

107TH CONGRESS
2^D SESSION

H. R. 3983

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

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

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,*

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

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

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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 waters 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.

1 **SEC. 2. PORT SECURITY.**

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

4 **“Subtitle VI—Miscellaneous**

“Chap.	Sec.
“701. Port Security	70101

“CHAPTER 701—PORT SECURITY

- “Sec.
 “70101. Definitions.
 “70102. United States port 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.

5 **“§ 70101. Definitions**

6 “For the purpose of this chapter:

7 “(1) The term ‘Area Maritime Transportation
 8 Antiterrorism Plan’ means an Area Maritime Trans-
 9 portation Antiterrorism Plan prepared under section
 10 70103(b).

11 “(2) The term ‘catastrophic emergency’ means
 12 any event caused by a terrorist act in the United
 13 States or on a vessel on a voyage to or from the

1 United States that causes, or may cause, substantial
2 loss of human life or major economic disruption in
3 any particular area.

4 “(3) The term ‘facility’ means any structure or
5 facility of any kind located in, on, under, or adjacent
6 to any waters subject to the jurisdiction of the
7 United States.

8 “(4) The term ‘National Maritime Transpor-
9 tation Antiterrorism Plan’ means the National Mari-
10 time Transportation Antiterrorism Plan prepared
11 and published under section 70103(a).

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

13 “(A) in the case of a vessel, any person
14 owning, operating, or chartering by demise,
15 such vessel, and

16 “(B) in the case of a facility, any person
17 owning or operating such facility.

18 “(6) The term ‘Secretary’ means the Secretary
19 of Transportation.

20 “(7) The term ‘Under Secretary’ means the
21 Under Secretary of Transportation for Security.

22 **“§ 70102. United States facility vulnerability assess-**
23 **ments**

24 “(a) IN GENERAL.—(1) The Secretary shall conduct
25 a port vulnerability assessment, including an assessment

1 of the vulnerability of each facility in a port, for each port
2 in the United States for which the Secretary believes there
3 is a high risk of catastrophic emergency.

4 “(b) FACILITY ASSESSMENTS.—(1) An assessment
5 under this section for a port shall include an assessment
6 of each facility in the port.

7 “(2) Upon completion of an assessment under this
8 section for a port, the Secretary shall provide to the owner
9 or operator of each facility in the port a copy of the assess-
10 ment of the facility under this subsection.

11 “(c) ACCEPTANCE OF EXISTING ASSESSMENT.—In
12 lieu of conducting such a port vulnerability assessment
13 under this section, the Secretary may accept an assess-
14 ment conducted by or on behalf of a port authority or ma-
15 rine terminal operator.

16 **“§ 70103. Catastrophic emergency planning**

17 “(a) NATIONAL MARITIME TRANSPORTATION
18 ANTITERRORISM PLAN.—(1) The Secretary shall prepare
19 a National Maritime Transportation Antiterrorism Plan
20 for deterring a catastrophic emergency.

21 “(2) The National Maritime Transportation
22 Antiterrorism Plan shall provide for efficient, coordinated,
23 and effective action to deter and minimize damage from
24 catastrophic emergencies, and shall include the following:

1 “(A) Assignment of duties and responsibilities
2 among Federal departments and agencies in coordi-
3 nation with State and local governmental agencies.

4 “(B) Identification of security resources.

5 “(C) Establishment of procedures for the co-
6 ordination of activities of—

7 “(i) Coast Guard maritime antiterrorism
8 teams established under this chapter; and

9 “(ii) Federal Maritime Antiterrorism Coor-
10 dinators.

11 “(D) A system of surveillance and notice de-
12 signed to safeguard against as well as ensure earliest
13 possible notice of catastrophic emergencies and im-
14 minent threats of catastrophic emergencies to the
15 appropriate State and Federal agencies.

16 “(E) Establishment of criteria and procedures
17 to ensure immediate and effective Federal identifica-
18 tion of a catastrophic emergency, or the substantial
19 threat of a catastrophic emergency.

20 “(F) Designation of—

21 “(i) areas for which Area Maritime
22 Transportation Antiterrorism Plans are re-
23 quired to be prepared under subsection (b);
24 and

1 “(ii) a Coast Guard official who shall
2 be the Federal Maritime Antiterrorism Co-
3 ordinator for each such area.

4 “(3) The Secretary may, from time to time, as the
5 Secretary considers advisable, revise or otherwise amend
6 the National Maritime Transportation Antiterrorism Plan.

7 “(4) Actions to deter and minimize damage from cat-
8 astrophic emergencies shall, to the greatest extent pos-
9 sible, be in accordance with the National Maritime Trans-
10 portation Antiterrorism Plan.

11 “(b) AREA MARITIME TRANSPORTATION
12 ANTITERRORISM PLANS.—(1) The Federal Maritime
13 Antiterrorism Coordinator designated under subsection
14 (a)(2)(F) for an area shall—

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

17 “(B) solicit advice from local harbor safety ad-
18 visory committees to assure preplanning of joint ter-
19 rorism deterrence efforts, including appropriate pro-
20 cedures for deterrence of acts of terrorism.

21 “(2) The Area Maritime Transportation
22 Antiterrorism Plan shall—

23 “(A) when implemented in conjunction with the
24 National Maritime Transportation Antiterrorism

1 Plan, be adequate to deter a terrorist act in or near
2 the area to the maximum extent practicable;

3 “(B) describe the area covered by the plan, in-
4 cluding the areas of population or special economic,
5 environmental or national security importance that
6 might be damaged by a terrorist act;

7 “(C) describe in detail how the plan is inte-
8 grated with other Area Maritime Transportation
9 Antiterrorism Plans, and with facility antiterrorism
10 plans and vessel antiterrorism plans under this sec-
11 tion;

12 “(D) include any other information the Sec-
13 retary requires; and

14 “(E) be updated at least every five years by the
15 Federal Maritime Antiterrorism Coordinator.

16 “(3) The Secretary shall—

17 “(A) review and approve Area Maritime Trans-
18 portation Antiterrorism Plans under this subsection;
19 and

20 “(B) periodically review previously approved
21 Area Maritime Transportation Antiterrorism Plans.

22 “(c) VESSEL AND FACILITY ANTITERRORISM
23 PLANS.—(1) Before January 1, 2003, an owner or oper-
24 ator of a vessel or facility described in paragraph (2) shall
25 prepare and submit to the Secretary a antiterrorism plan

1 for the vessel or facility, for deterring a catastrophic emer-
2 gency to the maximum extent practicable.

3 “(2) The vessels and facilities referred to in para-
4 graph (1) are vessels and facilities that the Secretary be-
5 lieves may be involved in a catastrophic emergency.

6 “(3) A antiterrorism plan required under this sub-
7 section shall—

8 “(A) be consistent with the requirements of the
9 National Maritime Transportation Antiterrorism
10 Plan and Area Maritime Transportation
11 Antiterrorism Plans;

12 “(B) identify the qualified individual having full
13 authority to implement antiterrorism actions, and
14 require immediate communications between that in-
15 dividual and the appropriate Federal official and the
16 persons providing personnel and equipment pursuant
17 to subparagraph (C);

18 “(C) identify, and ensure by contract or other
19 means approved by the Secretary, the availability of
20 antiterrorism measures necessary to deter a cata-
21 strophic emergency or a substantial threat of such a
22 catastrophic emergency;

23 “(D) describe the training, periodic unan-
24 nounced drills, and antiterrorism actions of persons
25 on the vessel or at the facility, to be carried out

1 under the plan to deter a catastrophic emergency, or
2 a substantial threat of a catastrophic emergency;

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

4 “(F) be resubmitted for approval of each sig-
5 nificant change.

6 “(4) The Secretary shall—

7 “(A) promptly review each such plan;

8 “(B) require amendments to any plan that does
9 not meet the requirements of this subsection;

10 “(C) approve any plan that meets the require-
11 ments of this subsection; and

12 “(D) review each plan periodically thereafter.

13 “(5) A vessel or facility for which a plan is required
14 to be submitted under this subsection may not operate
15 after January 1, 2003, unless—

16 “(A) the plan has been approved by the Sec-
17 retary; and

18 “(B) the vessel or facility is operating in com-
19 pliance with the plan.

20 “(6) Notwithstanding paragraph (5), the Secretary
21 may authorize a vessel or facility to operate without a
22 antiterrorism plan approved under this subsection, until
23 not later than 1 year after the date of the submission to
24 the Secretary of a plan for the vessel or facility, if the
25 owner or operator certifies that the owner or operator has

1 ensured by contract or other means approved by the Sec-
2 retary to deter a catastrophic emergency or a substantial
3 threat of a catastrophic emergency.

4 “(7) The Secretary shall require each operator of a
5 vessel or facility located within or adjacent to waters sub-
6 ject to the jurisdiction of the United States to implement
7 any necessary interim security measures until the
8 antiterrorism plan for that vessel or facility operator is
9 approved.

10 “(d) NONDISCLOSURE OF INFORMATION.—Notwith-
11 standing any other provision of law, information developed
12 under this chapter is not required to be disclosed to the
13 public, including—

14 “(1) facility antiterrorism plans, vessel
15 antiterrorism plans, and port vulnerability assess-
16 ments.

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

20 **“§ 70104. Antiterrorism response**

21 “(a) COORDINATION.—The Secretary shall cooperate
22 with the Director of the Federal Emergency Management
23 Agency to ensure that Federal, State, and local terrorism
24 response resources are coordinated as part of the Direc-

1 tor's terrorism response plan for United States ports and
2 waterways.

3 “(b) VESSEL RESPONSE PLAN SYSTEM.—Before
4 January 1, 2003, the Secretary shall establish a system
5 of antiterrorism response plans for vessels that may be
6 involved in a catastrophic emergency.

7 **“§ 70105. Transportation security cards**

8 “(a) PROHIBITION.—(1) An individual shall not enter
9 an area of a vessel or facility that is designated as a secure
10 area in an antiterrorism plan for the vessel or facility that
11 is approved by the Secretary under section 70103(c) un-
12 less the individual—

13 “(A) holds a transportation security card issued
14 under this section and is authorized to be in the
15 area in accordance with the plan; or

16 “(B) is accompanied by another individual who
17 holds a transportation security card issued under
18 this section and is authorized to be in the area in
19 accordance with the plan.

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

23 “(b) ISSUANCE OF CARDS.—(1) The Secretary shall
24 issue a transportation security card to an individual speci-
25 fied in paragraph (2), unless the Secretary decides that

1 the individual poses a terrorism security risk warranting
2 denial of the card.

3 “(2) This subsection applies to—

4 “(A) an individual allowed unescorted access to
5 a secure area designated in a maritime transpor-
6 tation antiterrorism plan;

7 “(B) an individual issued a license, certificate
8 of registry, or merchant mariners document under
9 part E of subtitle II of this title;

10 “(C) a vessel pilot;

11 “(D) an individual engaged on a towing vessel
12 that pushes, pulls, or hauls alongside a tank vessel;
13 and

14 “(E) an individual engaged on a vessel that
15 may be involved in a catastrophic emergency.

16 “(c) DETERMINATION OF TERRORISM SECURITY
17 RISK.—(1) An individual may not be denied a transpor-
18 tation security card under subsection (a) unless the Sec-
19 retary determines that individual—

20 “(A) has been convicted of a felony that the
21 Secretary believes could be a terrorism security risk
22 to the United States;

23 “(B) may be denied admission to the United
24 States or removed from the United States under the

1 Immigration and Nationality Act (8 U.S.C. 1101 et
2 seq.); or

3 “(C) otherwise poses a terrorism security risk
4 to the United States.

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

12 “(3) The Secretary shall establish an appeals process
13 under this section for individuals found to be ineligible for
14 a transportation security card that includes notice and an
15 opportunity for a hearing.

16 “(d) BACKGROUND RECORDS CHECK.—(1) On re-
17 quest of the Secretary, the Attorney General shall—

18 “(A) conduct a background records check re-
19 garding the individual; and

20 “(B) upon completing the background records
21 check, notify the Secretary of the completion and re-
22 sults of the background records check.

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

1 “(A) A check of the relevant criminal history
2 databases.

3 “(B) In the case of an alien, a check of the rel-
4 evant databases to determine the status of the alien
5 under the immigration laws of the United States.

6 “(C) As appropriate, a check of the relevant
7 international databases or other appropriate means.

8 “(D) Review of any other national security-re-
9 lated information or database identified by the At-
10 torney General for purposes of such a background
11 records check.

12 “(e) RESTRICTIONS ON USE AND MAINTENANCE OF
13 INFORMATION.—(1) Information obtained by the Attorney
14 General or the Secretary of Transportation under this sec-
15 tion may not be made available to the public under section
16 552 of title 5.

17 “(2) Any information constituting grounds for denial
18 of a transportation security card under subsection (b)(1)
19 shall be maintained confidentially by the Secretary and
20 may be used only for making determinations under this
21 section.

22 “(f) DEFINITION.—In this section, the term ‘alien’
23 has the meaning given the term in section 101(a)(3) of
24 the Immigration and Nationality Act (8 U.S.C.
25 1101(a)(3)).

1 **“§ 70106. Maritime antiterrorism teams**

2 “(a) IN GENERAL.—The Secretary shall establish
3 maritime antiterrorism teams to safeguard the public and
4 protect vessels, ports, facilities, and cargo on waters sub-
5 ject to the jurisdiction of the United States from terrorist
6 activity.

7 “(b) MISSION.—Each maritime antiterrorism team
8 shall be trained, equipped, and capable of being employed
9 to deter, protect against, and rapidly respond to threats
10 of terrorism.

11 “(c) COORDINATION WITH OTHER AGENCIES.—To
12 the maximum extent feasible, each maritime antiterrorism
13 team shall coordinate its activities with other Federal,
14 State, and local law enforcement agencies.

15 **“§ 70107. Grants**

16 “(a) FINANCIAL ASSISTANCE.—The Under Secretary
17 may provide financial assistance for enhanced facility
18 security—

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

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

23 “(b) MATCHING REQUIREMENTS.—(1) Except as
24 provided in paragraph (2), Federal funds for any project
25 under this section shall not exceed 75 percent of the total
26 cost of such project.

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

4 “(B) If the Under Secretary determines that a pro-
5 posed project merits support and cannot be undertaken
6 without a higher rate of Federal support, then the Under
7 Secretary may approve grants under this section with a
8 matching requirement other than that specified in para-
9 graph (1).

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

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

14 “(2) A comprehensive description of the need
15 for the project, and a statement of the project’s rela-
16 tionship to the Area Maritime Transportation
17 Antiterrorism Plan that applies to the location where
18 the project will be carried out.

19 “(3) A description of the qualifications of the
20 individuals who will conduct the project.

21 “(4) An estimate of the funds and time re-
22 quired to complete the project.

23 “(5) Information regarding the source and
24 amount of matching funding available to the appli-
25 cant, as appropriate.

1 “(6) Any other information the Under Sec-
2 retary considers to be necessary for evaluating the
3 eligibility of the project for funding under this sec-
4 tion.

5 “(d) AUTHORIZATION OF APPROPRIATIONS.—(1) To
6 carry out this section there is authorized to be appro-
7 priated to the Secretary \$75,000,000 for each of fiscal
8 years 2003, 2004, and 2005.

9 “(2) Of amounts available under this section,
10 \$7,500,000 shall be used for proof-of-concept technology
11 grants.

12 “(3) Amounts appropriated under this section may
13 remain available until expended.

14 **“§ 70108. Foreign port assessment**

15 “(a) IN GENERAL.—The Secretary shall assess the
16 effectiveness of the antiterrorism measures maintained
17 at—

18 “(1) a foreign port—

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

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

23 “(2) any other foreign port the Secretary be-
24 lieves poses a high risk of introducing terrorism to
25 international maritime commerce.

1 “(b) PROCEDURES.—In conducting an assessment
2 under subsection (a), the Secretary shall assess the effec-
3 tiveness of—

4 “(1) screening of containerized and other cargo
5 and baggage;

6 “(2) security measures to restrict access to
7 cargo, vessels, and dockside property to authorized
8 personnel only;

9 “(3) additional security on board vessels;

10 “(4) licensing or certification of compliance
11 with appropriate security standards;

12 “(5) the security management program of the
13 foreign port; and

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

16 “(c) CONSULTATION.—In carrying out this section,
17 the Secretary may consult with—

18 “(1) the Secretary of Defense and the Secretary
19 of State—

20 “(A) on the terrorist threat that exists in
21 each country involved; and

22 “(B) to identify foreign ports that pose a
23 high risk of introducing terrorism to inter-
24 national maritime commerce;

25 “(2) the Secretary of the Treasury;

1 “(3) appropriate authorities of foreign govern-
2 ments; and

3 “(4) operators of vessels.

4 **“§ 70109. Notifying foreign authorities**

5 “If the Secretary, after conducting an assessment
6 under section 70108, finds that a port in a foreign country
7 does not maintain effective antiterrorism measures, the
8 Secretary shall notify the appropriate authorities of the
9 government of the foreign country of the finding and rec-
10 ommend the steps necessary to improve the antiterrorism
11 measures in use at the port.

12 **“§ 70110. Actions when foreign ports not maintaining**
13 **effective antiterrorism measures**

14 “(a) IN GENERAL.—If the Secretary finds that a for-
15 eign port does not maintain effective antiterrorism meas-
16 ures, the Secretary may—

17 “(1) prescribe conditions of entry into the
18 United States for any vessel arriving from that port,
19 or any vessel carrying cargo originating from or
20 transshipped through that port; and

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

23 “(b) EFFECTIVE DATE FOR SANCTIONS.—Any action
24 taken by the Secretary under subsection (a) for a par-
25 ticular port shall take effect—

1 “(1) 90 days after the government of the for-
2 eign country with jurisdiction over or control of that
3 port is notified under section 70109 unless the Sec-
4 retary finds that the government has brought the
5 antiterrorism measures at the port up to the secu-
6 rity level the Secretary used in making an assess-
7 ment under section 70108 before the end of that 90-
8 day period; or

9 “(2) immediately upon the finding of the Sec-
10 retary under subsection (a) if the Secretary finds,
11 after consulting with the Secretary of State, that a
12 condition exists that threatens the safety or security
13 of passengers, vessels, or crew traveling to or from
14 the port.

15 “(c) STATE DEPARTMENT TO BE NOTIFIED.—The
16 Secretary immediately shall notify the Secretary of State
17 of a finding that a port does not maintain effective
18 antiterrorism measures.

19 “(d) ACTION CANCELED.—An action required under
20 this section is no longer required if the Secretary decides
21 that effective antiterrorism measures are maintained at
22 the port.

1 **“§ 70111. Shipping container antiterrorism**

2 “(a) IN GENERAL.—By not later than June 30,
3 2003, the Under Secretary, in consultation with the
4 Transportation Security Oversight Board, shall—

5 “(1) develop and maintain a antiterrorism
6 cargo identification and screening system for con-
7 tainerized cargo shipped to and from the United
8 States either directly or via a foreign port; and

9 “(2) develop performance standards to enhance
10 the physical security of shipping containers, includ-
11 ing standards for seals and locks.

12 “(b) PROVISION OF INFORMATION.—An ocean com-
13 mon carrier, customs broker, freight forwarder, nonvessel
14 operating common carrier, and shipper shall provide to the
15 Under Secretary, by electronic transmission, containerized
16 cargo information in a manner and form prescribed by the
17 Under Secretary.

18 “(c) DEADLINE FOR PROVIDING INFORMATION.—
19 The information required under subsection (b) shall be
20 provided to the Under Secretary not later than 24 hours
21 before the cargo destined for the United States is loaded
22 on a vessel.

23 “(d) DENIAL OF ENTRY.—The Secretary, upon re-
24 quest of the Under Secretary, may deny entry by a vessel
25 into the United States if all information requested by the

1 Under Secretary with respect to cargo on the vessel is not
2 provided before the deadline under subsection (c).

3 **“§ 70112. Crew and passenger manifests**

4 “(a) IN GENERAL.—The operator of each commercial
5 vessel arriving in the United States from a foreign port
6 shall provide to the Under Secretary by electronic trans-
7 mission a passenger and crew manifest containing the in-
8 formation specified in subsection (b).

9 “(b) INFORMATION.—A passenger and crew manifest
10 required under subsection (a) for a vessel shall contain
11 the following information:

12 “(A) The full name of each passenger and crew
13 member.

14 “(B) The date of birth and citizenship of each
15 passenger and crew member.

16 “(C) The sex of each passenger and crew mem-
17 ber.

18 “(D) The passport number and country of
19 issuance of each passenger and crew member if re-
20 quired for travel.

21 “(E) The United States visa number or resi-
22 dent alien card number of each passenger and crew
23 member, as applicable.

1 “(F) Such other information as the Under Sec-
2 retary determines is reasonably necessary to ensure
3 maritime safety.

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

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

15 **“§ 70113. Civil penalty**

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

20 (b) CONFORMING AMENDMENT.—The table of sub-
21 titles at the beginning of title 46, United States Code, is
22 amended by adding at the end the following:

“VI. MISCELLANEOUS 70101”.

23 (c) APPLICATION OF CREW AND PASSENGER MANI-
24 FEST REQUIREMENT.—Section 70112 of title 46, United
25 States Code, as enacted by the amendment made by sub-

1 section (a), shall apply with respect to any vessel arriving
2 in the United States after the 60-day period beginning on
3 the date of the enactment of this Act.

4 (d) RULEMAKING REQUIREMENTS.—

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

12 (2) INITIATION OF RULEMAKING.—The Sec-
13 retary may initiate a rulemaking to implement this
14 section (including the amendments made by this sec-
15 tion) as soon as practicable after the date of enact-
16 ment of this section. The final rule issued pursuant
17 to that rulemaking may supersede the interim final
18 rule promulgated under this subsection.

19 **SEC. 3. CLARIFICATION OF COAST GUARD AUTHORITY TO**
20 **CONTROL VESSELS IN TERRITORIAL WATERS**
21 **OF THE UNITED STATES.**

22 The Ports and Waterways Safety Act (33 U.S.C.
23 1221 et seq.) is amended by adding at the end the fol-
24 lowing:

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

3 “(a) NOTIFICATION OF COAST GUARD.—Under regu-
4 lations prescribed by the Secretary, a commercial vessel
5 entering the territorial sea of the United States shall no-
6 tify the Secretary by electronic transmission not later than
7 96 hours before that entry and provide the following infor-
8 mation regarding the vessel:

9 “(1) The name of the vessel.

10 “(2) The route and port or place of destination
11 in the United States.

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

13 “(4) Any information requested by the Sec-
14 retary to demonstrate compliance with applicable
15 international agreements to which the United States
16 is a party.

17 “(5) If the vessel is carrying dangerous cargo,
18 a description of that cargo.

19 “(6) A description of any hazardous conditions
20 on the vessel.

21 “(7) Any other information requested by the
22 Secretary.

23 “(b) DENIAL OF ENTRY.—The Secretary may deny
24 entry of a vessel into the territorial sea of the United
25 States if—

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

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

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

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

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

15 (a) **DEFINITION OF TERRITORIAL WATERS.**—Section
16 1 of title XIII of the Act of June 15, 1917 (50 U.S.C.
17 195) is amended—

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

21 “In this Act:

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

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

1 “(2) TERRITORIAL WATERS.—The term ‘terri-
2 torial waters of the United States’ includes all wa-
3 ters of the territorial sea of the United States as de-
4 scribed in Presidential Proclamation 5928 of Decem-
5 ber 27, 1988.”.

6 (b) CIVIL PENALTY FOR VIOLATION OF ACT OF
7 JUNE 15, 1917.—Section 2 of title II of the Act of June
8 15, 1917 (50 U.S.C. 192), is amended—

9 (1) by striking “IMPRISONMENT” in the section
10 heading and inserting “IMPRISONMENT; CIVIL PEN-
11 ALTIES”;

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

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

16 (4) by adding at the end the following:

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

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

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

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

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

1 **SEC. 6. EXTENSION OF DEEPWATER PORT ACT TO NAT-**
2 **URAL GAS.**

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

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

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

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

10 (4) Section 5(c)(2)(G) and (H) (33 U.S.C.
11 1504(c)(2)(G) and (H)).

12 (5) Section 5(i)(2)(B) (33 U.S.C.
13 1504(i)(2)(B)).

14 (6) Section 5(i)(3)(C) (33 U.S.C. 1504
15 (i)(3)(C)).

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

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

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

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

23 (1) by striking “and” after the semicolon in
24 paragraph (1);

25 (2) by striking “terrorism.” in paragraph (2)
26 and inserting “terrorism; and”; and

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

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

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

8 (1) the potential use of Federal, State, or local
9 government personnel, and documented United
10 States Merchant Marine personnel, to supplement
11 Coast Guard personnel under section 7(b)(3) of the
12 Ports and Waterways Safety Act (33 U.S.C.
13 1226(b)(3));

14 (2) the possibility of using personnel other than
15 Coast Guard personnel to carry out Coast Guard
16 personnel functions under that section and whether
17 additional legal authority would be necessary to use
18 such personnel for such functions; and

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

24 **SEC. 8. AUTOMATIC IDENTIFICATION SYSTEM.**

25 (a) TRANSPONDER REQUIREMENT.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the following vessels, while operating on the navi-
3 gable waters of the United States, shall be equipped
4 with a position indicating transponder and an appro-
5 priate situation display or other device suitable for
6 accessing information made available by the trans-
7 ponder system, in accordance with regulations pre-
8 scribed by the Secretary of Transportation:

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

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

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

17 (2) EXEMPTION.—The Secretary may exempt a
18 vessel from paragraph (1) if the Secretary finds that
19 a transponder is not necessary for the safe naviga-
20 tion of the vessel on the waters on which the vessel
21 operates.

22 (b) REGULATIONS.—The Secretary of Transportation
23 shall issue regulations implementing subsection (a), in-
24 cluding requirements for the operation and maintenance
25 of transponders required under subsection (a).

1 (c) APPLICATION.—Subsection (a) shall apply as fol-
2 lows:

3 (1) On and after December 31, 2002, to—

4 (A) any vessel built after that date; and

5 (B) notwithstanding paragraphs (2) and
6 (3), any vessel operating within the geographic
7 boundaries of a Vessel Traffic Service.

8 (2) On and after July 1, 2003, to any vessel
9 built before the date referred to in paragraph (1)
10 that is—

11 (A) a passenger vessel;

12 (B) a tanker; or

13 (C) a towing vessel engaged in moving a
14 tank vessel.

15 (3) On and after December 31, 2004, to all
16 other vessels built before the date referred to in
17 paragraph (1).

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