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Contact: Andy Davis (202) 224-6654

LEGISLATIVE SUMMARY:

Maritime Transportation Security Act of 2002 (S. 1214)

The Maritime Transportation Security Act of 2002, sponsored by Senate Committee Chairman Fritz Hollings (D-SC), Ranking Republican John McCain (R-AZ), Surface Transportation and Merchant Marine Subcommittee Chairman John Breaux (D-LA), and Intelligence Committee Chairman Bob Graham (D-FL), integrates the myriad of federal, state, local and private law enforcement agencies overseeing the security of the international borders at America's seaports. The bill authorizes more security officers, more screening equipment, and the building of important security infrastructure at seaports.

The Senate Commerce Committee on August 2, 2001 unanimously approved a previous version of the Port and Maritime Security Act that focused on crime, cargo theft, and smuggling. Following September 11, the bill was dramatically expanded to address the new threat of terrorism at America's seaports. The new bill was endorsed by the Bush Administration on Dec. 6, and passed the Senate by unanimous consent on Dec. 20, 2001. The bill was passed on June 4, 2002 by the House of Representatives. The conference concluded on November 12, and the conference report was sent to the Senate Floor for consideration.

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- The Hollings Bill provides for a national system for securing the Marine Transportation System for the first time.
- Provides that the Secretary of Transportation will conduct an assessment of all vessels and facilities on or near the water to identify those at high risk of being involved in a transportation security incident. (A "transportation security incident" means a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area.) Once the vulnerable infrastructure is identified, and interim security measures have been adopted, the Coast Guard will conduct more detailed vulnerability assessments of vessels and facilities.
- Mandates a National Maritime Transportation Security Plan and regional Area Maritime Transportation Security Plans be developed by the Coast Guard that will be adequate to deter a transportation security incident to the maximum extent Area plans will also be produced to encompass contingency response to potential terrorist attacks.
- Mandates for the first time ever that all ports, facilities and vessels have

comprehensive security plans and incident response plans based on detailed Coast Guard vulnerability assessments and security recommendations. The plans will be submitted by port authorities, waterfront facilities, and vessel operators in conjunction with the Coast Guard. Requires these plans be approved by the Coast Guard. All ports, waterfront facilities and vessels are required to operate under approved security plans.

- Sets up local port security committees to better coordinate the efforts of federal, state, local, and private law enforcement agencies and to advise on security plans. The federal agencies include intelligence, FBI, Customs, Immigration, and the Coast Guard.
- Directs the US DOT to develop regulations to develop secure areas in ports, as part of their security plans and to limit access to security-sensitive areas through background checks and the issuance of a transportation security identification card, restrict firearms and other weapons, develop an evacuation plan. Background checks will be conducted for employees working in security-sensitive areas. Seafarers will also be required by to carry internationally acceptable identification.
- Establishes a grant program to make fair and equitable allocations to port authorities, waterfront facility operators, and State and local agencies to provide security infrastructure and services. Authorizes grants for various types of security upgrades including reimbursements for upgrades that are in compliance with Federal National and Area Security Plans that have been made since September 11, 2001. Authorizes such sums as necessary to help grant recipients comply with the federal security requirements mandated by the Act. The legislation requires the Administration to propose funding levels for seaport security programs and mandates annual reports outlining compliance with the security mandates established in the act.
- Authorizes \$90 million in research and development grants to be awarded to develop methods to increase the ability of the U.S. Customs Service to inspect merchandise carried on any vessel that will arrive in the United States; develop equipment to detect nuclear materials; improving the tags and seals used on shipping containers, including smart sensors for tracking shipments; and tools to mitigate the consequences of terrorist attack.
- Authorizes \$33 million for the development of security training and for the education and certification of federal, state, and private security personnel. Directs the Secretary of Transportation to develop a curriculum for training and standards for the certification of maritime security professionals. The standards are to be developed through consultation with the Federal Law Enforcement Training Center as well as other security and police agencies, private organizations, and individuals with cargo and maritime security expertise. This training may be provided at each of the six state maritime academies, The United States Merchant Marine Academy, the Appalachian Transportation Institute, and other security training schools in the United States. These training opportunities will be provided to maritime security personnel in the United States as well as to personnel employed in foreign ports used by vessels with United States citizens as passengers and crew members.
- Requires the development of a maritime intelligence system to collect and analyze information concerning vessels operating in waters under the jurisdiction of the United States and the crew, passengers and cargoes carried. A maritime intelligence agency will be expected to work together with other agencies and collect and analyze information not

available from other intelligence sources.

- Improves the reporting of crew members, passengers, and imported cargo to better track suspicious activity.
- Compels commercial vessels to be equipped with and operate an automatic identification system (AIS) when navigating on the waters of the United States as well as a long range vessel tracking system for vessels on international voyages that include United States waters to ensure that we can affirmatively track vessel movements.
- Provides for supply chain security and a secure system of trade by allowing for secure maritime borders and an efficient cargo transportation system. The United States and the users of the Marine Transportation System will benefit from a system where ocean vessels and the cargoes they carry will be screened, inspected and cleared sooner and more efficiently. The Transportation Oversight Board will establish a trade program to develop standards to enhance the physical security of cargo containers, including standards for container seals and locks.
- Authorizes the Sea Marshal program and requires maritime safety and security teams to safeguard the public and protect vessels, harbors, ports and waterfront facilities. The Coast Guard is more specifically authorized to board ships entering U.S. ports in order to deter hijackings or other terrorist threats and enhances maritime security and safety with the development of maritime safety and security teams.
- Directs the Secretary of Transportation to assess the antiterrorism measures maintained by foreign ports which are served by vessels that also call on the U.S. or which are determined to be a security risk to international maritime commerce and may deny entry to vessels that call on ports that do not maintain effective antiterrorism measures.
- Creates a Maritime Security Advisory Committee to report on and make recommendations on national maritime security matters.
- Authorizes approximately \$6 billion dollars for the Coast Guard's total budget for fiscal year 2003, continuing the trend of increasing the Coast Guard's budget since September 11, up from the fiscal year 2001 appropriation level of \$ 4.5 billion, and up from the \$5.8 billion appropriation enacted in 2002.

Coast Guard Authorization

- Incorporates a Coast Guard authorization bill -- the first Coast Guard authorization bill that has passed Congress since 1998. The Coast Guard provisions in the bill reflect the provisions of S. 951, the Coast Guard Authorization Act of 2001, which was reported out of the Commerce Committee last year, and H.R. 3983, the House maritime security bill.
- Provides increased authorization levels for appropriations in fiscal year 2003, as well as increased personnel. The bill authorizes approximately \$6 billion dollars for the Coast Guard's total budget for fiscal year 2003. This is approximately \$1 billion higher than the amount appropriated in the FY 2002 Transportation Appropriations bill, and is approximately \$200 million higher than the \$5.8 billion of total enacted amounts in FY 2002.
- Increases the maximum end-of-year strength to 45,500 active duty military personnel, up from about 35,500, and includes personnel incentives.
- Authorizes \$725,000,000 for capital investments, to ensure that the multi-year Deepwater program and the overhaul of the National Distress and Response System

(NDS), or "Maritime 911," are adequately funded in 2003.

- Requires that the Coast Guard provide Congress with a comprehensive report on its existing NDS system, identifying gaps in coverage throughout the United States, specific steps to fill such gaps in coverage, a list of all marine accidents occurring in areas with gaps, and interim steps that can be taken to fill such gaps immediately.
- Requires the Coast Guard to establish and implement standards for the safe operation of all search and rescue facilities. These include standards for the length of time an individual may serve on watch, and acquisition of equipment to achieve safety in the interim, as the entire system is upgraded.

Additional Notes on Coast Guard Authorization

Ensuring that the Coast Guard has sufficient personnel and capital resources could not come at a more important time. Since the tragic events of September 11, far greater demands have been placed on the Coast Guard in the area of homeland security.

Traditionally, the Coast Guard invested only 2% of its operating budget into port security; this climbed to over 50% of its total operating budget after September 11. Now, over 22% of the budget is envisioned for port security.

However, in addition to seaport security, the Coast Guard has unique missions not covered by any other federal agency. It has the primary responsibility of enforcing U.S. fisheries laws, carrying out drug interdiction at sea, search and rescue of mariners, and protecting the marine environment against pollution.

With the new responsibilities for port security, combined with the traditional role the Coast Guard plays in other mission areas, it is critically important that the Coast Guard has a vision for how to achieve the "new normalcy," wherein it carries out all of its traditional and new missions, as well as the means to ensure its ability to carry out such functions.

To ensure this balance, the bill requires the Coast Guard to examine and report to Congress its expenditures by mission area before and after September 11, and the level of funding need to fulfill the Coast Guard's additional responsibilities. The bill also requires the Coast Guard to provide a strategic plan to Congress identifying mission targets for 2003, 2004 and 2005 and the specific steps necessary to achieve those targets.

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