



Legislative Bulletin.....May 4, 2006

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H.R. 4954 — Amendments to the SAFE Port Act

H.R. 4954, the SAFE Port Act (sponsored by Rep. Lungren, CA), is scheduled to be considered on the House floor on Thursday, May 4th, subject to a structured rule (H.Res. 739). Below are the summaries of the fifteen amendments made in order under the rule. All amendments are debatable for 10 minutes unless otherwise noted. Note: summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released yesterday.

1. King (R-NY). Manager's Amendment. Adds three new findings on the importance of international trade. Strikes the two programs in the underlying bill: a Reserve Officers and Junior Reserve Officers program and the Integrated Deepwater System. Establishes a new program, the university-based Center for Excellence for Maritime Domain Awareness program. Establishes a Directory of Trade Policy at DHS. Directs the Comptroller General to conduct a study evaluating the extent to which DHS is meeting obligations with respect to the maintenance of customs revenue functions. The amendment does not authorize additional funds.

2. Ruppertsberger (D-MD). Directs DHS to conduct a study to assess the activities of the U.S. Customs and Border Protection's National Targeting Center and report the findings to Congress. The NTC began around-the-clock operations on November 10, 2001, to provide tactical targeting and analytical research in support of Customs anti-terrorism efforts. For more information see: <http://www.dhs.gov/dhspublic/display?content=3989>.

3. Ruppertsberger (D-MD). Requires the Secretary of the Department of Homeland Security to consult with the appropriate federal, state and local entities when determining the establishment of maritime security centers. The underlying bill permits DHS to make these decisions without consulting these entities.

4. Ruppertsberger (D-MD). The amendment directs DHS to consult with federal, state, and local officials, including the Coast Guard Captain of the port involved in the security incident, and representatives of the maritime industry, when developing the security protocols required in the underlying bill for the resumption of trade after a security incident occurs at a seaport. The underlying bill permits DHS to make these decisions without consulting these entities.

5. Cuellar (D-TX). Directs DHS to study the “challenges to balance the need for greater security while maintaining the efficient flow of trade at U.S. land ports” and report the findings to Congress.

6. Ryun (R-KS). Directs DHS to include in the evaluation of emerging technologies (provided for in the underlying bill), an analysis of battery-powered portable neutron and gamma-ray detection devices that can be inexpensively mass produced.

7. Hooley (D-OR). Amends the definition of a cargo container security device in Sec. 1816 of the underlying bill from: “a mechanical or electronic device designed to, at a minimum, detect unauthorized intrusion of containers,” to “a mechanical or electronic device designed to, at a minimum, positively identify containers and detect and record unauthorized intrusion of containers. Such devices shall have false alarm rates that have been demonstrated to be below one percent.”

8. Stupak (D-MI). Clarifies that permissible uses of grants awarded under the new Port Security Grant program include communications equipment that is interoperable with federal, state, and local agencies.

9. Shays (R-CT). Directs DHS conduct **a new pilot project** at an overseas port similar to the Integrated Container Inspection System (ICIS) being tested at the port in Hong Kong. According to the sponsor, “ICIS is currently being field tested in Hong Kong and uses gamma ray imaging and radiation scanning to inspect cargo. ...[It] takes digital images of all the containers passing through two Hong Kong terminals.” According to a news article, San Diego-based Science Applications International designed the Integrated Container Inspection System (ICIS), which is running a \$10 million project in Hong Kong that can scan up to nearly 400 container trucks an hour and provide real-time data to help identify suspicious cargo, all the while keeping detailed records of what passes through.

(http://www.businessweek.com/bwdaily/dnflash/mar2006/nf20060316_8508_db016.htm?chan=globalbiz_asia_economics+%2B+policy)

10. Bass (R-NH). Permits grant applicants in the new Port Security Grant program to petition to DHS for approval to apply for grants for any activity relating to the prevention of, preparation for, response to, or recovery from acts of terrorism, that would otherwise be a federal duty performed by federal agencies, and that is being performed by a state or local government (or both) under agreement with a federal agency.

11. Millender-McDonald (D-CA). Adds to the list of permissible activities for grant recipients in the new Port Security Grant program, the establishment or enhancement of truck inspection stations for seaports and communities with a high percentage of container traffic in coordination with ports, states, and local governments to enable seaport and highway security around seaports. Earmarks for this use of grant funds, \$20 million of the \$400 million annually authorized in the underlying bill for the Port Security Grant Program.

12. Jackson-Lee (D-TX). Adds to the list of training requirements for grant recipients in the new Port Security Training program, preparation which will educate, train, and involve populations of “at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a ‘citizen corps’, if necessary.”

13. *Weiner (D-NY)*. Requires each port security grant recipient to report each expenditure to DHS. Requires DHS to publish these expenditures on a publicly available website. Allows DHS to waive this requirement if needed for national security reasons.

14. *Flake (R-AZ)*. Strikes the \$2.4 billion (\$400 million annually) authorization for the new Port Security Program.

15. *Loretta Sanchez (D-CA)*. Prohibits reduced scores in the Automated Targeting System from being one of the benefits for Tier One participants in the C-TPAT program, which is created in the underlying bill. The tier benefit system in the C-TPAT program is outlined in further detail in the Legislative Bulletin on the underlying bill released yesterday. In short, the C-TPAT program provides certain expedited security procedures for pre-approved entities using the seaport. The program includes a tiered system in which entities with higher clearance are privy to a more expedited process. This amendment prohibits reduced scores in the Automated Targeting System from being one of the benefits for those entities in the first tier. According to the sponsor, lower risk scores are granted to companies that have only completed their security plan paperwork, but have not had the plan validated by DHS.

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