

# Union Calendar No. 240

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3983

[Report No. 107-405]

To ensure the security of maritime transportation in the United States against acts of terrorism, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2002

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LOBIONDO, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

APRIL 11, 2002

Additional sponsors: Mr. DEFAZIO, Mr. BAIRD, and Mr. BEREUTER

APRIL 11, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 18, 2002]

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## A BILL

To ensure the security of maritime transportation in the United States against acts of terrorism, and for other purposes.

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

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 3 *“Maritime Transportation Antiterrorism Act of 2002”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 5 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Port security.*

*Sec. 3. Clarification of Coast Guard authority to control vessels in territorial wa-*  
*ters of the United States.*

*Sec. 4. Extension of seaward jurisdiction.*

*Sec. 5. Suspension of limitation on strength of Coast Guard.*

*Sec. 6. Extension of Deepwater Port Act to natural gas.*

*Sec. 7. Assignment of Coast Guard personnel as sea marshals and enhanced use*  
*of other security personnel.*

*Sec. 8. Automatic identification system.*

6 **SEC. 2. PORT SECURITY.**

7 (a) *IN GENERAL.*—*Title 46, United States Code, is*  
 8 *amended by adding at the end the following new subtitle:*

9 **“Subtitle VI—Miscellaneous**

“Chap.	Sec.
<b>“701. Port Security .....</b>	<b>70101</b>

**“CHAPTER 701—PORT SECURITY**

“Sec.

“70101. Definitions.

“70102. United States facility vulnerability assessments.

“70103. Catastrophic emergency planning.

“70104. Antiterrorism response.

“70105. Transportation security cards.

“70106. Maritime antiterrorism teams.

“70107. Grants.

“70108. Foreign port assessment.

“70109. Notifying foreign authorities.

“70110. Actions when foreign ports not maintaining effective antiterrorism  
 measures.

“70111. Shipping container antiterrorism.

“70112. Crew and passenger manifests.

“70113. Civil penalty.

10 **“§ 70101. Definitions**

11 *“For the purpose of this chapter:*

1           “(1) *The term ‘Area Maritime Transportation*  
2 *Antiterrorism Plan’ means an Area Maritime Trans-*  
3 *portation Antiterrorism Plan prepared under section*  
4 *70103(b).*

5           “(2) *The term ‘catastrophic emergency’ means*  
6 *any event caused by a terrorist act in the United*  
7 *States or on a vessel on a voyage to or from the*  
8 *United States that causes, or may cause, substantial*  
9 *loss of human life or major economic disruption in*  
10 *any particular area.*

11           “(3) *The term ‘facility’ means any structure or*  
12 *facility of any kind located in, on, under, or adjacent*  
13 *to any waters subject to the jurisdiction of the United*  
14 *States.*

15           “(4) *The term ‘National Maritime Transpor-*  
16 *tation Antiterrorism Plan’ means the National Mari-*  
17 *time Transportation Antiterrorism Plan prepared*  
18 *and published under section 70103(a).*

19           “(5) *The term ‘owner or operator’ means—*

20                   “(A) *in the case of a vessel, any person*  
21 *owning, operating, or chartering by demise, such*  
22 *vessel, and*

23                   “(B) *in the case of a facility, any person*  
24 *owning or operating such facility.*

1           “(6) *The term ‘Secretary’ means the Secretary of*  
2           *Transportation.*

3           “(7) *The term ‘Under Secretary’ means the*  
4           *Under Secretary of Transportation for Security.*

5           **“§ 70102. United States facility vulnerability assess-**  
6           **ments**

7           “(a) *IN GENERAL.—The Secretary shall conduct a port*  
8           *vulnerability assessment, including an assessment of the*  
9           *vulnerability of each facility in a port, for each port in*  
10          *the United States for which the Secretary believes there is*  
11          *a high risk of catastrophic emergency.*

12          “(b) *FACILITY ASSESSMENTS.—(1) An assessment*  
13          *under this section for a port shall include an assessment*  
14          *of each facility in the port.*

15          “(2) *Upon completion of an assessment under this sec-*  
16          *tion for a port, the Secretary shall provide to the owner*  
17          *or operator of each facility in the port a copy of the assess-*  
18          *ment of the facility under this subsection.*

19          “(c) *ACCEPTANCE OF EXISTING ASSESSMENT.—In lieu*  
20          *of conducting such a port vulnerability assessment under*  
21          *this section, the Secretary may accept an assessment con-*  
22          *ducted by or on behalf of a port authority or marine ter-*  
23          *minal operator.*

1 **“§ 70103. Catastrophic emergency planning**

2 “(a) NATIONAL MARITIME TRANSPORTATION  
3 ANTITERRORISM PLAN.—(1) *The Secretary shall prepare a*  
4 *National Maritime Transportation Antiterrorism Plan for*  
5 *detering a catastrophic emergency.*

6 “(2) *The National Maritime Transportation*  
7 *Antiterrorism Plan shall provide for efficient, coordinated,*  
8 *and effective action to deter and minimize damage from*  
9 *catastrophic emergencies, and shall include the following:*

10 “(A) *Assignment of duties and responsibilities*  
11 *among Federal departments and agencies in coordi-*  
12 *nation with State and local governmental agencies.*

13 “(B) *Identification of security resources.*

14 “(C) *Establishment of procedures for the coordi-*  
15 *nation of activities of—*

16 “(i) *Coast Guard maritime antiterrorism*  
17 *teams established under this chapter; and*

18 “(ii) *Federal Maritime Antiterrorism Coor-*  
19 *dinators.*

20 “(D) *A system of surveillance and notice de-*  
21 *signed to safeguard against as well as ensure earliest*  
22 *possible notice of catastrophic emergencies and immi-*  
23 *nent threats of catastrophic emergencies to the appro-*  
24 *prate State and Federal agencies.*

25 “(E) *Establishment of criteria and procedures to*  
26 *ensure immediate and effective Federal identification*

1       of a catastrophic emergency, or the substantial threat  
2       of a catastrophic emergency.

3               “(F) Designation of—

4                       “(i) areas for which Area Maritime  
5                       Transportation Antiterrorism Plans are re-  
6                       quired to be prepared under subsection (b);  
7                       and

8                       “(ii) a Coast Guard official who shall  
9                       be the Federal Maritime Antiterrorism Co-  
10                      ordinator for each such area.

11       “(3) The Secretary may, from time to time, as the Sec-  
12       retary considers advisable, revise or otherwise amend the  
13       National Maritime Transportation Antiterrorism Plan.

14       “(4) Actions to deter and minimize damage from cata-  
15       strophic emergencies shall, to the greatest extent possible,  
16       be in accordance with the National Maritime Transpor-  
17       tation Antiterrorism Plan.

18       “(b)       AREA       MARITIME       TRANSPORTATION  
19       ANTITERRORISM PLANS.—(1) The Federal Maritime  
20       Antiterrorism Coordinator designated under subsection  
21       (a)(2)(F) for an area shall—

22               “(A) submit to the Secretary an Area Maritime  
23       Transportation Antiterrorism Plan for the area; and

24               “(B) solicit advice from local harbor safety advi-  
25       sory committees to assure preplanning of joint ter-

1 *rorism deterrence efforts, including appropriate proce-*  
2 *dures for deterrence of acts of terrorism.*

3 *“(2) The Area Maritime Transportation Antiterrorism*  
4 *Plan shall—*

5 *“(A) when implemented in conjunction with the*  
6 *National Maritime Transportation Antiterrorism*  
7 *Plan, be adequate to deter a terrorist act in or near*  
8 *the area to the maximum extent practicable;*

9 *“(B) describe the area covered by the plan, in-*  
10 *cluding the areas of population or special economic,*  
11 *environmental or national security importance that*  
12 *might be damaged by a terrorist act;*

13 *“(C) describe in detail how the plan is integrated*  
14 *with other Area Maritime Transportation*  
15 *Antiterrorism Plans, and with facility antiterrorism*  
16 *plans and vessel antiterrorism plans under this sec-*  
17 *tion;*

18 *“(D) include any other information the Sec-*  
19 *retary requires; and*

20 *“(E) be updated at least every five years by the*  
21 *Federal Maritime Antiterrorism Coordinator.*

22 *“(3) The Secretary shall—*

23 *“(A) review and approve Area Maritime Trans-*  
24 *portation Antiterrorism Plans under this subsection;*  
25 *and*

1           “(B) periodically review previously approved  
2           Area Maritime Transportation Antiterrorism Plans.

3           “(c) VESSEL AND FACILITY ANTITERRORISM PLANS.—

4           (1) Before January 1, 2003, an owner or operator of a vessel  
5           or facility described in paragraph (2) shall prepare and  
6           submit to the Secretary a antiterrorism plan for the vessel  
7           or facility, for deterring a catastrophic emergency to the  
8           maximum extent practicable.

9           “(2) The vessels and facilities referred to in paragraph  
10          (1) are vessels and facilities that the Secretary believes may  
11          be involved in a catastrophic emergency.

12          “(3) A antiterrorism plan required under this sub-  
13          section shall—

14                 “(A) be consistent with the requirements of the  
15                 National Maritime Transportation Antiterrorism  
16                 Plan and Area Maritime Transportation  
17                 Antiterrorism Plans;

18                 “(B) identify the qualified individual having full  
19                 authority to implement antiterrorism actions, and re-  
20                 quire immediate communications between that indi-  
21                 vidual and the appropriate Federal official and the  
22                 persons providing personnel and equipment pursuant  
23                 to subparagraph (C);

24                 “(C) identify, and ensure by contract or other  
25                 means approved by the Secretary, the availability of

1       *antiterrorism measures necessary to deter a cata-*  
2       *strophic emergency or a substantial threat of such a*  
3       *catastrophic emergency;*

4             “(D) describe the training, periodic unan-

5             *nounced drills, and antiterrorism actions of persons*  
6             *on the vessel or at the facility, to be carried out under*  
7             *the plan to deter a catastrophic emergency, or a sub-*  
8             *stantial threat of a catastrophic emergency;*

9             “(E) be updated at least every five years; and

10            “(F) be resubmitted for approval of each signifi-

11            *cant change.*

12       “(4) The Secretary shall—

13             “(A) promptly review each such plan;

14             “(B) require amendments to any plan that does

15             *not meet the requirements of this subsection;*

16             “(C) approve any plan that meets the require-

17             *ments of this subsection; and*

18             “(D) review each plan periodically thereafter.

19       “(5) A vessel or facility for which a plan is required

20       *to be submitted under this subsection may not operate after*  
21       *January 1, 2003, unless—*

22             “(A) the plan has been approved by the Sec-

23             *retary; and*

24             “(B) the vessel or facility is operating in compli-

25             *ance with the plan.*

1       “(6) Notwithstanding paragraph (5), the Secretary  
2 may authorize a vessel or facility to operate without a  
3 antiterrorism plan approved under this subsection, until  
4 not later than 1 year after the date of the submission to  
5 the Secretary of a plan for the vessel or facility, if the owner  
6 or operator certifies that the owner or operator has ensured  
7 by contract or other means approved by the Secretary to  
8 deter a catastrophic emergency or a substantial threat of  
9 a catastrophic emergency.

10       “(7) The Secretary shall require each operator of a ves-  
11 sel or facility located within or adjacent to waters subject  
12 to the jurisdiction of the United States to implement any  
13 necessary interim security measures until the antiterrorism  
14 plan for that vessel or facility operator is approved.

15       “(d) NONDISCLOSURE OF INFORMATION.—Notwith-  
16 standing any other provision of law, information developed  
17 under this chapter is not required to be disclosed to the pub-  
18 lic, including—

19               “(1) facility antiterrorism plans, vessel  
20 antiterrorism plans, and port vulnerability assess-  
21 ments; and

22               “(2) other information related to antiterrorism  
23 plans, procedures, or programs for vessels or termi-  
24 nals authorized under this chapter.

1 **“§ 70104. Antiterrorism response**

2       “(a) *COORDINATION.*—*The Secretary shall cooperate*  
3 *with the Director of the Federal Emergency Management*  
4 *Agency to ensure that Federal, State, and local terrorism*  
5 *response resources are coordinated as part of the Director’s*  
6 *terrorism response plan for United States ports and water-*  
7 *ways.*

8       “(b) *VESSEL RESPONSE PLAN SYSTEM.*—*Before Janu-*  
9 *ary 1, 2003, the Secretary shall establish a system of*  
10 *antiterrorism response plans for vessels that may be in-*  
11 *olved in a catastrophic emergency.*

12 **“§ 70105. Transportation security cards**

13       “(a) *PROHIBITION.*—(1) *An individual shall not enter*  
14 *an area of a vessel or facility that is designated as a secure*  
15 *area in an antiterrorism plan for the vessel or facility that*  
16 *is approved by the Secretary under section 70103(c) unless*  
17 *the individual—*

18               “(A) *holds a transportation security card issued*  
19 *under this section and is authorized to be in the area*  
20 *in accordance with the plan; or*

21               “(B) *is accompanied by another individual who*  
22 *holds a transportation security card issued under this*  
23 *section and is authorized to be in the area in accord-*  
24 *ance with the plan.*

1       “(2) *A person shall not admit an individual into such*  
2 *a secure area unless the entry of the individual into the*  
3 *area is in compliance with paragraph (1).*

4       “(b) *ISSUANCE OF CARDS.—(1) The Secretary shall*  
5 *issue a transportation security card to an individual speci-*  
6 *fied in paragraph (2), unless the Secretary decides that the*  
7 *individual poses a terrorism security risk warranting de-*  
8  *denial of the card.*

9       “(2) *This subsection applies to—*

10           “(A) *an individual allowed unescorted access to*  
11 *a secure area designated in a maritime transpor-*  
12 *tation antiterrorism plan;*

13           “(B) *an individual issued a license, certificate of*  
14 *registry, or merchant mariners document under part*  
15 *E of subtitle II of this title;*

16           “(C) *a vessel pilot;*

17           “(D) *an individual engaged on a towing vessel*  
18 *that pushes, pulls, or hauls alongside a tank vessel;*  
19 *and*

20           “(E) *an individual engaged on a vessel that may*  
21 *be involved in a catastrophic emergency.*

22       “(c) *DETERMINATION OF TERRORISM SECURITY*  
23 *RISK.—(1) An individual may not be denied a transpor-*  
24 *tation security card under subsection (a) unless the Sec-*  
25 *retary determines that individual—*

1           “(A) has been convicted of a felony that the Sec-  
2           retary believes could be a terrorism security risk to  
3           the United States;

4           “(B) may be denied admission to the United  
5           States or removed from the United States under the  
6           Immigration and Nationality Act (8 U.S.C. 1101 et  
7           seq.); or

8           “(C) otherwise poses a terrorism security risk to  
9           the United States.

10          “(2) In making a determination under paragraph (1),  
11          the Secretary shall give consideration to the circumstances  
12          of any disqualifying act or offense, restitution made by the  
13          individual, Federal and State mitigation remedies, and  
14          other factors from which it may be concluded that the indi-  
15          vidual does not pose a terrorism security risk warranting  
16          denial of the card.

17          “(3) The Secretary shall establish an appeals process  
18          under this section for individuals found to be ineligible for  
19          a transportation security card that includes notice and an  
20          opportunity for a hearing.

21          “(4) Upon application, the Secretary may issue a  
22          transportation security card to an individual if the Sec-  
23          retary has previously determined, under section 5103a of  
24          title 49, that the individual does not pose a security risk.

1       “(d) *BACKGROUND RECORDS CHECK.—(1) On request*  
2 *of the Secretary, the Attorney General shall—*

3               “(A) *conduct a background records check regard-*  
4 *ing the individual; and*

5               “(B) *upon completing the background records*  
6 *check, notify the Secretary of the completion and re-*  
7 *sults of the background records check.*

8       “(2) *A background records check regarding an indi-*  
9 *vidual under this subsection shall consist of the following:*

10              “(A) *A check of the relevant criminal history*  
11 *databases.*

12              “(B) *In the case of an alien, a check of the rel-*  
13 *evant databases to determine the status of the alien*  
14 *under the immigration laws of the United States.*

15              “(C) *As appropriate, a check of the relevant*  
16 *international databases or other appropriate means.*

17              “(D) *Review of any other national security-re-*  
18 *lated information or database identified by the Attor-*  
19 *ney General for purposes of such a background*  
20 *records check.*

21       “(e) *RESTRICTIONS ON USE AND MAINTENANCE OF IN-*  
22 *FORMATION.—(1) Information obtained by the Attorney*  
23 *General or the Secretary of Transportation under this sec-*  
24 *tion may not be made available to the public under section*  
25 *552 of title 5.*

1       “(2) *Any information constituting grounds for denial*  
2 *of a transportation security card under subsection (c)(1)*  
3 *shall be maintained confidentially by the Secretary and*  
4 *may be used only for making determinations under this sec-*  
5 *tion.*

6       “(f) *DEFINITION.—In this section, the term ‘alien’ has*  
7 *the meaning given the term in section 101(a)(3) of the Im-*  
8 *migration and Nationality Act (8 U.S.C. 1101(a)(3)).*

9       **“§ 70106. Maritime antiterrorism teams**

10       “(a) *IN GENERAL.—The Secretary shall establish mar-*  
11 *itime antiterrorism teams to safeguard the public and pro-*  
12 *tect vessels, ports, facilities, and cargo on waters subject to*  
13 *the jurisdiction of the United States from terrorist activity.*

14       “(b) *MISSION.—Each maritime antiterrorism team*  
15 *shall be trained, equipped, and capable of being employed*  
16 *to deter, protect against, and rapidly respond to threats of*  
17 *terrorism.*

18       “(c) *COORDINATION WITH OTHER AGENCIES.—To the*  
19 *maximum extent feasible, each maritime antiterrorism*  
20 *team shall coordinate its activities with other Federal,*  
21 *State, and local law enforcement agencies.*

22       **“§ 70107. Grants**

23       “(a) *FINANCIAL ASSISTANCE.—The Under Secretary*  
24 *may provide financial assistance for enhanced facility*  
25 *security—*

1           “(1) to implement a maritime antiterrorism  
2           plan approved by the Secretary; or

3           “(2) to implement an interim measure required  
4           by the Secretary under section 70103(c)(7).

5           “(b) *MATCHING REQUIREMENTS.*—(1) Except as pro-  
6           vided in paragraph (2), Federal funds for any project under  
7           this section shall not exceed 75 percent of the total cost of  
8           such project.

9           “(2)(A) There are no matching requirements for grants  
10          under subsection (a) for projects costing not more than  
11          \$25,000.

12          “(B) If the Under Secretary determines that a pro-  
13          posed project merits support and cannot be undertaken  
14          without a higher rate of Federal support, then the Under  
15          Secretary may approve grants under this section with a  
16          matching requirement other than that specified in para-  
17          graph (1).

18          “(c) *PROJECT PROPOSALS.*—Each proposal for a  
19          grant under this section shall include the following:

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

22                  “(2) A comprehensive description of the need for  
23                  the project, and a statement of the project’s relation-  
24                  ship to the Area Maritime Transportation

1       *Antiterrorism Plan that applies to the location where*  
2       *the project will be carried out.*

3               “(3) *A description of the qualifications of the in-*  
4       *dividuals who will conduct the project.*

5               “(4) *An estimate of the funds and time required*  
6       *to complete the project.*

7               “(5) *Information regarding the source and*  
8       *amount of matching funding available to the appli-*  
9       *cant, as appropriate.*

10              “(6) *Any other information the Under Secretary*  
11       *considers to be necessary for evaluating the eligibility*  
12       *of the project for funding under this section.*

13              “(d) *AUTHORIZATION OF APPROPRIATIONS.—(1) To*  
14       *carry out this section there is authorized to be appropriated*  
15       *to the Secretary \$75,000,000 for each of fiscal years 2003,*  
16       *2004, and 2005.*

17              “(2) *Of amounts available under this section,*  
18       *\$7,500,000 shall be used for proof-of-concept technology*  
19       *grants.*

20              “(3) *Amounts appropriated under this section may re-*  
21       *main available until expended.*

22       **“§ 70108. Foreign port assessment**

23              “(a) *IN GENERAL.—The Secretary shall assess the ef-*  
24       *fectiveness of the antiterrorism measures maintained at—*

25              “(1) *a foreign port—*

1           “(A) served by vessels documented under  
2           chapter 121 of this title; or

3           “(B) from which foreign vessels depart on a  
4           voyage to the United States; and

5           “(2) any other foreign port the Secretary believes  
6           poses a high risk of introducing terrorism to inter-  
7           national maritime commerce.

8           “(b) *PROCEDURES.*—In conducting an assessment  
9           under subsection (a), the Secretary shall assess the effective-  
10          ness of—

11           “(1) screening of containerized and other cargo  
12           and baggage;

13           “(2) security measures to restrict access to cargo,  
14           vessels, and dockside property to authorized personnel  
15           only;

16           “(3) additional security on board vessels;

17           “(4) licensing or certification of compliance with  
18           appropriate security standards;

19           “(5) the security management program of the  
20           foreign port; and

21           “(6) other appropriate measures to deter ter-  
22           rorism against the United States.

23           “(c) *CONSULTATION.*—In carrying out this section, the  
24          Secretary may consult with—

1           “(1) *the Secretary of Defense and the Secretary*  
2       *of State—*

3           “(A) *on the terrorist threat that exists in*  
4       *each country involved; and*

5           “(B) *to identify foreign ports that pose a*  
6       *high risk of introducing terrorism to inter-*  
7       *national maritime commerce;*

8           “(2) *the Secretary of the Treasury;*

9           “(3) *appropriate authorities of foreign govern-*  
10       *ments; and*

11          “(4) *operators of vessels.*

12       **“§ 70109. Notifying foreign authorities**

13          *“If the Secretary, after conducting an assessment*  
14       *under section 70108, finds that a port in a foreign country*  
15       *does not maintain effective antiterrorism measures, the Sec-*  
16       *retary shall notify the appropriate authorities of the govern-*  
17       *ment of the foreign country of the finding and recommend*  
18       *the steps necessary to improve the antiterrorism measures*  
19       *in use at the port.*

20       **“§ 70110. Actions when foreign ports not maintaining**  
21                ***effective antiterrorism measures***

22          “(a) *IN GENERAL.—If the Secretary finds that a for-*  
23       *ign port does not maintain effective antiterrorism meas-*  
24       *ures, the Secretary may—*

1           “(1) prescribe conditions of entry into the United  
2 States for any vessel arriving from that port, or any  
3 vessel carrying cargo originating from or trans-  
4 shipped through that port; and

5           “(2) deny entry into the United States to any  
6 vessel that does not meet such conditions.

7           “(b) *EFFECTIVE DATE FOR SANCTIONS.*—Any action  
8 taken by the Secretary under subsection (a) for a particular  
9 port shall take effect—

10           “(1) 90 days after the government of the foreign  
11 country with jurisdiction over or control of that port  
12 is notified under section 70109 unless the Secretary  
13 finds that the government has brought the  
14 antiterrorism measures at the port up to the security  
15 level the Secretary used in making an assessment  
16 under section 70108 before the end of that 90-day pe-  
17 riod; or

18           “(2) immediately upon the finding of the Sec-  
19 retary under subsection (a) if the Secretary finds,  
20 after consulting with the Secretary of State, that a  
21 condition exists that threatens the safety or security  
22 of passengers, vessels, or crew traveling to or from the  
23 port.

24           “(c) *STATE DEPARTMENT TO BE NOTIFIED.*—The Sec-  
25 retary immediately shall notify the Secretary of State of

1 *a finding that a port does not maintain effective*  
2 *antiterrorism measures.*

3 “(d) *ACTION CANCELED.*—*An action required under*  
4 *this section is no longer required if the Secretary decides*  
5 *that effective antiterrorism measures are maintained at the*  
6 *port.*

7 **“§ 70111. Shipping container antiterrorism**

8 “(a) *IN GENERAL.*—*By not later than June 30, 2003,*  
9 *the Under Secretary, in consultation with the Transpor-*  
10 *tation Security Oversight Board, shall—*

11 “(1) *develop and maintain a antiterrorism cargo*  
12 *identification and screening system for containerized*  
13 *cargo shipped to and from the United States either*  
14 *directly or via a foreign port; and*

15 “(2) *develop performance standards to enhance*  
16 *the physical security of shipping containers, includ-*  
17 *ing standards for seals and locks.*

18 “(b) *PROVISION OF INFORMATION.*—*An ocean common*  
19 *carrier, customs broker, freight forwarder, nonvessel oper-*  
20 *ating common carrier, and shipper shall provide to the*  
21 *Under Secretary, by electronic transmission, containerized*  
22 *cargo information in a manner and form prescribed by the*  
23 *Under Secretary.*

24 “(c) *DEADLINE FOR PROVIDING INFORMATION.*—*The*  
25 *information required under subsection (b) shall be provided*

1 to the Under Secretary not later than 24 hours before the  
2 cargo destined for the United States is loaded on a vessel.

3 “(d) *DENIAL OF ENTRY.*—The Secretary, upon request  
4 of the Under Secretary, may deny entry by a vessel into  
5 the United States if all information requested by the Under  
6 Secretary with respect to cargo on the vessel is not provided  
7 before the deadline under subsection (c).

8 **“§ 70112. Crew and passenger manifests**

9 “(a) *IN GENERAL.*—The operator of each commercial  
10 vessel arriving in the United States from a foreign port  
11 shall provide to the Under Secretary by electronic trans-  
12 mission a passenger and crew manifest containing the in-  
13 formation specified in subsection (b).

14 “(b) *INFORMATION.*—A passenger and crew manifest  
15 required under subsection (a) for a vessel shall contain the  
16 following information:

17 “(1) *The full name of each passenger and crew*  
18 *member.*

19 “(2) *The date of birth and citizenship of each*  
20 *passenger and crew member.*

21 “(3) *The sex of each passenger and crew member.*

22 “(4) *The passport number and country of*  
23 *issuance of each passenger and crew member if re-*  
24 *quired for travel.*

1           “(5) *The United States visa number or resident*  
 2           *alien card number of each passenger and crew mem-*  
 3           *ber, as applicable.*

4           “(6) *Such other information as the Under Sec-*  
 5           *retary determines is reasonably necessary to ensure*  
 6           *maritime safety.*

7           “(c) *TRANSMISSION OF MANIFEST.—Subject to sub-*  
 8           *section (d), a passenger and crew manifest required for a*  
 9           *vessel under subsection (a) shall be transmitted to the Under*  
 10           *Secretary in advance of the vessel arriving in the United*  
 11           *States in such manner, time, and form as the Under Sec-*  
 12           *retary prescribes.*

13           “(d) *TRANSMISSION OF MANIFESTS TO OTHER FED-*  
 14           *ERAL AGENCIES.—Upon request, information provided to*  
 15           *the Under Secretary under this section may be shared with*  
 16           *other Federal agencies for the purpose of protecting national*  
 17           *security.*

18           **“§ 70113. Civil penalty**

19           *“Any person that violates this chapter or any regula-*  
 20           *tion under this chapter shall be liable to the United States*  
 21           *for a civil penalty of not more than \$25,000 for each viola-*  
 22           *tion.”.*

23           “(b) *CONFORMING AMENDMENT.—The table of subtitles*  
 24           *at the beginning of title 46, United States Code, is amended*  
 25           *by adding at the end the following:*

          “VI. MISCELLANEOUS ..... 70101”.

1           (c) *APPLICATION OF CREW AND PASSENGER MANIFEST*  
2 *REQUIREMENT.*—Section 70112 of title 46, United States  
3 Code, as enacted by the amendment made by subsection (a),  
4 shall apply with respect to any vessel arriving in the United  
5 States after the 60-day period beginning on the date of the  
6 enactment of this Act.

7           (d) *RULEMAKING REQUIREMENTS.*—

8                   (1) *INTERIM FINAL RULE AUTHORITY.*—The Sec-  
9 retary may issue an interim final rule as a tem-  
10 porary regulation implementing this section (includ-  
11 ing the amendments made by this section) as soon as  
12 practicable after the date of enactment of this section,  
13 without regard to the provisions of chapter 5 of title  
14 5, United States Code.

15                   (2) *INITIATION OF RULEMAKING.*—The Secretary  
16 may initiate a rulemaking to implement this section  
17 (including the amendments made by this section) as  
18 soon as practicable after the date of enactment of this  
19 section. The final rule issued pursuant to that rule-  
20 making may supersede the interim final rule promul-  
21 gated under this subsection.

1 **SEC. 3. CLARIFICATION OF COAST GUARD AUTHORITY TO**  
2 **CONTROL VESSELS IN TERRITORIAL WATERS**  
3 **OF THE UNITED STATES.**

4 *The Ports and Waterways Safety Act (33 U.S.C. 1221*  
5 *et seq.) is amended by adding at the end the following:*

6 **“SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DI-**  
7 **RECTION OF VESSELS BY COAST GUARD.**

8 *“(a) NOTIFICATION OF COAST GUARD.—Under regula-*  
9 *tions prescribed by the Secretary, a commercial vessel enter-*  
10 *ing the territorial sea of the United States shall notify the*  
11 *Secretary by electronic transmission not later than 96 hours*  
12 *before that entry and provide the following information re-*  
13 *garding the vessel:*

14 *“(1) The name of the vessel.*

15 *“(2) The route and port or place of destination*  
16 *in the United States.*

17 *“(3) The time of entry into the territorial sea.*

18 *“(4) Any information requested by the Secretary*  
19 *to demonstrate compliance with applicable inter-*  
20 *national agreements to which the United States is a*  
21 *party.*

22 *“(5) If the vessel is carrying dangerous cargo, a*  
23 *description of that cargo.*

24 *“(6) A description of any hazardous conditions*  
25 *on the vessel.*

1           “(7) Any other information requested by the Sec-  
2       retary.

3           “(b) *DENIAL OF ENTRY.*—The Secretary may deny  
4 entry of a vessel into the territorial sea of the United States  
5 if—

6           “(1) the Secretary has not received notification  
7 for the vessel in accordance with subsection (a); or

8           “(2) the vessel is not in compliance with any  
9 other applicable law relating to marine safety, secu-  
10 rity, or environmental protection.

11          “(c) *DIRECTION OF VESSEL.*—The Secretary may di-  
12 rect the operation of any vessel in the navigable waters of  
13 the United States as necessary during hazardous cir-  
14 cumstances, including the absence of a pilot required by  
15 State or Federal law, weather, casualty, vessel traffic, or  
16 the poor condition of the vessel.

17          “(d) *IMPLEMENTATION.*—The Secretary shall imple-  
18 ment this section consistent with section 4(d).”.

19 **SEC. 4. EXTENSION OF SEAWARD JURISDICTION.**

20          “(a) *DEFINITION OF TERRITORIAL WATERS.*—Section  
21 1 of title XIII of the Act of June 15, 1917 (50 U.S.C. 195)  
22 is amended—

23               (1) by striking “The term ‘United States’ as used  
24 in this Act includes” and inserting the following:

25               “In this Act:

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

3           (2) *by adding at the end the following:*

4           “(2) *TERRITORIAL WATERS.*—*The term ‘terri-*  
5           *torial waters of the United States’ includes all waters*  
6           *of the territorial sea of the United States as described*  
7           *in Presidential Proclamation 5928 of December 27,*  
8           *1988.”.*

9           (b) *CIVIL PENALTY FOR VIOLATION OF ACT OF JUNE*  
10          *15, 1917.*—*Section 2 of title II of the Act of June 15, 1917*  
11          *(50 U.S.C. 192), is amended—*

12           (1) *by inserting “(a) IN GENERAL.—” before*  
13           *“If” in the first undesignated paragraph;*

14           (2) *by striking “(a) If any other” and inserting*  
15           *“(b) APPLICATION TO OTHERS.—If any other”;* and

16           (3) *by adding at the end the following:*

17           “(c) *CIVIL PENALTY.*—*A person violating this Act, or*  
18           *any rule, regulation or order issued under this Act, shall*  
19           *be liable to the United States Government for a civil pen-*  
20           *alty of not more than \$25,000 for each violation. Each day*  
21           *of a continuing violation shall constitute a separate viola-*  
22           *tion.”.*

1 **SEC. 5. SUSPENSION OF LIMITATION ON STRENGTH OF**  
2 **COAST GUARD.**

3 (a) *PERSONNEL END STRENGTHS.*—Section 661(a) of  
4 title 14, United States Code, is amended by adding at the  
5 end the following: “If at the end of any fiscal year there  
6 is in effect a declaration of war or national emergency, the  
7 President may defer the effectiveness of any end-strength  
8 limitation with respect to that fiscal year prescribed by law  
9 for any military or civilian component of the Coast Guard,  
10 for a period not to exceed 6 months after the end of the  
11 war or termination of the national emergency.”.

12 (b) *OFFICERS IN COAST GUARD RESERVE.*—Section  
13 724 of title 14, United States Code, is amended by adding  
14 at the end thereof the following:

15 “(c) *DEFERRAL OF LIMITATION.*—If at the end of any  
16 fiscal year there is in effect a declaration of war or national  
17 emergency, the President may defer the effectiveness of any  
18 end-strength limitation with respect to that fiscal year pre-  
19 scribed by law for any military or civilian component of  
20 the Coast Guard Reserve, for a period not to exceed 6  
21 months after the end of the war or termination of the na-  
22 tional emergency.”.

1 **SEC. 6. EXTENSION OF DEEPWATER PORT ACT TO NATURAL**  
 2 **GAS.**

3 *The following provisions of the Deepwater Port Act of*  
 4 *1974 (33 U.S.C. 1501 et seq.) are each amended by insert-*  
 5 *ing “or natural gas” after “oil” each place it appears:*

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

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

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

9 (4) *Section 5(c)(2)(G) and (H) (33 U.S.C.*  
 10 *1504(c)(2)(G) and (H)).*

11 (5) *Section 5(i)(2)(B) (33 U.S.C. 1504(i)(2)(B)).*

12 (6) *Section 5(i)(3)(C) (33 U.S.C. 1504*  
 13 *(i)(3)(C)).*

14 (7) *Section 8 (33 U.S.C. 1507).*

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

16 **SEC. 7. ASSIGNMENT OF COAST GUARD PERSONNEL AS SEA**  
 17 **MARSHALS AND ENHANCED USE OF OTHER**  
 18 **SECURITY PERSONNEL.**

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

21 (1) *by striking “and” after the semicolon in*  
 22 *paragraph (1);*

23 (2) *by striking “terrorism.” in paragraph (2)*  
 24 *and inserting “terrorism; and”; and*

25 (3) *by adding at the end the following:*

1           “(3) dispatch properly trained and qualified  
2           armed Coast Guard personnel on facilities and vessels  
3           to deter or respond to acts of terrorism.”.

4           (b) *REPORT ON USE OF NON-COAST GUARD PER-*  
5 *SONNEL.—The Secretary of Transportation shall evaluate*  
6 *and report to the Congress on—*

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

12           (2) *the possibility of using personnel other than*  
13 *Coast Guard personnel to carry out Coast Guard per-*  
14 *sonnel functions under that section and whether addi-*  
15 *tional legal authority would be necessary to use such*  
16 *personnel for such functions; and*

17           (3) *the possibility of utilizing the United States*  
18 *Merchant Marine Academy, State maritime acad-*  
19 *emies, or Coast Guard approved maritime industry*  
20 *schools in the United States, to provide training*  
21 *under that section.*

22 **SEC. 8. AUTOMATIC IDENTIFICATION SYSTEM.**

23           (a) *TRANSPONDER REQUIREMENT.—*

24           (1) *IN GENERAL.—Subject to paragraph (2), the*  
25 *following vessels, while operating on the navigable*

1       *waters of the United States, shall be equipped with*  
2       *a position indicating transponder and an appro-*  
3       *priate situation display or other device suitable for*  
4       *accessing information made available by the trans-*  
5       *ponder system, in accordance with regulations pre-*  
6       *scribed by the Secretary of Transportation:*

7               *(A) Vessels subject to Public Law 92–63.*

8               *(B) Small passenger vessels carrying more*  
9       *than a number of passengers determined by the*  
10       *Secretary of Transportation.*

11              *(C) Towing vessels while towing astern or*  
12       *pushing ahead or alongside, except commercial*  
13       *assistance towing vessels rendering assistance to*  
14       *disabled small vessels.*

15              *(2) EXEMPTION.—The Secretary may exempt a*  
16       *vessel from paragraph (1) if the Secretary finds that*  
17       *a transponder is not necessary for the safe navigation*  
18       *of the vessel on the waters on which the vessel oper-*  
19       *ates.*

20              *(b) REGULATIONS.—The Secretary of Transportation*  
21       *shall issue regulations implementing subsection (a), includ-*  
22       *ing requirements for the operation and maintenance of*  
23       *transponders required under subsection (a).*

24              *(c) APPLICATION.—Subsection (a) shall apply as fol-*  
25       *lows:*

- 1           (1) *On and after December 31, 2002, to—*
- 2                   (A) *any vessel built after that date; and*
- 3                   (B) *notwithstanding paragraphs (2) and*
- 4           (3), *any vessel operating within the geographic*
- 5           *boundaries of a Vessel Traffic Service.*
- 6           (2) *On and after July 1, 2003, to any vessel*
- 7           *built before the date referred to in paragraph (1) that*
- 8           *is—*
- 9                   (A) *a passenger vessel;*
- 10                  (B) *a tanker; or*
- 11                  (C) *a towing vessel engaged in moving a*
- 12           *tank vessel.*
- 13           (3) *On and after December 31, 2004, to all other*
- 14           *vessels built before the date referred to in paragraph*
- 15           (1).



**Union Calendar No. 240**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3983**

**[Report No. 107-405]**

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**A BILL**

To ensure the security of maritime transportation  
in the United States against acts of terrorism,  
and for other purposes.

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APRIL 11, 2002

Reported with an amendment, committed to the Com-  
mittee of the Whole House on the State of the Union,  
and ordered to be printed