appliance, structure, prop-
9 erty, machine, or apparatus, or any facility or other
10 material used, or intended to be used, in connection
11 with the operation, maintenance, loading, unloading
12 or storage of any vessel or any passenger or cargo
13 carried or intended to be carried on any vessel;

14 “(5) to perform an act of violence against or in-
15 capacitate any individual on any vessel, if such act
16 of violence or incapacitation is likely to endanger the
17 safety of the vessel or those on board;

18 “(6) to perform an act of violence against a
19 person that causes or is likely to cause serious bodily
20 injury, as defined in section 1356 of title 18, United
21 States Code, in, upon, or in proximity to, any appli-
22 ance, structure, property, machine, or apparatus, or
23 any facility or other material used, or intended to be
24 used, in connection with the operation, maintenance,
25 loading, unloading or storage of any vessel or any

1 passenger or cargo carried or intended to be carried
2 on any vessel;

3 “(7) to communicate information, knowing the
4 information to be false and under circumstances in
5 which such information may reasonably be believed,
6 thereby endangering the safety of any vessel in navi-
7 gation; or

8 “(8) to attempt or conspire to do anything pro-
9 hibited under paragraphs (1) through (7) of this
10 subsection.

11 “(b) GENERAL PENALTY.—Violation of subsection
12 (a) is punishable by a fine under title 18, imprisonment
13 for not more than 20 years, or both.

14 “(c) ADDITIONAL PENALTY FOR CERTAIN VES-
15 SELS.—If the violation of subsection (a) involved a vessel
16 that, at the time the violation occurred, carried high-level
17 radioactive waste (as that term is defined in section 2(12)
18 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
19 10101(12))) or spent nuclear fuel (as that term is defined
20 in section 2(23) of the Nuclear Waste Policy Act of 1982
21 (42 U.S.C. 10101(23))), then the penalty is a fine under
22 title 18 and imprisonment for a term of not less than 30
23 years or for life.

24 “(d) THREATS.—It is unlawful willfully to impart or
25 convey any threat to do an act which would violate this

1 chapter, with an apparent determination and will to carry
 2 the threat into execution. Violation of this subsection is
 3 punishable by a fine under title 18, imprisonment for not
 4 more than 5 years, or both. Any person convicted of vio-
 5 lating this subsection is liable for all costs incurred as a
 6 result of such threat.

7 **“§ 2703. Penalty when death results**

8 “Any person convicted of any crime prohibited by this
 9 chapter that results in the death of another person shall
 10 be subject also to the death penalty or to imprisonment
 11 for life without parole.

12 **“§ 2704. Imparting or conveying false information**

13 “(a) IN GENERAL.—It is unlawful to impart or con-
 14 vey or cause to be imparted or conveyed false information,
 15 knowing the information to be false, concerning an at-
 16 tempt or alleged attempt being made or to be made, to
 17 do any act which would be a crime prohibited by this chap-
 18 ter or chapter 2, 97, or 111 of title 18.

19 “(b) PENALTIES.—

20 “(1) CIVIL PENALTY.—Violation of subsection
 21 (a) is punishable by a civil penalty of not more than
 22 \$5,000, which shall be recoverable in a civil action
 23 brought in the name of the United States.

24 “(2) MALICIOUS AND WILLFUL VIOLATIONS.—

25 If a person willfully and maliciously, or with reckless

“27. Destruction of or Interference with Vessels or Maritime Facilities 2701”.

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

19 “(a) IN GENERAL.—

•HR 3621 IH

1 sel on being ordered to do so by an authorized Fed-
2 eral law enforcement officer.

3 “(2) INTERFERENCE WITH ENFORCEMENT AC-
4 TIVITY.—It shall be unlawful for any person on
5 board a vessel of the United States or a vessel sub-
6 ject to the jurisdiction of the United States to—

7 “(A) forcibly assault, resist, oppose, pre-
8 vent, impede, intimidate, or interfere with a
9 boarding or other law enforcement action au-
10 thorized by any Federal law, or to resist a law-
11 ful arrest; or

12 “(B) provide information to a Federal law
13 enforcement officer during a boarding of a ves-
14 sel regarding the vessel’s destination, origin,
15 ownership, registration, nationality, cargo, or
16 crew, which that person knows is false.

17 “(b) APPLICATION WITH OTHER AUTHORITIES.—
18 This section does not limit the authority of a customs offi-
19 cer under section 581 of the Tariff Act of 1930 or any
20 other provision of law enforced or administered by the
21 Customs Service, or the authority of any Federal law en-
22 forcement officer under any law of the United States to
23 order a vessel to stop or heave to.

24 “(c) FOREIGN NATIONS.—A foreign nation may con-
25 sent or waive objection to the enforcement of United

1 States law by the United States under this section by
2 radio, telephone, or similar oral or electronic means. Con-
3 sent or waiver may be proven by certification of the Sec-
4 retary of State or the Secretary's designee.

5 “(d) DEFINITIONS.—In this section:

6 “(1) VESSEL OF THE UNITED STATES; VESSEL
7 SUBJECT TO THE JURISDICTION OF THE UNITED
8 STATES.—The term ‘vessel of the United States’ and
9 ‘vessel subject to the jurisdiction of the United
10 States’ have the meaning given those terms in sec-
11 tion 3(b) and (c), respectively, of the Maritime Drug
12 Law Enforcement Act (46 U.S.C. App. 1903(b) and
13 (c)).

14 “(2) HEAVE TO.—The term ‘heave to’ means to
15 cause a vessel to slow, come to a stop, or adjust its
16 course or speed to account for the weather condi-
17 tions and sea state to facilitate a law enforcement
18 boarding.

19 “(3) FEDERAL LAW ENFORCEMENT OFFICER.—
20 The term ‘Federal law enforcement officer’ has the
21 meaning set forth in section 115 of this title.

22 “(e) PENALTY.—Any person who intentionally vio-
23 lates subsection (a) shall be subject to—

24 “(1) imprisonment for not more than 1 year;
25 and

1 “(2) a fine as provided in this title.”.

2 (b) CONFORMING AMENDMENT.—The chapter anal-
 3 ysis for chapter 109 of title 18, United States Code, is
 4 amended by inserting after the item for section 2236 the
 5 following:

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

6 **SEC. 203. EXTENSION OF DEEPWATER PORT ACT TO NAT-**
 7 **URAL GAS.**

8 The following provisions of the Deepwater Port Act
 9 of 1974 (33 U.S.C. 1501 et seq.) are each amended by
 10 inserting “or natural gas” after “oil” each place it ap-
 11 pears:

12 (1) Section 2(a) (33 U.S.C. 1501(a)).

13 (2) Section 3(9) (33 U.S.C. 1502(9)).

14 (3) Section 4(a) (33 U.S.C. 1503(a)).

15 (4) Section 5(c)(2)(G) and (H) (33 U.S.C.
 16 1504(c)(2)(G) and (H)).

17 (5) Section 5(i)(2)(B) (33 U.S.C.
 18 1504(i)(2)(B)).

19 (6) Section 5(i)(3)(C) (33 U.S.C. 1504
 20 (i)(3)(C)).

21 (7) Section 8 (33 U.S.C. 1507).

22 (8) Section 21(a) (33 U.S.C. 1520(a)).

1 **SEC. 204. ASSIGNMENT OF COAST GUARD PERSONNEL AS**
2 **SEA MARSHALS AND ENHANCED USE OF**
3 **OTHER SECURITY PERSONNEL.**

4 (a) IN GENERAL.—Section 7(b) of the Ports and Wa-
5 terways Safety Act (33 U.S.C. 1226(b)) is amended—

6 (1) by striking “and” after the semicolon in
7 paragraph (1);

8 (2) by striking “terrorism.” in paragraph (2)
9 and inserting “terrorism;” and

10 (3) by adding at the end the following:

11 “(3) dispatch properly trained and qualified
12 armed Coast Guard personnel aboard government,
13 private, and commercial structures and vessels to
14 deter, prevent, or respond to acts of terrorism or
15 otherwise provide for the safety and security of the
16 port, waterways, facilities, marine environment, and
17 personnel; and

18 “(4) require the owner and operator of a com-
19 mercial structure or the owner, operator, charterer,
20 master, or person in charge of a vessel to provide
21 the appropriate level of security as necessary, includ-
22 ing armed security.”.

23 (b) REPORT ON USE OF NON-COAST GUARD PER-
24 SONNEL.—The Secretary of the department in which the
25 Coast Guard is operating shall evaluate and report to the
26 Congress on—

1 (1) the potential use of Federal, State, or local
2 government personnel, and documented United
3 States Merchant Marine personnel, to supplement
4 Coast Guard personnel under section 7(b)(3) of the
5 Ports and Waterways Safety Act (33 U.S.C.
6 1226(b)(3));

7 (2) the possibility of using personnel other than
8 Coast Guard personnel to carry out Coast Guard
9 personnel functions under that section and whether
10 additional legal authority would be necessary to use
11 such personnel for such functions; and

12 (3) the possibility of utilizing the United States
13 Merchant Marine Academy or State maritime acad-
14 emies to provide training carrying out duties under
15 that section.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Secretary of the de-
18 partment in which the Coast Guard is operating
19 \$13,000,000 in each of the fiscal years 2002–2006 to
20 carry out section 7(b) of the Ports and Waterways Safety
21 Act (33 U.S.C. 1226(b)), all such funds to remain avail-
22 able until expended.

1 **SEC. 205. NATIONAL MARITIME TRANSPORTATION SECU-**
2 **RITY PLAN.**

3 Section 7 of the Ports and Waterways Safety Act (33
4 U.S.C. 1226), as amended by section 106 of this Act, is
5 amended by adding at the end the following:

6 “(i) NATIONAL MARITIME TRANSPORTATION SECU-
7 RITY PLAN.—

8 “(1) IN GENERAL.—The Secretary, in consulta-
9 tion with appropriate Federal agencies, shall prepare
10 and publish a National Maritime Transportation Se-
11 curity Plan for prevention and response to maritime
12 crime and terrorism. The Secretary shall consult
13 with the National Maritime Security Advisory Com-
14 mittee in preparation of the National Maritime
15 Transportation Security Plan.

16 “(2) CONTENTS OF PLAN.—The Plan shall pro-
17 vide for efficient, coordinated, and effective action to
18 prevent and respond to acts of maritime crime or
19 terrorism, and shall include—

20 “(A) allocation of duties and responsibil-
21 ities among Federal departments and agencies
22 in coordination with State and local agencies
23 and port authorities;

24 “(B) establishment of procedures for effec-
25 tive liaison with State and local governments

1 and emergency responders including law en-
2 forcement and fire response;

3 “(C) establishment of criteria and proce-
4 dures to ensure immediate and effective Federal
5 identification of, and response to, acts of mari-
6 time crime or terrorism, that result in a sub-
7 stantial threat to the welfare of the United
8 States;

9 “(D) establishment of procedures for the
10 coordination of activities of—

11 “(i) Coast Guard maritime safety and
12 security teams established under this sec-
13 tion;

14 “(ii) local port security committees;
15 and

16 “(iii) the National Maritime Security
17 Advisory Committee.

18 “(3) REVISION AUTHORITY.—The Secretary
19 may, from time to time, as the Secretary deems ad-
20 visable, revise or otherwise amend the National Mar-
21 itime Transportation Security Plan.

22 “(4) PLAN TO BE FOLLOWED.—After publica-
23 tion of the Plan, the planning and response to acts
24 of maritime crime and terrorism shall, to the great-
25 est extent possible, be in accordance with the Plan.

1 “(5) COPY TO CONGRESS.—The Secretary shall
2 furnish a copy of the Plan to the Committee on
3 Commerce, Science, and Transportation of the Sen-
4 ate and the Committee on Transportation and Infra-
5 structure of the House of Representatives.”.

6 **SEC. 206. VESSEL SECURITY PLANS.**

7 (a) IN GENERAL.—Section 4(a) of the Ports and Wa-
8 terways Safety Act (33 U.S.C. 1223(a)) is amended—

9 (1) by striking “and” after the semicolon in
10 paragraph (4);

11 (2) by striking “environment.” in paragraph (5)
12 and inserting “environment; and”; and

13 (3) by adding at the end the following:

14 “(6) may issue regulations establishing require-
15 ments for vessel security plans and programs for
16 vessels calling on United States ports.”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Secretary of the de-
19 partment in which the Coast Guard is operating
20 \$2,000,000 for each of fiscal years 2002 through 2006
21 to carry out section 4(a)(6) of the Ports and Waterways
22 Safety Act (33 U.S.C. 1223(a)(6)), such sums to remain
23 available until expended.

1 **SEC. 207. PROTECTION OF SECURITY-RELATED INFORMA-**
 2 **TION.**

3 Section 7(c) of the Ports and Waterways Safety Act
 4 (33 U.S.C. 1226(c)) is amended to read as follows:

5 “(c) NONDISCLOSURE OF INFORMATION.—Notwith-
 6 standing any other provision of law, information developed
 7 under this section, and vessel security plan information
 8 developed under section 4(a)(6) of this Act (33 U.S.C.
 9 1223(a)(6)), is not required to be disclosed to the public.
 10 This includes information related to security plans, proce-
 11 dures, or programs for passenger vessels or passenger ter-
 12 minals authorized under this Act, and any other informa-
 13 tion, including maritime facility security plans, vessel se-
 14 curity plans and port vulnerability assessments.”.

15 **SEC. 208. ENHANCED CREWMEMBER IDENTIFICATION.**

16 The Secretary of Transportation, in consultation with
 17 the Attorney General, may require crewmembers aboard
 18 vessels calling on United States ports to carry and present
 19 upon demand such identification as the Secretary deter-
 20 mines.

21 **SEC. 209. PIRACY AND PRIVATEERING.**

22 Part I of title 18, United States Code, is amended
 23 by striking chapter 81 and inserting the following:

24 **“CHAPTER 81—PIRACY AND PRIVATEERING**

“Sec.
 “1651. Piracy.

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

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

“1654. Crimes by United States citizens or resident aliens.

“1655. Privateering.

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

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

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

“1659. Attempts.

“1660. Accessories.

“1661. Inapplicability to United States Government activities.

1 **“§ 1651. Piracy**

2 “(a) IN GENERAL.—It is unlawful to commit piracy.

3 “(b) PENALTY.—Any person who violates subsection

4 (a) and is afterwards brought into or found in the United

5 States, shall be imprisoned for life.

6 **“§ 1652. Crimes against United States persons or** 7 **property on board a ship or maritime** 8 **structure**

9 “(a) IN GENERAL.—It is unlawful to commit any act
 10 of violence, detention, or depredation against the United
 11 States, including any vessel of the United States, citizen
 12 of the United States, any commercial structure owned in
 13 whole or in part by a United States citizen or resident
 14 alien, or any United States citizen or resident alien, or
 15 his or her property, on board a ship or maritime structure.

16 “(b) PENALTY.—Any person who violates subsection

17 (a) and is afterwards brought into or found in the United

18 States, shall be fined under this title, imprisoned not more

19 than 20 years, or both.

1 **“§ 1653. Crimes against persons on board a ship or**
2 **maritime structure within the territorial**
3 **jurisdiction of the United States**

4 “(a) IN GENERAL.—It is unlawful to commit any act
5 of violence, detention, or depredation against a person on
6 board a ship or maritime structure, or his or her property,
7 in waters subject to the jurisdiction of the United States
8 or the marine environment.

9 “(b) PENALTY.—Violation of subsection (a) is pun-
10 ishable by a fine under this title, imprisonment for not
11 more than 20 years, or both.

12 **“§ 1654. Crimes by United States citizens or resident**
13 **aliens**

14 “(a) IN GENERAL.—It is unlawful for an individual
15 who is a United States citizen or resident alien, or pur-
16 porting to act under the authority of the United States,
17 to commit any act of violence, detention, or depredation
18 against a person on board a ship or maritime structure,
19 or his or her property.

20 “(b) PENALTY.—Violation of subsection (a) is pun-
21 ishable by a fine under this title, imprisonment for not
22 more than 20 years, or both.

23 **“§ 1655. Privateering**

24 “(a) IN GENERAL.—It is unlawful for any person to
25 furnish, fit out, arm, or serve in a privateer or private
26 vessel used to commit any illegal act of violence, detention,

1 or depredation against a person, or his or her property,
2 or any vessel or maritime structure without the express
3 authority of the United States government, if—

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

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

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

15 “(b) PENALTY.—Violation of subsection (a) is pun-
16 ishable by a fine under this title, imprisonment for not
17 more than 20 years, or both.

18 **“§ 1656. Theft or conversion of vessel, maritime struc-**
19 **ture, cargo, or effects**

20 “(a) IN GENERAL.—It is unlawful for an individual
21 who is a captain, officer, crewman, or passenger of a vessel
22 or maritime structure to assist in the theft or conversion
23 of that vessel or maritime structure, or its cargo, or effects
24 if—

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

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

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

10 “(b) PENALTY.—Violation of subsection (a) is pun-
11 ishable by a fine under this title, imprisonment for not
12 more than 20 years, or both.

13 **“§ 1657. Intentional wrecking or plunder of a vessel,**
14 **maritime structure, cargo, or effects**

15 “(a) IN GENERAL.—Under the circumstances de-
16 scribed in subsection (b), it is unlawful intentionally—

17 “(1) to cause the wrecking of a vessel or mari-
18 time structure by act or omission, either directly,
19 such as by intentional grounding, or indirectly by
20 modification or destruction of any navigational
21 marker or safety device;

22 “(2) to plunder, steal, or destroy a vessel, mari-
23 time structure, cargo or effects when said vessel or
24 maritime structure is in distress, wrecked, lost,
25 stranded, or cast away; or

1 “(3) to obstruct or interfere with the rescue of
2 a person on board a vessel or maritime structure in
3 distress, wrecked, lost, stranded, or cast away, or
4 the legal salvage of such a vessel, maritime struc-
5 ture, cargo, or effects.

6 “(b) APPLICABLE CIRCUMSTANCES.—The prohibi-
7 tions described in subsection (a) apply whenever—

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

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

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

17 “(c) PENALTY.—Violation of this section is punish-
18 able by a fine under this title, imprisonment for not more
19 than 20 years, or both.

20 **“§ 1658. Knowing receipt of an illegally acquired ves-**
21 **sel, maritime structure, cargo, or effects**

22 “(a) IN GENERAL.—It is unlawful for any person
23 knowingly to receive or acquire a vessel, maritime struc-
24 ture, cargo, or effects converted or obtained by any act
25 prohibited by any section of this chapter.

1 “(b) PENALTY.—Violation of subsection (a) is pun-
2 ishable by a fine under this title, imprisonment for not
3 more than 20 years, or both.

4 **“§ 1659. Attempts**

5 “(a) IN GENERAL.—It is unlawful for any person to
6 attempt any act which, if committed, would constitute a
7 crime under any section of this chapter.

8 “(b) PENALTY.—Violation of subsection (a) is pun-
9 ishable by a fine under this title, imprisonment for not
10 more than 20 years, or both.

11 **“§ 1660. Accessories**

12 “(a) IN GENERAL.—It is unlawful for any person
13 knowingly—

14 “(1) to assist any person in the commission of
15 any act which constitutes a crime under any section
16 of this chapter; or

17 “(2) to assist any person in avoiding the con-
18 sequences of an act which constitutes a crime under
19 any section of this chapter.

20 “(b) PENALTY.—Violation of subsection (a) is pun-
21 ishable by a fine under this title, imprisonment for not
22 more than 20 years, or both.

1 **“§ 1661. Inapplicability to United States Government**
2 **activities**

3 “Nothing in this chapter applies to otherwise lawful
4 activities carried out by or at the direction of the United
5 States Government, nor to otherwise lawful activities un-
6 dertaken under a letter of marque and reprisal issued by
7 the United States.”.

8 **SEC. 210. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST**
9 **MARITIME NAVIGATION, PLACEMENT OF DE-**
10 **STRUCTIVE DEVICES, AND MALICIOUS DUMP-**
11 **ING.**

12 (a) INTERFERENCE WITH NAVIGATIONAL DE-
13 VICES.—Section 2280(a) of title 18, United States Code,
14 is amended—

15 (1) by redesignating subparagraphs (F), (G),
16 and (H) of paragraph (1) as subparagraphs (G),
17 (H), and (I), respectively;

18 (2) by inserting after subparagraph (E) in
19 paragraph (1) the following:

20 “(F) destroys, damages, alters, moves or
21 tampers with any aid to maritime navigation,
22 maintained by the Saint Lawrence Seaway De-
23 velopment Corporation under section 4 of the
24 Act of May 13, 1954 (68 Stat. 94; 33 U.S.C.
25 984), or by the Coast Guard pursuant to sec-
26 tion 81 of title 14, United States Code, or law-

1 fully maintained under authority granted by the
2 Coast Guard pursuant to section 83 of that
3 title, if such act endangers or is likely to endan-
4 ger the safe navigation of a ship;”;

5 (3) by striking “(G),” in subparagraph (I), as
6 redesignated, and inserting “(H),”; and

7 (4) by striking “(C) or (E),” in paragraph (2)
8 and inserting “(C), (E), or (F),”.

9 (b) DESTRUCTIVE DEVICES.—

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

13 **“§ 2282. Devices or substances in waters of the**
14 **United States likely to destroy or damage**
15 **ships**

16 “(a) IN GENERAL.—It is unlawful knowingly to place
17 or cause to be placed in waters subject to the jurisdiction
18 of the United States, by any means whatsoever, a device
19 or substance which is likely to destroy or cause damage
20 to a ship or its cargo, or cause interference with the safe
21 navigation of vessels, or interference with maritime com-
22 merce, such as by damaging or destroying marine termi-
23 nals, facilities, and any other maritime structure or entity
24 used in maritime commerce, with the intent of causing
25 such destruction or damage.

1 “(b) PENALTY.—Violation of subsection (a) is pun-
2 ishable by a fine under this title, imprisonment for a term
3 of years or for life, or both. If the death of any person
4 results from the violation, the violation may be punished
5 by death.

6 “(c) EXCEPTION.—Nothing in this section shall be
7 construed to apply to otherwise lawfully authorized and
8 conducted activities of the United States Government.”.

9 (2) CONFORMING AMENDMENT.—The chapter
10 analysis for chapter 111 of title 18, United States
11 Code, is amended by adding at the end the fol-
12 lowing:

“2282. Devices or substances in waters of the United States likely to destroy
or damage ships.”.

13 (c) SONAR SURVEY PROGRAM.—There is authorized
14 to be appropriated to the Secretary of the Navy
15 \$40,000,000 for hydrographic survey programs carried
16 out by the Naval Oceanographic Office to enhance the se-
17 curity of United States waters.

○