Enron’s Ken Lay, who is now on trial for manipulating energy markets. It is no wonder that the Nation’s three largest petroleum companies, ExxonMobil, Chevron and Conoco Philips, posted combined quarter profits of almost $16 billion last year.

Rather than really address price gouging or the outrageous tax breaks that these companies continue to receive, House Republicans offer more of the same failed policies that have not worked before.

Madam Speaker, it is time Republicans realize that these companies are gouging the consumer. It is time that we pass the tough Democratic price gouging bill consumers deserve, no less. Price gouging is wrong. It’s wrong, it’s wrong, it’s wrong.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 789 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4954.

The Clerk read the title of the bill.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes, with Mrs. Capito in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the resolution of the House, the Committee of the Whole House on the State of the Union adjourned, to reconvene at 20 minutes, and the gentleman's time (Mr. Thompson) each will continue.

The SPEAKER pro tempore. Pursuant to the request of the gentleman from New York (Mr. Thompson), each well control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Madam Chairman, I yield myself such time as I may consume.

At the outset before we begin this debate, which will be a very positive debate, let me express my thanks to the ranking member, Mr. Thompson, for the tremendous cooperation he has given throughout deliberations on this bill, and to the ranking member, Ms. Loretta Sanchez, and Ms. Homan for working so closely with all the Members, especially Chairman Dan Lungren who is the prime sponsor of this legislation.

I also want to mention other Members such as Chairman Reichert and the ranking member, Mr. Pascrell, for the important amendments that they introduced during the committee markup which have made this a very significant bill.

Madam Chairman, on September 11 all of us pledged that we would do all we could to prevent another terrorist attack from occurring in this country. One of the areas where we are most vulnerable is our ports. There are 11 million containers loaded onto our ports every year from foreign countries. Much progress has been made since September 11 in protecting our ports and improving the inspection process, the screening process, the scanning process, the reality is that there is more to be done.

I strongly believe that the SAFE Ports Act is a major step in the direction of giving us that level of protection that we need. For instance, it provides $400 million a year in risk-based funding for a dedicated port security grant program.

It mandates the deployment of radiation portal monitors which will cover 98 percent of the containers entering our country and then going out into the country.

It mandates implementation of the TWIC identity cards, and it sets up port training between the employees at the ports and first responders. It also requires more cargo data to be given to improve our automated targeting system.

And as far as the Container Security Initiative, CSI, it mandates that the Secretary of Homeland Security will not allow any container to be loaded onto a ship overseas unless that container is inspected at our request. In the past, we have had a number of countries that refused to make these inspections. There have been 1,000 containers that have entered this country unsecured because the overseas ports would not carry out the inspection. In the future, that will not be allowed to happen.

Also, we require DHS to continually evaluate emerging radioactive detection and imaging technology. We also increase the number of inspectors by 1,200. All of these are part of the layered response and the layered system of defense that we need to significantly and dramatically upgrade the level of protection.

This is a bill which I believe warrants unanimously, and it passed out of the full committee by a vote of 29-0, and I will be urging its adoption today.

Madam Chairman, I reserve the balance of my time.

Mr. Thompson of Mississippi. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, first, I would like to thank Chairman King and Chairman Lungren for working with me and other members on the committee to produce this bill before us.

I especially want to commend my colleagues, Ms. Loretta Sanchez and Ms. Homan, for their hard work on this bill and on port security in general. Many provisions in this bill came from legislation they have introduced over the last 2 years, and for that I thank them. They have been leaders on this issue, and we need to give them credit before we discuss the full ramifications of this bill.

Madam Chairman, this bill represents an important step toward improving our port security, but it is only a step. We need to do more to get it right. I could talk about the good things in the bill; but with this limited time, I would like to focus on what is not in the bill. These are the things that are going to keep us up at night after today’s votes are over.

Yesterday during Rules, it was said by folks on the other side that we need to look at where threats exist and do something about it. And I say that makes us a little safer.

“A little safer” is simply not good enough after 9/11, and the threats left undone by this bill are significant.

I worry that unsecured nuclear materials, and there is a lot of that wandering around the Russian countryside, will be shipped here hidden in a cargo container that sails into Miami, New York, Houston, New Orleans, Los Angeles or Oakland. From there, the cargo container will be put on a train or truck headed to places like Chicago, St. Louis, Austin, Milwaukee, or Detroit. As the train or truck passes by our schools, homes, or who knows what else, what is going to stop a terrorist from detonating it. If this happens, what will my colleagues across the aisle recommend Congress tell Americans, we didn’t know it would happen?

After 9/11 when terrorists surprised us by using our own airplanes against us, we cannot say we did not expect the unexpected. It is our job to prevent disaster from happening, not react after the fact. We had the opportunity to do that today.

We could have voted on my amendment increasing the number of Customs and Border Patrol officers at our ports; but the amendment was not allowed on the floor. All the talk on border and port security means little if we do not have the boots on the ground to check what is coming into our Nation before it arrives here or before it leaves a foreign port.

And we could have ensured that more than the 5 percent of our cargo entering the country is scanned by voting on
the Markey-Nadler amendment on cargo screening.

Madam Chairman, 5 percent does not make America a little safer; but the 95 percent of cargo left unchecked leaves us a lot less safe. This is not rocket science. Madam Chairman, Technology exists to scan cargo. It is being used in Hong Kong as we speak. It can be bought over the counter, and the amendment offered by my colleagues would have given DHS up to 5 years to get it right.

This bill is a good first step, but we need to start making giant steps to keep up with the terrorists.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I include for the Record letters of jurisdiction.

House of Representatives
COMMITTEE ON HOMELAND SECURITY,

Hon. F. JAMES SENSENBRENNER, Jr., Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

Dear Mr. Chairman: Thank you for your letter regarding the Judiciary Committee’s jurisdictional interest in H.R. 4954, the SAFE Port Act. The bill was introduced on March 14, 2006, and referred to the Committee on Homeland Security. The Committee on Homeland Security marked up the bill and reported it on April 26, 2006.

I appreciate your willingness to waive further consideration of H.R. 4954 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Judiciary Committee does not waive any jurisdiction it may have over H.R. 4954. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation. I will include a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor.

Thank you for your cooperation as we work towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,
Chairman.

House of Representatives
COMMITTEE ON THE JUDICIARY,

Hon. PETER T. KING,
Chairman, Committee on Homeland Security, House of Representatives, HOB, Washington, DC.

Dear Chairman: In recognition of the desire of the Committee on Homeland Security to ban certain imports of containerized cargo; establish protocols for resuming international trade; require changes to government international trade data systems; authorize the Department of Homeland Security (DHS) to lessen requirements for continuous entry bonds to secure customs duties; and impose new U.S. requirements and call on the Secretary of Homeland Security to establish international standards regarding imports shipped in containers. All of these provisions significantly impact the trade and customs revenue missions of DHS.

I am pleased to acknowledge the agreement between our two committees also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. I would like to specifically highlight four areas of consideration for this conference on this legislation: (1) Any language related to the use of customs duties to fund programs will be stricken from the bill; (2) language in section 202 of the bill or any similar language authorizing DHS to refuse to accept cargo will be modified to clarify that DHS’s existing ‘‘law enforcement’’ authority would be used to enforce the provision; and (3) the Committee on Ways and Means will be presented with the provisions and discussions on the provisions noted in this letter and all others related to trade and customs revenue functions.

Thus, in order to expedite this legislation for floor consideration, the Committee on Ways and Means agrees to forgo action on this bill based on the agreement reached by the Committees. This is understood that it does not in any way prejudice the Committee with respect to the appropriate appointment of jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4954, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

House of Representatives
COMMITTEE ON HOMELAND SECURITY,

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

Dear Mr. Chairman: Thank you for your letter regarding the Committee on Government Reform’s jurisdictional interest in H.R. 4954, the ‘‘SAFE Port Act,’’ and your willingness to forego consideration of H.R. 4954 by the Government Reform Committee.

I agree that the Government Reform Committee has a valid jurisdictional interest in certain provisions of H.R. 4954 and that the Committee’s jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 4954. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response as part of the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

PETER T. KING,
Chairman.

House of Representatives
COMMITTEE ON GOVERNMENT REFORM,

Hon. PETER KING,
Chairman, House Committee on Homeland Security, Ford House Office Building, Washington, DC.

Dear Mr. Chairman: On April 28, 2006, the House Committee on Homeland Security reported H.R. 4954, the ‘‘SAFE Port Act.’’ As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation forward, I agreed to waive my Committee’s jurisdictional interest in H.R. 4954. I also acknowledge my commitment respecting H.R. 4954, the ‘‘SAFE Port Act,’’ and your willingness to forego consideration of H.R. 4954 by the Government Reform Committee.

As you know, the Committee on Homeland Security marked up the bill and reported it on April 28, 2006. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

I agree that the Government Reform Committee has a valid jurisdictional interest in certain provisions of H.R. 4954 and that the Committee’s jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 4954. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response as part of the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

PETER T. KING,
Chairman.

House of Representatives
COMMITTEE ON GOVERNMENT REFORM,

Hon. PETER KING,
Chairman, House Committee on Homeland Security, Ford House Office Building, Washington, DC.

Dear Mr. Chairman: On April 28, 2006, the House Committee on Homeland Security reported H.R. 4954, the ‘‘SAFE Port Act.’’ As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation forward, I agreed to waive my Committee’s jurisdictional interest in H.R. 4954. I also acknowledge my commitment respecting H.R. 4954, the ‘‘SAFE Port Act,’’ and your willingness to forego consideration of H.R. 4954 by the Government Reform Committee.

As you know, the Committee on Homeland Security marked up the bill and reported it on April 28, 2006. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response as part of the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

PETER T. KING,
Chairman.
I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar bill be considered in a conference committee. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

Tom Davis

HOMELAND SECURITY SCIENCES AND TECHNOLOGY

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Science Committee’s jurisdictional interest in H.R. 4954, the “SAFE Port” Act. The Bill was introduced on March 14, 2006, and referred solely to the Committee on Homeland Security. The Committee on Homeland Security marked up the Bill and ordered it reported on April 28, 2006. I appreciate your willingness to waive further consideration of H.R. 4954 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Science Committee does not waive any jurisdiction it may have over H.R. 4954. In addition, I agree that if any provisions of the Bill are determined to be within the jurisdiction of the Science Committee, I will support representation for your Committee during conference with the Senate with respect to those provisions. As you have requested, I will include a copy of this letter and your response as part of the Committee’s jurisdictional overview of the Homeland Security’s Report and the Congressional Record during consideration of the legislation on the House Floor.

Thank you for your cooperation as we work towards the enactment of H.R. 4954.

Sincerely,

Peter T. King
Chairman.

HOMELAND SECURITY SCIENCE AND TECHNOLOGY

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 4954, the Security and Accountability for Every Port or SAFE Port Act. The Science Committee has particular jurisdiction in the sections listed below based on the Committee’s black letter jurisdiction over the “National Institute of Standards and Technology (NIST) and the standards, of testing and measurement (Rule 1507). In addition, the Department of Homeland Security Science and Technology Directorate (“DHS S&T”) facilitates and funds the development of standards for container security. The Science Committee has jurisdiction over both the S&T Directorate and other DHS research and development programs, including language on the Port and in the Congressional Record when the bill is considered on the House Floor.

The Science Committee also expects that you will support our request to be conferees on any provisions over which we have jurisdiction during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

Sherwood Boehlert
Chairman.

HOMELAND SECURITY SCIENCE AND TECHNOLOGY

5. Title III, Directorate for Policy, Planning, and International Affairs—This title amends the Homeland Security Act of 2002 and establishes a new directorate at the Department’s Office of Policy and International Affairs. The new directorate, to be headed by the Under Secretary for Policy and several Assistant Secretary positions. Several provisions in this title are of particular interest to the Science Committee, including: (1) the Under Secretary for Policy “to analyze, evaluate, and review the completed, ongoing, and proposed programs of the Department.” In addition, the Under Secretary for Policy is directed to promote “the exchange of information on research and development on homeland security technologies....” The Plan and participate in international conferences [and] exchange programs (including the exchange of scientists, engineers and other experts...” and “to represent the Department in international negotiations, working groups, and standards-setting bodies.”

6. Title IV, Office of Domestic Nuclear Detection—This title amends the Homeland Security Act of 2002 and authorizes the Office of Domestic Nuclear Detection (“DND”) at the Department. This amendment transfers responsibility for Domestic Nuclear Detection (DND) to the Director of DNDO “all Department programs and projects relating to nuclear and radiological detection, development and testing and evaluation.” These activities remain within the Science Committee’s jurisdiction.

The Science Committee acknowledges the importance of H.R. 4954 and the need for the legislation to move expeditiously. Therefore, while we have a claim to jurisdiction over at least the sections of the bill listed above, I agree not to request a referral. This, of course, is conditional on our mutual understanding that if my legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and a copy of this letter and of your response will be included in the Committee report and in the Congressional Record when the bill is considered on the House Floor.

The Science Committee also expects that you will support our request to be conferees on any provisions over which we have jurisdiction during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

Peter T. King
Chairman.

HOMELAND SECURITY SCIENCE AND TECHNOLOGY

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Energy and Commerce Committee’s jurisdictional interest in H.R. 4954, the “SAFE Port” Act. The Bill was introduced on April 26, 2006, and referred solely to the Committee on Homeland Security. The Science Committee also expects that you will support our request to be conferees on any provisions over which we have jurisdiction during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

Sherwood Boehlert
Chairman.

HOMELAND SECURITY SCIENCE AND TECHNOLOGY

4. Title II, Subtitle C, Section 206, Study and Report on Advanced Imagery Pilot Programs—Section 206 directs the Secretary to “conduct an assessment of the impact of technology.” The test and evaluation of technologies in this section are an element of technology development and a responsibility of DHS S&T.
As you have requested, I will include a copy of your letter and this response as part of the Committee on Homeland Security’s Report and the Congressional Record during consideration of the legislation on the House Floor.

Thank you for your cooperation as we work on this matter.

Sincerely,

PETER T. KING, Chairman.

[Signature]

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,

Hon. Peter King, Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

Dear Chairman King: I understand that you will shortly bring H.R. 4954 as reported by the Committee on Homeland Security, the SAFE Port Act, to the House floor. This legislation contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

I recognize your desire to bring this legislation before the House in an expedient manner. Accordingly, I will not exercise my right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 4954. In addition, the Energy and Commerce Committee does not seek to confer on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your cooperation to support any request by the Energy and Commerce Committee for conferences on H.R. 4954 or similar legislation.

I request that you include this letter in the legislative report and the Congressional Record during consideration of H.R. 4954. Thank you for your attention to these matters.

Sincerely,

JOE BARTON, Chairman.

Mr. KING of New York. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL), chairman of the Subcommittee on Investigations.

Mr. MCCAUL of Texas. Madam Chairman, I would like to thank Chairman KING, Ranking Member THOMPSON, and Representatives LUNGREN and HARMAN for their hard work in bringing this vital and bipartisan piece of legislation to the floor.

I rise today in support of this crucial bill that will build upon existing initiatives to improve port and cargo security both abroad and here at home.

In my home State of Texas, the Port of Houston operates as the United States’ top port for foreign tonnage and our second largest for total tonnage, so I know how important this bill is for the protection of the American people.

Madam Chairman, the House of Representatives has repeatedly supported measures that provide for risk-based funding for homeland security. The SAFE Port Act does just that. It will create a risk-based strategy for securing America’s ports and will make sure that we are using the best technology available to law enforcement today.

Equally important, this bill will provide $400 million per year in risk-based funding through a dedicated Port Security Grant Program to harden U.S. ports against terrorist attacks. This kind of funding strategy is smart, effective and responsible for our national security because it gets the required funding to the ports that are most at risk for terrorist attack.

Unfortunately, right now, it is economically impossible for Customs and Border Protection to inspect every container entering U.S. ports. However, the SAFE Port Act would require DHS to deploy the necessary nuclear and radiological detection systems at 22 U.S. seaports by the end of fiscal year 2007. This means that 98 percent of all incoming maritime containers would be screened without stopping our economy in its tracks.

In addition to securing ports in our homeland, we must also look overseas at what we can do to prevent dangerous or threatening cargo from ever reaching American soil. The SAFE Port Act will do this by improving our tracking system for shipping containers overseas and by requiring DHS to examine high-risk maritime cargo at foreign seaports. If we can catch them before they reach our shores, we can begin to shrink the risk security at America’s ports.

The SAFE Port Act is a commonsense, responsible and effective piece of legislation that is needed for the security of our Nation, and I urge my colleagues to support it.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 4 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), the ranking member of the Subcommittee on Economic Security, Infrastructure Protection and Cybersecurity, who did a lot of work on this bill, particularly the section improving the C-TPAT program.

Many of the provisions in this bill also come from a provision introduced by the gentlewoman, H.R. 4955, introduced in the 108th Congress by Ms. LORETTA SANCHEZ of California. Madam Chairman, I thank Mr. THOMPSON for yielding me the time; and I would like to thank Chairman KING and you and also Chairman LUNGREN for working with me and the other members of the Committee on Homeland Security to develop this SAFE Port Act, to move it through the committee, and to bring it to the floor in a very bipartisan manner. It shows that we can accomplish many things when we work together.

I am an original cosponsor of H.R. 4954, the SAFE Port Act, a product of years of work on the issue of port security; and I am proud that many of the important reforms that were originally in the SECURE Coast Act that I introduced in the 108th Congress are in this legislation that we are considering today.

The SAFE Port Act will make a number of significant port security enhancements and reforms. We had somebody before our committee, retired Chief Cunningham of the port system out there in Los Angeles, and he said we really need to worry about two things in particular, one, who has access to our ports; and, two, what is in the box, what is in the container.

The SAFE Port Act has requirements for issuing Transportation Worker Identification Cards, or TWICs, regulations and implementing the cards by the end of 2008, so we will know who is at our ports.

It also has standards for container seals. It has a pilot program to examine the security of empty containers at the port.

It requires Customs and Border Patrol to review and update, if necessary, the minimum requirements for participation in Customs-Trade Partnership Against Terrorism program, or the C-TPAT, at least once a year.

And it establishes a pilot program to allow C-TPAT member companies to use DHS-approved third-party validators in the validation process.

But what about the box? These are all issues important to what is in the container that goes through your city on that truck.

I am pleased that all these items are included in the bill. But still more needs to be done on the ports.

I am disappointed at several amendments offered by my Democratic colleagues that were not made in order today. These included providing adequate staffing levels at the ports, so we can catch things if we don’t have people doing that work; modernizing the Coast Guard fleet through the Deepwater program; and increasing the acquisition of radiation portal monitors for seaports.

It is my hope that our committee will continue to work on these issues as this bill moves forward and as we move forward in this year.

In addition, I will be offering an amendment today to make a critical improvement to the C-TPAT program by stopping the current practice of granting C-TPAT member companies risk score reductions, letting them cut to the front of the line to get their cargo through before their security measures have been validated.

We should not give these companies a free pass to our ports unless we have validation that the security measures they told us they were going to do are actually in place.

I urge my colleagues to vote for this amendment today which will make this great bill even better.

Mr. KING of New York. Madam Chairman, I continue to reserve.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 4 minutes to the gentlewoman from California (Ms. HARMAN) who is one of the original co-authors of this bill and has worked tirelessly to get us to the floor here today.

Ms. HARMAN. Madam Chairman, I thank the gentleman for yielding. I want to praise him for his enormous leadership on this issue and praise Ms. SANCHEZ, the ranking member on the
subcommittee, for her contributions to the issue of port security. I also want to thank the chairman for letting me speak out of order. I think that is what he just did, and express my gratitude to him and to the subcommittee chairman, Mr. LUNGREN, for their enormous effort.

I am the co-author of this bill with Mr. LUNGREN. It is a bipartisan product through and through. In fact, it is a bipartisan product. Much of the ideas came from the House and many of the ideas came from the other body.

One of its grandparents no longer serves here. Representative Doug Ose, who contributed the notion that we should dedicate a portion of Customs revenues to fund multi-year port security improvements. The reason he felt this way, and I surely agree, is that Customs revenues, or most of them, are collected at our ports. Should our ports close, our ability to collect those revenues ends. So I thought he was an inspired idea.

I co-sponsored the Ose bill some years back, and it became an integral part of this bill, as did Ms. SANCHEZ’s ideas, as did Mr. LUNGREN’s, and as did some of the ideas of Senators SUSAN COLLINS and PATTY MURRAY, who are the co-authors of the GreenLane bill in the Senate.

Their bill is moving. Our bill is moving. Within months, just maybe we will accomplish what I would call a legislative miracle in this session of Congress which has only met 27 days since the beginning of the year. We have had 27 days or so of this year, but only 27 days of legislative business on the floor of Congress. And this, I would proclaim, is the best day, by a lot, that we have had.

Let me mention that even before the legislation is passed, one of the critical issues we address is already generating action. The Department of Homeland Security is moving ahead with name check and airport terrorist and immigration issues of individuals with access to our ports and with the transportation worker identification credential, so-called TWIC. These are critical ways we can make our ports safer, and it is a good thing that the administration is listening. In addition, as Ms. SANCHEZ said, to knowing what is in the box, we need to know who is at our ports.

It has been said over and over again, but let me stress one more time, that this is not a dedicated strategy as well as dedicated funding for the critical issue of port security.

The ports of L.A. and Long Beach, where my district is, handle over 14 million 20-foot containers annually, representing almost half of the Nation’s total. That port complex is the fifth busiest in the world, the first in the Nation. In addition to containers, the complex handles over 1 million cruise passengers, half a million autos and over 50 percent of California’s oil each year.

At a time of incredibly rising oil and gas prices, let us understand that Southern California will run out of oil in 2 weeks if those ports close. One out of 24 jobs in southern California relates to the ports.

So, Madam Chairman, the two most important things about this legislation are that it outlines a layered strategy for port security and that it creates dedicated, multi-year funding for port security projects.

Let’s just look at Katrina. This speaks to an issue all of us worry about. We didn’t have a plan before. We didn’t respond, and we are still struggling to recover now. This bill calls for protocols on the resumption of trade if our ports are attacked. A shutdown of West Coast ports would cost between 1 to $2 billion a day. We saw that 2 years ago.

Since 9/11, the L.A.-Long Beach port complex has only received $38 million in port security grant funding out of $220 million requested.

This bill provides the funding, the strategy, the bipartisan, bicameral support. I urge its passage. This is the first great day of the 2006 legislative calendar. Mr. THOMPSON of Mississippi, Madam Chairman, I reserve the balance of my time.

Mr. KING of New York, Madam Chairman, I join the lady in the commemoration of the greatness of this day. And with that, I yield 2 minutes to the gentleman from Alabama (Mr. ROGERS), the chairman of the Subcommittee on Management Integration and Oversight.

Mr. ROGERS of Alabama, Madam Chairman, I rise today in strong support of H.R. 4954, the SAFE Port Act. And first I would like to commend the gentleman and the gentlewoman from California, Mr. LUNGREN and Ms. HARKIN, for their leadership on this strong, bipartisan bill.

Also, thanks to the effective leadership of Chairman KING, the committee passed this bill on April 26 by a vote of 29-0.

Madam Chairman, this bill is a comprehensive proposal and helps safeguard our ports, all without disrupting commerce. For example, the bill authorizes the Container Security Initiative. This effort will identify and examine high-risk containers at foreign ports before they are loaded on ships bound for the U.S.

The bill also contains provisions which would help track and protect containers on the way to our shores. The bill also establishes a new Directorate for Policy, Planning and International Affairs at DHS.

This provision, which is a product of my subcommittee, implements one of the findings of Secretary Chertoff’s top-to-bottom review. In particular, the new Directorate would, A, review all departmental cargo, security programs, policies and initiatives; B, develop department-wide cargo security standards; C, coordinate the departmental cargo security programs with other Federal departments and agencies.

Madam Chairman, port security is especially critical in my home State of Alabama, where the Port of Mobile has an economic impact of at least $3 billion per year on my State. It is the 12th busiest port in the U.S. and employs more than 10,000 Alabamians.

Last year alone, this facility imported and exported 42,000 containers and 50 million tons of cargo. It is also the largest coal import terminal in the country and is expected to process 144,000 cruise ship passengers this year alone.

Mr. THOMPSON of Mississippi, Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Chairman, there have been a lot of acronyms thrown around on the floor this morning, C-TPAT, CSI, TWIC. But there is no real technology based security being applied to containers being shipped to the United States of America. Less than 5 percent are inspected. No one is going to shoot a missile at us, but if they can get ahold of a nuclear weapon they will put it in a container and ship it here.

Let’s look at the great C-TPAT program they are waxing on about. It is an honor system. You fill out an on-line form and your containers automatically are ranked less of a threat.

Sometime, 1 to 3 years later, the U.S. might send an inspector by, with prior notice, 1 day to look at your factory. That day you shoo all the al Qaeda people out and say don’t come in tomorrow; the U.S. is sending a guy by for 1 day. And then you go back to business. This is an incredibly ridiculous program that does not provide real security.

Is there a threat? Well, I think there is a threat because the Deputy Secretary of Homeland Security says the goal is to monitor and the Republican majority is not to inspect containers before they leave foreign ports. His goal, at home, our goal is to have 100 percent inspection of all containers as they depart a U.S. port headed into our country. The ports are sacrifice zones is what they are telling us here, because they might contain a threat. So we have to inspect them before they go from Seattle inland to somewhere in the Pacific Northwest but not before they get to Seattle.

□ 1045

The place to inspect is on the other side of the ocean, and it can be done without disturbing commerce. It has been proven in Hong Kong. They will say it is not technologically feasible. If that is so, then why do we endorse this same technology, these same bureaucracies? Or the CPB megaports program? The Bush administration’s bureaucracy says the technologies do work.
Mr. PASCARELL. Madam Chairman, I thank the gentleman for yielding me this time.

I rise in support of the SAFE Port Act, and I applaud Mr. DANIEL E. LUNGREN of California, Ms. HARMAN, Mr. LONGLEY, and Mr. LINDER, for their hard work on this critical endeavor. I also want to commend my good friends and their kind remarks this morning, Chairman KING and Ranking Member THOMPSON, for the exemplary leadership they have displayed in navigating this bill through the legislative maze that is Capitol Hill, and it is a maze.

The urgency of securing our ports cannot be overstated. As the 9/11 Commission noted in their report: "While commercial aviation remains a possible target, terrorists may turn their attention to other modes. Opportunities to do harm are as great, or greater, in maritime or surface transportation."

Let us heed the warning. Let this quote linger in our minds as we proceed with our debate today.

While this measure wisely addresses a variety of concerns that others have noted, there are several provisions within the bill that are of particular interest to me. For example, in March, Congressman FRANK LOBIONDO and I introduced H.R. 4880, the Maritime Terminal Security Enhancement Act. Components of our bill are now included in the SAFE Port Act. We require a port operator to resubmit a facility security plan for approval upon transfer of ownership or operational control of that facility. Remember that debate a few weeks ago? This is significant. Having this in place will afford the Coast Guard the needed opportunity to question entities, foreign and domestic, on any changes in security they intend to put into effect at the terminals they intend to purchase.

Likewise, we have included the requirement that facility security operators and officers are United States citizens, unless the Secretary offers a waiver based on a complete background check and a review of terrorist watch lists. The FSO, the facilities security officer, is the individual with the legal responsibility for all aspects of security at each port. We need to do everything we can to make sure that we have the right people in place for these enormously important and sensitive positions. This language helps in this regard.

I am pleased that two amendments I offered with Congressman DAVE REICHERT were accepted when the Homeland Security Committee marked up this legislation last week. This bill now requires the Department of Homeland Security to establish a training program for local port employees on seaport security force operations, security threats and trends, and evacuation procedures.

We have also required DHS to establish an exercise program to test and evaluate the capabilities of Federal, State, local, and foreign governments. Both provisions will enhance our safety and strengthen our security.

This legislation by and large is an enormous step in the right direction. The unfortunate part of it, and we talked to the Chair and we talked to the ranking member about this, is what happened to the Markay-Nadler amendment mandating 100 percent screening.

I allowed in the near future that we can come to agreement on this issue. It is sensitive enough, it is important enough that we bring the same bipartisanship that we worked with on this bill to a conclusion and resolution of that most important and specific thing.

I hope we can get a commitment from the chairman that we will try to work to that end.

Mr. KING of New York. Madam Chairman, I am privileged to yield 5 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), the former attorney general of California and the sponsor of the bill.

Mr. KING. Madam Chairman, this day is the reason that I decided to come back to the Congress. An effort to work together on a bipartisan basis to solve one of the great challenges affecting America, that is what this place is all about. There are a lot of cynics and skeptics out there who say that the Congress of the United States is incapable of doing the work that it should do. This day is a refutation of that suggestion. Today is an indication that we can work together.

I want to thank Chairman KING for the work that he has done and the broad flexibility that he granted to our subcommittee to put this bill together. I want to thank my ranking member, LORETTA SANCHEZ, for the work she has done; the ranking member on the full committee, Mr. THOMPSON; and, of course, JANE HARMAN, my chief co-author on this bill.

This is the best of bills: legislation written to make a law, not to make a political statement. Yes, there are political statements that will be made about this bill, but the fact of the matter is we are moving forward in an effective way to solve a challenge that is out there that the American people recognize and that we recognize.

The response to the terrorist attacks was for us to look at where we were attacked and to focus most of our attention and energy in that direction. That is why we have had, if you will, a heavy response in the area of aviation security. But that is not to mean we can ignore the other areas.

As I said on the floor yesterday, the greatness of our ports as an integral part of our international trade, the fact that we are leaders in the world in international trade, the fact that we benefit from it more than anybody else, but we do so because it is so different than it was 30, 40, 50 years ago.
The instantaneous communication. The ability to deliver products within a short period of time. The fact that inventory is carried on rail, on trucks, in ships, rather than sitting static in a warehouse somewhere. The world has changed and we have been the leaders in child Safety, and each year should be pleased and proud of the tremendous contribution that our ports make to our economy and to our everyday living.

But the very things that make that possible make us vulnerable to those who would destroy everything we stand for. The terrorists do not want to see international trade. The terrorists do not want to see an exchange of ideas. The terrorists do not want to see cultures mixing together. The terrorists do not want to see America shown at its best. And that is what we do, as we Americans live every single day with the benefits of the trade. It is not the totality of what we do, but it is an essential part of what we do, and this bill responds to the attack that those would have on us through this very much shining star in our constellation of America. So I thank the Members for work on this.

I would say we are going to have a debate about 100 percent inspection, and I would say we all would hope for that day. But I would just direct people's attention to the National Journal of this last Friday on the inside page where they have something called the "Reality Check" and they refer to this effort to have 100 percent container inspection. They say, and this is the National Journal, that "it is a nice idea but not very feasible with current technology. Eleven million containers are shipped to U.S. ports each year. Of those, U.S. Customs and border protection personnel physically screen only about 6 percent, 660,000. 'It is a noble impulse, but as a practical matter, it can't be accomplished right now,' said Jack Riley, homeland security expert with RAND."

The key to being able to carry this out in the future is better equipment that stands faster; and that requirement, that impulse, is in this bill as a result of an amendment adopted that was presented by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), who, as has been noted by several of the speakers, has made an extraordinary contribution by her amendment at the full committee level.

As a Member from Florida, I am extremely conscious of our Nation's vulnerability in the area of port security. As a former New Yorker, I still am conscious of the ports there. I have several friends who worked for at that time just Customs, who had always expressed a concern about the security at the ports.

The SAFE Port Act certainly pushes us leaps and bounds beyond our current security system. We fund port of entry inspection offices, a port security grant program and port worker identification cards. I was especially proud to contribute an amendment in committee that does require DHS to aggressively pursue new technology out there for screening within 1 year. Once that is there, the Secretary must work with foreign governments within 6 months to deploy such technology.

This amendment and the underlying bill does not falsely promise some fantastic pie in the sky technology. When the technology is in place, everyone will use it. Members of both sides of the aisle want to make sure that we do have it there.

In the meantime, it would be very imprudent to waste taxpayer dollars on an unproven technology. Instead, this bill requires the Department of Homeland Security to implement realistic technology to increase our overseas cargo screening. The bill is the starting line in the race that we are running faster than ever to secure America with realistic technology for real results.

I certainly want to thank Chairman KING as well as Congressman LUNGEN.
In the next few weeks, we will be moving TSA reform legislation that has provisions designed to enhance rail and transit security. This matter is a priority for the committee, and I thank the gentleman for his leadership in this area.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I thank the gentleman from New York for his comments. I appreciate his consideration of these very important and timely concerns and obviously share his determination to pass effective rail legislation.

Since becoming chairman, the gentleman from New York has demonstrated strong support for surface transportation security; and I look forward to working with him on this matter.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, today I rise in strong support of the SAFE Port Act. As a member of the Homeland Security Committee and an original cosponsor of this legislation, I understand that port security is national security.

Nearly all the foreign imports that enter this country come through our ports, and it is important to know who is handling cargo and what goods are being shipped. The port of Providence is located in my district in Rhode Island, and every year a wide variety of goods come through the port, including machinery, lumber and steel products. It is essential to my constituents that our port is secure to prevent unauthorized materials from being smuggled into our country. The SAFE Port Act adds the needed protections and resources to keep us safe.

I am pleased that this bipartisan legislation requires the Secretary of Homeland Security to develop a strategy for cargo and maritime security. This plan will help us prepare for any scenario, as well as create a plan for quickly resuming commerce in the event of an attack.

The legislation doubles the authorized level of port security grants, to $400 million. By creating a dedicated funding stream, our ports will no longer be competing with other critical infrastructure for scarce resources.

The bill also establishes new security standards for all cargo containers entering the U.S. Unfortunately, the bill does not go as far as I would like in this area. I am disappointed that the Nadler-Oberstar-Markey amendment was not made in order the rule.

I urge my colleagues to support the motion to recommit to ensure the scanning of every cargo container at foreign ports and make this good bill even better.

As the Ranking Member of the Subcommittee on the Prevention of Nuclear and Biological Attack, I'm pleased that this legislation authorizes the Domestic Nuclear Detection Office for the first time. This important office will oversee the country's global nuclear detection efforts and ensure that detection technology is deployed to find nuclear materials before they enter our borders.

I still believe there is more work to be done, and I will continue working with my colleagues to ensure that DNDO has the funds needed to fully deploy radiation detectors at our borders and ports as soon as possible. We cannot afford to wait any longer.

Overall, this bipartisan legislation is an important step towards securing our ports, and I urge my colleagues to join me in supporting the SAFE Port Act.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield the balance of my time to the author of the Markey amendment, the gentleman from Massachusetts (Mr. MARKEY), a champion for 100 percent cargo screening here in this Congress.

Mr. MARKEY. Mr. Chairman, I thank the gentleman.

This bill has a fatal flaw. It relies upon paperwork checks. If you went to the airport with your bags, showed up, showed the person your ticket and your ID, and then the person just waived you on to the plane with another 150 people and all the bags went on as well, with no scanning, no screening, you would sit petrified in your seat.

Well, that is what is going to happen, unless the recommittal motion which Mr. NADLER and I are going to make later on today is in fact voted upon successfully.

The Republican leadership has refused to allow a debate on 100 percent screening of cargo containers coming into the United States.

Now, why is that important? It is important because all of the unsecured nuclear material in the former Soviet Union that al Qaeda can purchase, take to a port in Europe, in Asia, in Africa, and then, with a piece of paper and an ID, waive on a 10,000 or 20,000 or 30,000 pound container and, with the nuclear bomb inside of it, send that ship, that container, right to a port in the United States, to New York, to Boston, to California, to any other city in America, without being screened.

President Kennedy took on the Soviet space technology in the 1960s. He put a man on the moon in 8 years. The Republicans are saying they can't figure out in 8 years, 8 years, from 2001 to 2009, how to screen cargo containers coming into the United States and how to put tamper-proof seals on them, knowing that al Qaeda has said that bringing a nuclear weapon into the United States is their highest goal, to kill hundreds of thousands of Americans.

The best advice that we have later on today will decide whether or not this fatal flaw in the Republican bill is allowed to stand, if the Bush administration is allowed to turn a blind eye to
the number one threat that al Qaeda poses to our country.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we went through a very complex, labyrinthine, but productive process in arriving at this point today. It trivializes the debate, it demeans the process, to be suggesting that anyone, anyone at all in this body, certainly anyone on this committee, is not absolutely committed to the protection of every American life. Those of us who came from districts who lost large numbers of people on September 11 perhaps have even a more acute interest in doing all we possibly can.

But we also don't want to do the most cruel thing of all, and that is hold out a false hope. The worst thing of all is to adopt legislation which is symbolic rather than real. We want results. We are not looking for sound bites, we are not looking for headlines, we are not looking for the evening news. We are not looking for the tabloids. We are looking to get results to save American lives and to make America safer.

That is exactly what this legislation does, through layers of defense, through protocols of security, through well-thought-out processes and urging as quickly as possible the advancement and the use of technology that can be done. Not technology that might work or might not work, but technology that can work and can be implemented in an effective way.

That is what this is about. That is what the debate should be about. As the late morning and early afternoon goes forward, I am sure the American voters who are watching this will see that there are those of us who do want to maintain the level of debate on both sides of the aisle, and that level is going to bring about American security.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I want to compliment Mr. KING in the efforts here and Mr. LUNGREN and, yes, even the minority in this case, on working in a bipartisan, cooperative manner.

I was somewhat taken back by the comments even made by the gentleman from Massachusetts, because this should not be a partisan issue. This should not be railing against the Republicans or should not be railing against us. We are all willing to make headlines, go outside and stand on your head. That is the best way to make headlines.

What we are trying to do, as Mr. King said, is try to make our ports secure and we are trying to make them secure in a proper time fashion.

We have already done some of this work that should have been done through the Transportation Committee. The Maritime Transportation Security Act does a lot of what is in this bill, and we are implementing it right now. The ports are more secure than what people will say and what you read in the newspaper.

Yes, more better and we will. But Members keep in mind that what we are faced with today is how do we do it and do it in a fashion which continues to allow us to have a commerce circle. Without commerce, this country will fail.

Now, I can suggest respectfully that there is a way and we will continue to do it, if the ports wish to do so, that they will unload their ships that have been screened thoroughly 100 percent overseas at point of origin.

It will not take long for those shipping companies to make sure that the containers are screened 100 percent. Keep in mind what I said, that which has been screened will be first unloaded. I guarantee it will happen in the very near future.

But what we have done here under this bill is take the right step forward, a good step forward, and to accomplish I believe what is correct, that is, eventually total security for our ports.

I have some concern in the bill, and I have expressed to Mr. LUNGREN and Mr. KING there are, and I understand why; but I hope as we go through this conference that there will be a recognition that the smaller ports will be recognized as much as the larger ports.

Because under this legislation it primarily concentrates on the larger ports. And I do not believe that is what we are seeking. I think we should consider all ports that receive cargo containers from whatever origin they may be. And if they are not screened, they should not be allowed in.

So I am saying the smaller ports should also be recognized. They are not under this bill. And we have to, as time goes by through the conference, try to recognize that those smaller ports have equal concern as well as the larger ports.

And, lastly, I would suggest I have a deep concern about the grant program. We already have a grant program for port security. It is already on the books and it is in Homeland Security. And I will say in defense of the committee, the Homeland Committee, that there is in fact a lack of action through the Department itself.

But I am hoping that we do not duplicate, that we do not do something that costs more money but gets less results. We can work this out through the conference, so we will have an opportunity to make sure either the Port Security Act itself, Maritime Transportation Security Act which has a grant program in it, that if it is not being implemented correctly, that we rectify that, or in fact we might eliminate that so there are not two bills on top of one another causing more confusion and less real security within our ports.

Again, Mr. Chairman, I am somewhat comfortable with this legislation in the sense that it has been well thought out. Again, I want to compliment the minority in this case, Mr. King, for bringing this to the floor in time. I wish to say, if I can, I am a little concerned. I have been here probably longer than eight other people, and I do not like what I hear in these debates. It seems like everybody is saying the other guy is the bad guy, and we are the good guys. I thought we were here to solve some problems. This is a problem. I think this bill does it. I think we ought to keep our eye on the ball and protect our people and provide a flow of commerce, which is necessary.

Mr. Chairman, I urge the people to consider this bill in total. If there would be a recommit, vote against the motion to recommit, and let us get forward and get this job done.

If you only listen to the press outcry over the Dubai Ports World now-aborted takeover of certain U.S. port operations, you would not know that significant actions have been taken since 9/11 to improve the security of U.S. ports.

Nonetheless, congress and the administration have taken important steps towards making our ports safer. These port security initiatives may not be as thorough and complete at this point as we would hope, and the press may choose to only cover the remaining gaps, but significant progress has been made.

In 2002, congress enacted the Maritime Transportation Security Act (MTSA). This legislation originated in the Transportation and Infrastructure Committee and significantly strengthened our ability to prevent and respond to maritime security incidents.

MTSA required U.S. port facilities and the vessels calling at those facilities to prepare and submit detailed security plans to the Coast Guard. Those plans have been submitted and approved by the Coast Guard. This is the first nationwide effort to assess the state of port security and plan for improvements in that security. These plans are required for each and every U.S. port facility and each and every vessel that visits those facilities.

Recently the administration has also completed the long awaited National Maritime Transportation Plan which was mandated by MTSA. A comprehensive report on homeland security, MTSA required U.S. ports, and the vessels calling at those facilities to prepare and submit detailed security plans to the Coast Guard. Those plans have been submitted and approved by the Coast Guard. This is the first nationwide effort to assess the state of port security and plan for improvements in that security. These plans are required for each and every U.S. port facility and each and every vessel that visits those facilities.

Of course, all the planning in the world is worthless unless real assets are put in place to back up and carry out those plans. Such assets are being put in place, some more quickly than others.

The Administration estimates that spending on maritime security has increased 700 percent since 2001. The Coast Guard has dramatically increased their security-related patrol hours and established 13 maritime safety and security teams as authorized in MTSA.

Congress and the administration have committed to a 20 year rebuilding of the Coast
Guard’s ships, planes, and communications infrastructure. These new and upgraded assets will greatly improve the service’s ability to carry out its maritime law enforcement missions, including port security.

There are still portions of MTSA that have not been implemented in as timely a manner as I would wish. Transportation worker identity cards are still a work in progress, and virtually no progress has been made by the government on implementing long range vessel tracking.

H.R. 4954, the Safe Port Act, makes some improvements to MTSA. At the request of the Coast Guard sub-committee chairman, Mr. LOBIONDO, and the Transportation and Infrastructure Committee, the bill requires that the facility security officers identified in the security plans be U.S. citizens and that facility security plans be resubmitted when facilities change ownership.

The bill also sets up a temporary system for verifying the identity of individuals with access to secure areas of seaports, and develop timelines for the implementation of transportation worker identity cards. Perhaps most importantly, it authorizes maritime security command centers. These interagency facilities which already exist at several ports are crucial to coordinated Federal, State and local port security prevention and response efforts.

Concerns remain about the safety of cargo entering the United States. We can all agree that the cargo must be secured at the earliest possible time and monitored throughout its journey. By the time it reaches our shores, it is too late to find out what is in a container and decide whether it is safe. Much of the Safe Port Act is designed to address these cargo supply chain safety concerns, and I comment Chairman King for his efforts in this area.

There is one area in which I strongly disagree with the Safe Port Act. The bill removes the existing port security grant program from the Maritime Transportation Security Act and replaces it with a less focused grant program that is accessible only to very few ports—ironically those that have the greatest resources available to pay for port security improvements.

The Maritime Transportation Security Act of 2002 (MTSA), established a grant program to make Federal funding available to assist ports, terminal facilities, and State and local governments meet maritime security requirements imposed by the act.

This port security grant program is designed to address vulnerabilities that are identified through Coast Guard inspections, area maritime transportation security plans, and facility security plans that are all carried out under the MTSA.

The Safe Port Act removes the port security grant program from the MTSA port security framework. If any changes are made to the program, those changes should enhance the connection between the existing maritime security framework under the MTSA and federal assistance.

I hope that as we move towards conference on this bill that we will continue to work together to strengthen the existing port security grant program.

I also disagree with the bill’s proposal to restrict federal port security grants to only select ports or select projects.

I do agree that we need to have criteria and a competitive process to determine which ports and projects should receive the funding; however, I object to the idea that any of our ports should be excluded outright from competing for this federal funding.

Each port or group of ports is connected to every part of this Nation through our intermodal transportation system.

If we fail to implement real port security at any of our ports, we are failing in our efforts to secure our Nation from threats in the maritime domain.

Under the MTSA, each port is required to operate under the same maritime security standards regardless of size or location.

As a result, dedicated funding in the form of federal port security grants should be available to address security vulnerabilities at each of our Nation’s 361 ports.

In order to allow this important bill to move on an expedited schedule, I have decided not to offer an amendment that would return fairness, equity and effectiveness to the port security grant program.

However, I look forward to working with Chairman King and the other conferees to make these necessary changes as we move to conference on this important bill.

We can improve the grant program without replacing the grant program.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I concur in the remarks of the distinguished chairman of the full committee of Transportation and Infrastructure, the gentleman from Alaska. He has got his eye on the ball, his eye on the mark. We need more cooperation. We need more sharing and mutual understanding than finger-pointing and sloganeering.

I think left up to him, the Rules Committee would have made in order an amendment. It seems to me that the Rules Committee, maybe the House leadership, fears more our amendment than our amendment being loaded with a potential bomb. What harm is there in debating an amendment that we did debate, we had discussion with it in the Transportation Committee?

Why could we not have a debate on it? That does not mean it is going to be accepted. We ought to at least put it in play and have a discussion on it. So now we will put this into the motion to recommit and have a debate there, which is less satisfactory than having a much broader debate.

I am concerned about security in our ports in the maritime arena because of the years that I have spent on aviation security. Eighteen years ago, Pan Am 103 was blown out of the sky nearly on Christmas Eve, December 21, 1988.

I served on the Pan Am 103 Commission, requested by President Bush I, along with our former colleague John Paul Hammerschmidt, Senators Alfonse D’Amato and FRANK LAUTENBERG, and three public members.

As we look in Lockerbie, a trench 14 feet deep, 20 feet wide, 40 feet long, 259 people aboard the aircraft and 11 people on the ground were incinerated in a fire ball that went 10,000 feet into the sky, we vowed we would make aviation safe.

And all it took to bring a 747 down was that much Semtex, stored in a cassette tape recorder, in a suitcase that then was flown to the 727 in Frankfurt, after it left Malta, and then on to London. It should never have gotten on the 747. But it did. And with a barometric pressure device and a timer, it blew up over land in Lockerbie, Scotland.

The threat is today in our ports; but it is also to our inland cities. The bomb that could be similarly contained in a TEU could be timed to go off in Boise, Idaho or St. Louis, Missouri.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. LOBIONDO) control the remaining amount of my time.

The Acting CHAIRMAN (Mr. PUTNAM). Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. LOBIONDO. Mr. Chairman, how much time do we have on our side? The Acting CHAIRMAN (Mr. PUTNAM). The gentleman from New Jersey has 5 minutes remaining.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of this legislation. I want to thank Mr. King, Mr. LUNACEK, Mr. OBERSTAR, Mr. Thompson, all of those involved in helping to make this happen. I think it is a very good step in the right direction.

Mr. Chairman, it makes several additions to our Nation’s maritime security program that enhances the law that we passed a couple of years ago. I am very pleased that the bill in the manager’s amendment includes several provisions that I and Representative PASCRELL from New Jersey worked on that will help enhance maritime security.

These provisions will amend the law to require American citizens to be in charge of security at each of our ports, require the Coast Guard to reexamine each port terminal security plan when the facility undergoes a change in ownership, and require the periodic reevaluation of security at foreign ports. This will also establish deadlines for the implementation of important maritime security programs that we included in the original bill, including the Transportation Worker Identification Credential program, which the Department has been woefully behind on.

It enhances identification credentials for foreign mariners calling on U.S. ports and also a long-range vessel tracking system to improve our awareness of activities.

These programs will dramatically enhance our ability to protect our ports, will help the Department, and help the Coast Guard. I want to thank all of the Members responsible.

Mr. Chairman, I reserve the balance of my time.
Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in very tepid support of this bill. It is a very tepid support of some nice provisions. None of it matters very much if we do not at least electronically scan every container before it is put on a ship bound for the United States. All it would take is one atomic bomb, one radiological device to make 9/11 look like a fire cracker, to kill hundreds of thousands of thousands of people, to cost billions of billions of dollars, to bring commerce to a total halt for weeks or months while every ship, every container is not scanned, but searched, inspected by hand before they are allowed to proceed into this country, because that is what will happen if there is, God forbid, a disaster in this country.

We have no protection against that now. Even with this bill, we depend on risk-based analysis, on paper as Mr. MARKEY said, to defend us. What the motion to recommit does is to say that no container can be put on a ship bound for the United States until it is scanned for radiation and for density, until that scan is transmitted electronically in real-time to American inspectors in the United States, and until a tamper-proof seal that will tell us whether that container has been tampered with after it is scanned is put on that container.

We are told this is not feasible. Mr. KING says the technology does not exist. But it is done in Hong Kong today. It is done in Hong Kong today. The two biggest terminals in Hong Kong have this. Of course, nobody bothers reading the scans because the Department of Homeland Security cannot be bothered. They are on a hard drive in Hong Kong.

It is relatively cheap. $6.50 per container, per container, per container, no delay. But the DHS has no urgency. Mr. GINGREY, a Republican of Georgia at the Rules Committee, said that he had a company in his district that makes those tamper-proof seals that can talk to the global positioning satellite; but he cannot get DHS to talk to them, they are not interested.

The motion to recommit we are told is irresponsible and partisan. It is, in fact, word for word identical as the amendment agreed to by the chairman of the Transportation Committee and adopted unanimously by a bipartisan vote in the Transportation Committee. But suddenly when it comes to the floor, it is a partisan amendment.

The Republicans on the Transportation Committee understood the necessity for protecting our homeland. The Republicans on the Homeland Security Committee apparently do not, nor does the Republican leadership, because they did not agree to this obvious thing to do that everyone, bipartisan, on the Transportation Committee agreed to do.

Mr. Chairman, the main risk comes from the so-called low-risk containers, not the high-risk containers. Wal-Mart ships a shipment of sneakers from a factory in Indonesia. And on the truck on the way to the port, the truck driver goes to lunch. And while he is at lunch, a terrorist steals the container, puts in atomic bomb. The bill of lading is fine. It is a reliable company. It is low-risk, and there is an atomic bomb on that container, and no one sees it because that container is not scanned.

Maybe it is scanned under this bill in Boston or in Los Angeles. It is too late to look at it in Los Angeles if there is an atomic bomb on board.

Mr. Chairman, this motion to recommit, which I hope Members will vote for on the merits, not vote party line against it because it is a procedural motion or some such nonsense, makes this a worthy bill, and makes this a bill that will really protect Americans.

Without the motion to recommit, despite what Mr. KING says, this bill does a number of things that are nice, but does nothing really to protect the United States.

Mr. LoBIONDO. Mr. Chairman, how much time do we have remaining on our side?

The Acting CHAIRMAN. The gentleman has 4 minutes remaining.

Mr. LoBIONDO. Mr. Chairman, I yield 2 minutes to my colleague from New Jersey (Mr. FRELINGHUYSEN).

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong support of the SAFE Port Act, and I commend Chairman KING and Chairman LoBIONDO, Chairman LUNGREN, Chairman YOUNG for all of their work, and certainly the ranking member.

Members of Congress from New York and New Jersey know better than most the horrors of September 11, 2001. We would hate to ever have that wrought again on so many of our citizens who lost their lives. So it is important we get about supporting this legislation.

The SAFE Port Act authorizes programs that will protect the safety of American ports, the personnel literally, hundreds of thousands of people who operate those ports, and the goods that move through them.

In our state of New Jersey, the Port of New York and New Jersey is literally the commercial gateway to the east coast. This bipartisan legislation takes steps to make sure that the ports security initiatives are as strong as its economic stability.

This bill recognizing the importance of implementing the recommendations of the 9/11 Commission and recommendations of the President and Department of Homeland Security, and, finally, legislation I introduced that port security grants be distributed based on risk.

This legislation is an important step to achieving that version, to ensure port resources are spent wisely and efficiently. This legislation adheres to the need to create a risk-based or a threat-based port security grant program.

This grant program will distribute over $400 million a year to the most strategically significant and economically important ports facing the greatest threats.

Thanks to a 700 percent increase, and I serve on the House Appropriations Committee in port security funding shifts, our U.S. Border Protection offices are now using several interlocking initiatives and new cutting-edge technology to better defend our homeland and protect our citizens.

The SAFE Port Act puts in place a multi-layered port and cargo security strategy that builds upon these programs which Congress has already established. I urge strong support for this bill.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of our time.

I spoke earlier about our experience with Pan Am 103. I, along with the commission issued, the 63 recommendations of the Commission that did not sit on a shelf gathering dust but were enacted into law by the Committee on Transportation and Infrastructure.

We wanted all checked bags to be screened for explosives, but we did not get it. We did not get it worked out in the operation of the law. So, over the next 13 years, under both Democratic majority in the committee and Republican majority in the committee, we passed bill after bipartisan bill requiring that all checked baggage be screened for explosives, but we did not impose statutory deadlines.

FAA tried to move ahead with the requirements we imposed upon them through the law, but the airlines interceded again and again and again to effectively kill implementation: Technology was too expensive, too high a false alarm rate, caused delays in the baggage handling.

So on the eve of September 11, 2001, there was only limited screening of checked baggage. There was only limited requirement and prohibition on the types of materials permitted to board aircraft, such as box cutters. The red flags were gone.

Then came September 11, and no one wanted to get aboard an airplane unless we had better security, and it did not take long for legislation to be passed requiring that all checked luggage be screened. It did not take long for us to get a Federal screener workforce in place. It was a matter of months to get it done.

It was not partisan. It was bipartisan. This was American. This was America security that we were all seeking to improve.

By December 28, 2004, all checked and carry on baggage was screened going
aboard aircraft, tougher standards, higher standards.

What we have in this bill, pilot project, studies, exhortations, is a slow road to good security. The lesson of Pan Am 103, of aviation security in general, was to push the borders of protection further out from our shores overseas, to check airplanes, passengers, luggage before it goes on the plane so that does not come into this country to destroy us, harm us here at home.

The same principle is included in our port security act that our committee and the gentleman from New Jersey, the chairman, who was part of shaping that bill, moving it through conference, getting it to signature by the President 3 years ago, well, we did not have in that bill the one element that is missing that we want to include in, and that is mandatory screening.

I rise today in support of the SAFE Port Act. My colleagues, this bill is a good start, and I will support it, but it is not a comprehensive solution to port security. Last year, customs officials screened only five percent of the 11 million cargo containers entering the United States. That rate is both unacceptable and dangerous to our national and economic interests.

I represent the Port of Philadelphia, and I know firsthand the important role that ports play in the national and global economy. I have also seen how simple accidents can have devastating impacts on the port system. Just 24 days after I was elected to the House of Representatives, an oil tanker struck a submerged object and spilled 265,000 gallons of oil into the Delaware River. This spill halted commerce, temporarily shut down a nuclear power plant, and put area drinking water at risk. All of this was caused by an inanimate and rusty anchor sitting at the bottom of the river.

All told, this incident cost an estimated $150 million. In contrast, the damage and destruction caused by smuggling a weapon of mass destruction into a port could cost as much as $1 trillion.

Democrats have a proposal that would prevent such a devastating device from ever entering U.S. waters or a U.S. port. Under our plan, every cargo container—100 percent—would be screened prior to arrival in the United States.

Let me just tell you about a company in my district called Burtek. This is an American company and American workers who are doing great work to enhance our port security. Burtek is producing something called Mobile Radiation Portal Monitors, the first of which they delivered to the Customs and Border Protection Agency just last week. These devices will be placed at our ports and allow CBP to scan containers quickly and efficiently for any radioactive cargo.

Secondly, we recognize that the incredible amount of cargo that passes through our ports could serve as an entry point to be used by terrorists to smuggle in weapons to harm Americans. Of particular concern are nuclear or radiological materials.

During the DP World debate, many came to the erroneous conclusion that we were actually outsourcing port security. Nothing could be further from the truth.

Let me just tell you about a company in my district called Burtek. This is an American company and American workers who are doing great work to enhance our port security.

I urge my colleagues to support this very important legislation and to continue the effort to better secure our Nation's ports.

Chairman KING for being so open to so many ideas and Congressman LUNGER also, to again thank Mr. O'BRIEN for all of his help and Mr. Young of Alaska for the hard work in putting this together.

These are serious issues that we are making great progress on, and there is not a Member in this House that would not like to guarantee the American public that we can completely assure everyone that everything is totally 100 percent safe. It is an impossibility to do that.

We are not outsourcing this job to any-

eral, Mr. Chairman, and the great workers of my district are doing their part to defend our Nation.

The motion to recommit will require that all screeners be scanned before loading. Vote for this. This is your only opportunity. Vote for it.

Mr. LOBIONDO. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, whatever the merits of the recent controversy surrounding the proposed acquisition of American port terminals by Dubai Ports World, one very good thing came out of that controversy, and that was an enhanced focus on the needs to better defend America's ports.

We recognize that the incredible amount of cargo that passes through our ports could serve as an entry point to be used by terrorists to smuggle in weapons to harm Americans. Of particular concern are nuclear or radiological materials.

During the DP World debate, many came to the erroneous conclusion that we were actually outsourcing port security. Nothing could be further from the truth.

Let me just tell you about a company in my district called Burtek. This is an American company and American workers who are doing great work to enhance our port security.

I urge my colleagues to support this very important legislation and to continue the effort to better secure our Nation's ports.

Mr. LOBIONDO. Mr. Chairman, in closing, again, I would like to thank Mr. LOBIONDO. Mr. Chairman, I rise in support of the SAFE Port Act.

My colleagues, this bill is a good start, and I will support it, but it is not a comprehensive solution to port security.

Last year, customs officials screened only five percent of the 11 million cargo containers entering the United States. That rate is both unacceptable and dangerous to our national and economic interests.

I represent the Port of Philadelphia, and I know firsthand the important role that ports play in the national and global economy. I have also seen how simple accidents can have devastating impacts on the port system. Just 24 days after I was elected to the House of Representatives, an oil tanker struck a submerged object and spilled 265,000 gallons of oil into the Delaware River. This spill halted commerce, temporarily shut down a nuclear power plant, and put area drinking water at risk. All of this was caused by an inanimate and rusty anchor sitting at the bottom of the river.

All told, this incident cost an estimated $150 million. In contrast, the damage and destruction caused by smuggling a weapon of mass destruction into a port could cost as much as $1 trillion.

Democrats have a proposal that would prevent such a devastating device from ever entering U.S. waters or a U.S. port. Under our plan, every cargo container—100 percent—would be screened prior to arrival in the United States.

We put this proposal on the table months ago and, today, the Republican Leadership has refused to embrace it—jeopardizing security at 361 U.S. ports and putting at risk 75 percent of the 11 million cargo containers entering the United States.

Further, this measure would significantly increase funding for the federal grants that ports use to meet federal requirements for physical security on terminals, including perimeter security.

Since 9/11, more than $20 billion in federal funding has been directed to aviation security while just over $630 million has been directed to port security. I am therefore pleased that H.R. 4954 would also increase the funding for port security grants by $200 million per year.

Unfortunately, despite the improvements it would make, H.R. 4954 does not do all that could or should be done at this point to increase security at our ports.

The recent discussion over the proposed sale of a terminal operating firm working at several U.S. ports—including the Port of Balti-

over that company has raised awareness across our nation of the inadequacy of our current regime for inspecting cargo—particularly containerized cargo.

At the present time, our nation physically inspects only 5% of the nearly 11 million containers that come into our nation each year. This means that more than 10,400,000 containers enter the U.S. without having been physically inspected—and without any physical proof that the contents of the container are truly those described on the container’s manifest.

The motion to recommit that will be offered by my Democratic colleagues would require that all containers destined for the U.S. be scanned before they are loaded on a ship—and that they be sealed in a way that would immediately show if the container had been tampered with prior to its arrival in the United States.

The adoption of this motion to recommit would measurably enhance the underlying bill—and would close one of the most significant gaps in our homeland security regime that we have continued to leave open since 9/11.

I therefore urge my colleagues to adopt the Democratic motion to recommit to ensure that H.R. 4954 will truly make our ports SAFE.
Mr. STARK. Mr. Chairman, H.R. 4954, the SAFE Port Act, falls far short of what’s needed. Because the Republican majority operates largely as a subsidiary of the U.S. Chamber of Commerce, they refuse to take the only step that will ensure the safety of our ports: 100 percent scanning of containers. Instead, this bill mandates more reports that will tell us what hundreds of experts already have; you can’t ensure safety if you don’t verify the contents of every container. The studies, further organized by the Department of Homeland Security, and micromanaging of port operations in this legislation are a paltry substitute for real security.

As trade with Asia continues to grow, west coast ports, like the Port of Tacoma, are playing an ever larger role. I am proud to have the Port of Tacoma located in my district. It is the nation’s sixth largest port by cargo container volume, it handled over 2.1 million containers last year and continues to be a major economic engine in the South Sound region. In addition to its growing capacity, the Port of Tacoma is also one of the nation’s strategic military ports, helping to transport Port Lewis-related cargo overseas in support of our troops. I commend the Port of Tacoma for taking the necessary steps to tighten facility security and continue to serve the vital role in the national homeland defense.

With the Port of Seattle to the north and the Port of Olympia to the south, the Port of Tacoma works collaboratively with its sister ports and takes a regional approach to improve the security in and around the facilities. In fact, the Port of Tacoma and Port of Seattle worked together in Operation Safe Commerce, a federal program designed to create the knowledge base required for international standards for containerized shipping. Both ports are actively working with private and public entities to identify supply chain vulnerabilities and develop improved methods and technologies to ensure the safety of cargo entering and leaving the United States. Many lessons were learned in working with manufacturing and shipping partners and this knowledge will help us improve our efficiency while protecting our citizens and critical infrastructure. I am pleased to see that additional funds are available in this legislation to continue this important program.

The SAFE Port Act takes many critically important steps to prevent another terrorist attack on U.S. soil. This bill strengthens our domestic and international security efforts by making improvements to high-risk cargo targeting and tracking systems. The bill requires the Department of Homeland Security to deploy nuclear and radiological detection systems to our major ports by the end of next year. Ports will also have the much needed resources they need through the Port Security Grant Program to improve facility security.

Screening prior to its arrival at our U.S. ports is critical and I am pleased to see that the Department of Homeland Security is working to evaluate new radiological and other detection devices for use at foreign seaports. I believe these new technologies will arm our security officers with improved information and better tools to protect our critical infrastructure. The bill also includes improvements to our international screening programs: the Container Security Initiative (CSI) and the Customs-Trade Partnership Against Terrorism (C-TPAT).

The important role that our ports play in security and commerce has too often not received the appropriate level of priority. As a result, funding for the security of our ports has been sorely inadequate. This legislation moves forward in the right direction. We must do all we can to protect our communities, our critical infrastructure and our homeland. I hope my colleagues will join me in supporting the SAFE Port Act today.

Mr. ORTIZ. Mr. Chairman, as a member of the House Armed Services Committee and a representative of a coastal district in South Texas, I rise in support of the SAFE Port Act. I also want to make a particular point today. This Congress has promised all manner of border security and port security to the tune of billions of dollars. . . . yet we have—to date—funded our promises for port security at only $900 million. That’s quite a distance between what we say and what we actually do.

I’m for the bill before us today; but more than that, I am for actually spending the bill’s $7.4 billion for port and cargo security programs. Many members, including myself, are disappointed that the bill did not contain language to have 100% of port cargo screened. I will support the amendment to add the requirement to screen 100% of port cargo.

Over the last five years, the Administration and the majority in Congress have appropriated less than $900 million for port security grants—despite the Coast Guard’s determination that $5.4 billion is needed over 10 years. Over the last five years, the Presidential budget has never requested dedicated funding for port security.

In South Texas, we understand how vital port security is and we fear the day a weapon of mass destruction could be brought into a U.S. port in a container and cause hundreds of thousands of casualties. We cannot continue to tolerate the vulnerabilities in our port system. U.S. seaports handle more than 95 percent of our nation’s foreign trade—with millions of containers arriving in our ports each year.

We should include a comprehensive global container scanning system that scans the contents of every single container bound for the United States before it leaves an overseas port. The proposal of 100% scanning of containers is not unrealistic; it is endorsed by two experts in port security—Stephen Flynn, a former commander in the Coast Guard, and Adm. James Loy, the former head of the Coast Guard.

Two of the busiest terminals in the world—both in Hong Kong—scan 100% of cargo containers. Cmdr. Flynn and Adm. Loy wrote in an op-ed in the New York Times first-hand a demonstration of the technology and believe this technology has the potential to contribute to our goal of detecting cargo which would harm the United States.

I believe we should not be focusing on whether 100 percent screening is achievable, as it clearly is, but rather on how rapidly we can deploy this new, existing, advanced technology at all U.S. ports. I was greatly disappointed to learn that the restricted rule for today’s debate of H.R. 4954 did not make in order an amendment offered by Representative NADLER to require that every shipping container be scanned and sealed before being loaded onto a ship destined for the U.S. It is unfortunate that the majority leadership of the Rules Committee continues to ignore the strong need for debate and action on this issue, and I would strongly urge my colleagues to take the responsible step of insisting that the U.S. government protect its citizens by screening all of the cargo entering the United States ports.
Mr. HOLT. Mr. Chairman, I rise today in support of Security and Accountability for Every Neighborhood and Enterprise Terminals—SAFE Port Act. This bill is in wake of the Dubai Ports World controversy, it is long past time to seriously address the issue of port security.

The ports of the United States are an economic gateway to the rest of the globe. They are vital to America and to our national security. Today, seaports handle 95 percent of our nation’s foreign trade valued at over $1 trillion. This is an issue that is important to my constituents and to all citizens of New Jersey. The security of Port Newark-Elizabeth Marine Terminal is the 15th busiest port in the world, is something we need to address.

Yet, five years after the terrible attacks of September 11th, our nation’s seaports remain remarkably vulnerable and real security concerns for our country could not be more pertinent. Ninety-five percent of the cargo containers that enter the United States are inspected despite the potential presence of dangerous cargo, including nuclear weapons. This national security risk is a result of the failure of the current Administration to seriously address the issue of port security.

However, the bill is far from perfect. The Republican Majority wants to play word games with security. They want to provide real security to all Americans. Today they will try to convince Americans that 100 percent of all cargo containers are screened. But, it is important to notice that they are only talking about screening, meaning a review of the manifest of the cargo container—not a physical inspection. I support the inspection of 100 percent of all containers, and tragically we only inspect 5 percent of all cargo containers entering the United States today. That means that 95 percent of the cargo containers entering our country could contain nuclear, biological, or chemical weapons but because we have not inspected them we would never know. This needs to change.

Hong Kong has successfully implemented a 100 percent scanning program at its ports. Unfortunately, our Republican colleagues deny Democrats the opportunity to offer an amendment that would require the United States to implement a similar program with 100 percent inspection of containers coming in to our country. Americans want real security, not word games.

The 9/11 Commission recently gave the Administration and Republican-controlled Congress a “D” for cargo screening. Still, the Congress has only appropriated a total of $883 million for port security despite the Coast Guard’s stated need of $5.4 billion over 10 years to adequately secure our seaports. Last year, I voted for the Democratic Homeland Security substitute that would have appropriated an additional $6 billion in port security funding for Fiscal Year 2006, but it was rejected by the Republican Majorities, who are more interested in giving tax breaks to the wealthiest Americans. We can and must do better for the security of the American people.

Something must be done to establish security for cargo, including nuclear weapons but because we have not inspected them we would never know. This needs to change.

Mr. HOLT. Mr. Chairman, I rise today in support of Security and Accountability for Every Neighborhood and Enterprise Terminals—SAFE Port Act. This bill is important steps necessary to help secure our nation’s ports and prevent dangerous materials from entering our country.

In addition, the bill would establish a Port security worker training and exercise program. Ms. WATERS. Mr. Chairman, I rise in strong support of H.R. 4954, SAFE Ports Act. Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, 5 years after the September 11th attack, our nation remains vulnerable to an attack, an attack that could come through our ports. Our maritime system consists of more than 300 sea and river ports with more than 3,700 cargo and passenger terminals nationwide. Additionally, thousands of shipments to the United States originate in the ports of nations that may harbor terrorists. Although Customs and Border Protection analyzes cargo...
and other information to target specific shipments for closer inspection, it still physically inspects only a small fraction of the containers under its purview.

We cannot allow the threat that our current port security system allows to continue. Terrorists have attacked our Nation once. There is every reason to believe that they will try again—possibly with a weapon of mass destruction; a weapon that could be smuggled into our ports. That is why I support the three-tiered approach H.R. 4954, the “SAFE Port Act of 2006” to address port security. We should secure our ports and the containers that travel through them at home, abroad and in transit to the United States.

H.R. 4954 takes important strides to accomplish this by requiring the Department of Homeland Security to deploy nuclear and radiological detection systems at 22 important seaports by the end of FY07. Additionally, this legislation puts an emphasis on training—a key component to readiness. Our port police, local law enforcement, and longshoremen need an established training program with set guidelines from Homeland Security to deal with security breaches and terrorist attacks. This bill will create one.

For containers in transit to our shores, this legislation requires the Secretary of Homeland Security to develop standards for sealing containers on routes into the United States. The SAFE Ports Act boosts private sector investment into security by devoting $25 million a year to forge private/public partnerships to bring new technologies and techniques to market faster.

For overseas ports, this bill realizes that our homeland security does not end at our borders. Instead, we need to take a global approach to the way we protect our nation, including our ports. This legislation requires DHS to gather more information from cargo importers. It codifies the existing Container Security Initiative which enables DHS to examine high risk maritime cargo at foreign ports.

H.R. 4954 represents an important step in enhancing our homeland security systems. As a representative from Southeastern Pennsylvania whose lies within an hour’s distance or less from the ports of Philadelphia, and Newark. Additionally, my own district is home to a deepwater port that is badly in need of enhanced security measures. I am voting for this act so that my backyard and the backyards of my constituents will not become the site of the next terrorist attack. I call on my colleagues to support this legislation.

Ms. CORRINE BROWN of Florida. Mr. Chairman, the bill we have on the floor today is a good start to protecting our ports and waterways. But until Congress has the foresight to demand total cargo screening and to dedicating real dollars to fully securing our ports, the American people remain vulnerable to a terrorist attack via our ports.

This legislation should have been on the floor on September 12, 2001, not May 4, 2006. Like so many other security needs of this country, this is too little too late. If we’re not scanning cargo before it gets to this country, were closing the barn door long after the horse gets out.

I hear the complaints that scanning all cargo will slow commerce, but I would ask what these people think a nuclear bomb going off in a U.S. port would do to the flow of commerce.

The shipping industry would be stopped in its tracks the way the aviation industry was after September 11th.

To me, nowhere is additional port security funding more important than in my home state of Florida, whose 14 major ports are the gateway to the United States. These ports play a crucial role in transporting ammunition supplies, and military equipment to our men and women fighting all over the world. In fact, ports serve as the main economic engine for many of the areas in which they’re found, making an attack not only extremely dangerous for our security but also economically disastrous for the local economy as well.

Unfortunately, the administration’s concentration of terrorism prevention funding on the aviation industry has jeopardized the safety of other modes of transportation. Last year TSA spent $4.4 billion alone on Aviation security, while spending only $36 million on all Surface Transportation security programs. Even after the rail bombings in Madrid and London we’re still failing to provide adequate funding to protect our rail infrastructure. I just don’t understand why it’s so hard for us in this country to react to security deficiencies.

I am hopeful that the Administration and this Congress will start to provide real dollars for the protection of our ports and waterways. The citizens of this nation, deserve no less.

The Acting Chairman (Mr. PUFAILA). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4954

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Security and Accountability For Every Port Act” or “SAFE Port Act.”

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLES I—SECURITY OF THE UNITED STATES SEAPORTS

Subtitle A—General Provisions

Sec. 101. Definition of transportation security-related event.
Sec. 102. Protocols for resumption of trade.
Sec. 103. Requirements relating to maritime facility security plans.
Sec. 104. Unannounced inspections of maritime facilities.
Sec. 105. Verification of individuals with access to secure areas of seaports.
Sec. 106. Clarification on eligibility for transportation security cards.
Sec. 107. Long-range vessel tracking.
Sec. 108. Maritime security command centers.

Subtitle B—Preparedness and Training Programs

Sec. 110. Port security grant program.
Sec. 111. Port security training program.
Sec. 112. Port security exercise program.
Sec. 114. Reserve officers and junior reserve officer training programs.

Subtitle C—Miscellaneous Provisions

Sec. 115. Increase in port of entry inspection officers.

Sec. 121. Acceleration of Integrated Deepwater System.
Sec. 122. Border Patrol unit for United States Virgin Islands.
Sec. 124. Report on ownership and operation of United States seaports.
Sec. 125. Report on security operations at certain United States seaports.
Sec. 126. Report on arrival and departure manifests for certain commercial vessels in the United States Virgin Islands.
checking overseas or domestically and ports that are vulnerable to terrorist attacks similar to the attack on the U.S.S. Cole.

(9) Significant enhancements can be achieved by a more scientifically based approach to supply chain security, in a coordinated fashion. Current supply chain programs within the Federal Government have been independently operated, often following paths which could have been made if such programs were operated in a coordinated manner with clear system standards and a framework that creates incentives for security improvements.

(10) While it is impossible to completely remove the risk of a terrorist attack, security measures in the supply chain can add certainty and stability to the system which contribute to terrorism, and facilitate trade. Some counterterrorism costs are integral to the price that must be paid to protect society. However, counterterrorism measures also present an opportunity to increase the efficiency of the global trade system through international harmonization of such measures. These efficiency gains are maximized when all countries adopt such counterterrorism measures.

(II) Increasing transparency in the supply chain will assist in mitigating the impact of a terrorist attack by allowing for a targeted shutdown of the international supply chain and expedited restoration of commercial traffic.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the term given in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

(3) INTERNATIONAL SUPPLY CHAIN.—The term “international supply chain” means the end-to-end process for shipping goods from a point of origin overseas to and from the United States.

(4) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

SEC. 101. DEFINITION OF TRANSPORTATION SECURITY INCIDENT.

Section 70103(6) of title 46, United States Code, is amended by inserting after “economic disruption caused by acts that are unrelated to terrorism and are committed during a labor strike, demonstration, or other type of labor unrest)” the following: “rorism and are committed during a labor strike, committees

(46, United States Code, is amended

SEC. 102. PROCEDURES FOR RESUMPTION OF TRADE.

(a) IN GENERAL.—Section 70103(a)(2)(J) of title 46, United States Code, is amended—

(1) by striking “(J)” and inserting “(J)”; and

(2) by adding at the end the following new clause:

(ii) The plan required by clause (i) shall include protocols for the resumption of trade in the event of a transportation security incident that causes a suspension in trade because of contingency and continuity planning that ensures trade lanes are restored as quickly as possible. The protocol shall provide for—

(1) coordination with appropriate Federal, State, and local agencies, the private sector, and appropriate overseas entities in developing such contingency and continuity planning.

(2) appropriate Federal, State, and local agencies and the private sector on law enforcement actions, inter-modal rerouting plans, and identification and prioritization of goods at a port security facility.

(3) designation of appropriate Federal officials to work with port authorities to reestablish the flow of cargo by prioritizing shipments based on approved security factors, including factors relating to public health, national security, and economic need.”.

(b) EFFECTIVE DATE.—The Secretary of Homeland Security shall develop the protocols described in section 70103(a)(2)(J)(ii) of title 46, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

SEC. 103. REQUIREMENTS RELATING TO MARITIME SECURITY PLANS.

(a) FACILITY SECURITY PLANS.—The Secretary of Homeland Security shall require that a security plan for a facility required under section 70103(c)(6) of title 46, United States Code, shall be resubmitted for approval upon transfer of ownership or operation of such facility.

(b) FACILITY SECURITY OFFICERS.—

(1) IN GENERAL.—The Secretary shall require that the holder of the full authority to implement security actions who is required to be identified under section 70103(c)(3)(B) of title 46, United States Code, for a facility described in section 70103(c)(2) of title 46 shall be a citizen of the United States.

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watch lists to determine if the individual is not identified on any such terrorist watchlist.

(c) FACILITY SECURITY ACCESS.—Section 70103(c)(3) of title 46, United States Code, as amended by adding at the end the following, including access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility.

SEC. 104. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

(a) IMPLEMENTATION OF REQUIREMENTS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

(1) not later than July 15, 2006, issue a notice of proposed rulemaking for regulations required to implement section 70103 of title 46, United States Code;

(2) not later than November 15, 2006, issue final regulations required to implement that section; and

(3) begin issuing transportation security cards to individuals at seaport facilities under section (b) of that section in accordance with the schedule contained in subsection (b)(2) of this section.

(b) TRANSPORTATION SECURITY CARDS.—

(1) MANAGEMENT.—Final regulations issued under subsection (a)(2) shall provide for Federal management of the system for issuing transportation security cards.

(2) SCHEDULE FOR ISSUING TRANSPORTATION SECURITY CARDS AT SEAPORTS.—

(A) Not later than May 15, 2007, the Secretary shall begin issuing transportation security cards to individuals at the seaport facilities listed on the facility vulnerability assessment issued by the Secretary under section 70102 of title 46, United States Code.

(B) Not later than November 15, 2007, the Secretary shall begin issuing transportation security cards to individuals at the next 30 seaport facilities listed on that assessment.

(C) Not later than November 15, 2008, the Secretary shall begin issuing transportation security cards to individuals at all other seaport facilities.

(d) REPORTING.

(1) TERRORIST WATCH LIST COMPARISON AND IMMIGRATION RECORDS CHECK.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(A) complete a comparison of each individual who has unescorted access to a secure area of a facility as described in approved facility security plan in accordance with section 70103(c) of title 46, United States Code) against terrorist watch lists to determine if the individual is a terrorist threat;

(B) determine whether each such individual may be denied admission to the United States, or removed from the United States, under subsection (c); and

The Immigration and Nationality Act (8 U.S.C. 1221a et seq.).

(2) CONTINUING REQUIREMENT.—In the case of an individual who is given unescorted access to a secure area of a seaport facility after the date on which the Secretary completes the requirements of paragraph (1) and before the date on which the Secretary begins issuing transportation security cards at the seaport facility, the Secretary shall conduct a comparison of the individual against terrorist watch lists and determine whether the individual is lawfully present in the United States.

(3) INTERIM FINAL REGULATIONS.—In order to carry out this subsection, the Secretary shall issue interim final regulations to require submission to the Secretary of information necessary to carry out the requirements of paragraph (1).

SEC. 105. VERIFICATION OF INDIVIDUALS WITH ACCESS TO SECURE AREAS OF SEAPORTS.

(a) IMPLEMENTATION OF REQUIREMENTS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

(1) not later than July 15, 2006, issue a notice of proposed rulemaking for regulations required to implement section 70103(c)(4) of title 46, United States Code, as amended to read as follows:

“(D) verify the effectiveness of each such facility security plan periodically, but not less than twice annually, at least one of which shall be an inspection of the facility that is conducted without notice to the facility.”.

(b) VERIFICATION OF INDIVIDUALS.

(1) REQUIREMENTS.—The Secretary shall conduct a comparison of the individual against terrorist watch lists to determine if the individual is lawfully present in the United States, under subsection (c);

(2) the Secretary may share any such information with appropriate Federal, State, local, and tribal law enforcement agencies.

(f) TERRORIST WATCH LISTS DEFINED.—In this section, the term “terrorist watch lists” means all available information on known or suspected terrorists or terrorist threats.

(g) REPORTING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing information on—

(1) the number of matches and unlawfully present individuals found to be unlawfully present in the United States, under subsection (c); and

(2) the corresponding seaport facilities at which the matches and unlawfully present individuals were identified; and

(h) EFFECTIVE DATE.—The Secretary of Homeland Security shall develop the protocols described in section 70101(a)(2)(J)(ii) of title 46, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

(i) TERRORIST WATCH LIST COMPARISON AND IMMIGRATION RECORDS CHECK.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) complete a comparison of each individual who has unescorted access to a secure area of a facility as described in approved facility security plan in accordance with section 70103(c) of title 46, United States Code) against terrorist watch lists to determine if the individual is a terrorist threat;

(2) determine whether each such individual may be denied admission to the United States, or removed from the United States, under subsection (c); and

(3) the actions taken as a result of the terrorist watchlist comparisons and immigration records checks under subsection (c).

(f) TREATMENT OF INDIVIDUALS RECEIVING HAZARDOUS MATERIALS SECURITY CARDS.

(1) IN GENERAL.—To the extent the Secretary determines that the background records check conducted under section 5103a of title 49, United States Code, and the background records check conducted under section 70105 of title 46, United States Code, are equivalent, the Secretary shall determine if an individual does not pose a risk warranting denial of a transportation security card issued under section 70103(c) of title 46, United States Code, if such individual—

(1) has successfully completed a background records check under section 5103a of title 49, United States Code; and

(2) possesses a current and valid hazardous materials security card issued under section 1572 of title 49, Code of Federal Regulations.
(2) LIMITATIONS.—Notwithstanding paragraph (1), the Secretary may deny an individual a transportation security card under section 70105 of title 46, United States Code, if the Secretary has substantial evidence that the individual poses a risk to national security.

(3) REDUCTION IN FEES.—The Secretary shall reduce, to the extent practicable, any fees associated with processing a transportation security card under section 70105 of title 46, United States Code, for any individual referred to in paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for fiscal year 2007 to carry out this section.

SEC. 106. CLARIFICATION ON ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.

Section 70105(c)(2) of title 46, United States Code, is amended by inserting "subparagraph (A), (B), or (D)" before "paragraph (1)".

SEC. 107. LONG-RANGE VESSEL TRACKING.

(b) REGULATIONS.—Section 70115 of title 46, United States Code, is amended in the first sentence by striking "The Secretary and inserting "Not later than April 1, 2007, the Secretary".

SEC. 108. MARITIME SECURITY COMMAND CENTERS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by adding at the end the following new section:

$70122. Maritime security command centers

"(a) ESTABLISHMENT.—The Secretary shall establish an integrated network of virtual and physical maritime security command centers at appropriate United States seaports and maritime regions, as determined by the Secretary, to—

(1) enhance information sharing;

(2) facilitate day-to-day operational coordination; and

(3) in the case of a transportation security incident, facilitate incident management and response.

(b) CHARACTERISTICS.—Each maritime security command center described in subsection (a) shall—

(1) be regionally based and utilize where available the compositional and operational characteristics, facilities and information technology systems of current operational centers for port security and other similar existing facilities and systems;

(2) be adapted to meet the security needs, requirements, and resources of the seaport and maritime region the center will cover; and

(3) to the maximum extent practicable, not involve the construction of new facilities, but shall utilize information technology, virtual command centers, and existing facilities to create an integrated, real-time communication and information sharing network.

(c) PARTICIPATION.—The following entities shall participate in the integrated network of maritime security command centers described in subsection (a): [(1) The Coast Guard; (2) U.S. Customs and Border Protection; (3) U.S. Immigration and Customs Enforcement; (4) Other appropriate Federal, State, and local law enforcement agencies.]

(d) RESPONSIBILITIES.—Each maritime security command center described in subsection (a) shall—

(1) assist, as appropriate, in the implementation of maritime transportation security plans developed under section 70103; [(2) participate in the integrated network of maritime transportation security incident response plans required under section 70104;]

(2) carry out information sharing activities consistent with those activities required under section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 845) and the Homeland Security Information Sharing Act (6 U.S.C. 841 et seq.);

(3) conduct short- and long-range vessel tracking under sections 70114 and 70115, and

(4) carry out other responsibilities as determined by the Secretary.

(e) SECURITY CLEARANCES.—The Secretary shall sponsor and expedite individuals participating in maritime security command centers described in subsection (a) in gaining or maintaining their security clearances. Through the Captain of the Port designated by the Secretary and the Department, the Secretary may identify key individuals who should participate. In addition, the port or other entities may appeal to the Captain of the Port for sponsorship.

(f) SECURITY INCIDENTS.—During a transportation security incident involving the port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in a maritime security command center described in subsection (a) shall act as the incident commander, unless otherwise directed by the President.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the normal command and control procedures for operational entities in the Department, unless so directed by the Secretary.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $60,000,000 for each of the fiscal years 2007 through 2012 to carry out this section and section 108(c) of this Act and to carry out information sharing activities consistent with those activities required under section 1016 of title 46, United States Code, during the period before regulations are issued under subsection (a), and a budget analysis for the implementation of such activities.

SEC. 109. CLARIFICATION ON ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.

The table of sections at the beginning of chapter 701 of title 46, United States Code, is amended by adding at the end the following:

"70122. Maritime security command centers.

SEC. 110. TRANSPORTATION SECURITY CARD PROGRAM.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) by redesigning the second section 510 (as added by section 7303(d) of Public Law 108–108 (118 Stat. 3844)) as section 311; and

(2) by adding at the end the following new section:

"SEC. 512. PORT SECURITY GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary shall establish a grant program to allocate Federal financial assistance to United States seaports on the basis of risk and need.

(b) PRIORITIZATION PROCESS.—In awarding grants under this section, the Secretary shall conduct an assessment of United States seaports to identify gaps in existing port security and to remedy port security vulnerabilities. In awarding grants authorized under subsection (a) based upon—

(1) the most current risk assessment available from the Department;

(2) the national economic and strategic defense considerations of individual ports; and

(3) any other factors that the Secretary determines to be appropriate.

(c) APPLICATION.—

(I) IN GENERAL.— Any entity or facility subject to an Area Maritime Transportation Security Plan shall submit an application for a grant under this section, at such time, in such form, and containing such information and assurances as the Secretary may require.

(II) MINIMUM STANDARDS FOR PAYMENT OR REMITTANCE.—Each application submitted under paragraph (1) shall include—

(A) a comprehensive description of—

(I) the purpose of the project for which the applicant seeks a grant under this section and why the applicant needs the grant; and

(II) the applicability of the project to the Area Maritime Transportation Security Plan and other homeland security plans;

(III) the methodology for coordinating the project into the security of the greater port area, including the Area Maritime Transportation Security Plan;

(IV) any existing cooperation or mutual aid agreements with other port facilities, vessels, organizations, or State, territorial, and local governments as such agreements relate to port security; and

(V) a capital budget showing how the applicant intends to allocate and expend the grant funds;

(B) any added or corrected port security vulnerabilities; and

(C) any new assistance and the extent to which the assistance is necessary.

(d) USE OF FUNDS.—Grants awarded under this section shall be used for—

(1) to help implement Area Maritime Transportation Security Plans required under section 70103(b) of title 46, United States Code;

(2) to remedy port security vulnerabilities identified through vulnerability assessments approved by the Secretary;

(3) for the salaries, benefits, overtime compensation, and other costs of additional security personnel for State and local agencies for activities required by the Area Maritime Transportation Security Plan for a seaport area if the Secretary—

(A) increases the threat level under the Homeland Security Advisory System to Code Orange or Code Red; or

(B) raises the Maritime Security level to MARS=EC Level 2 or 3;

(4) to the cost of acquisition, operation, and maintenance of equipment that contributes to the overall security of the port area, as identified in the Area Maritime Transportation Security Plan, if the need is based upon vulnerability assessments approved by the Secretary or identified in the Area Maritime Security Plan;

(5) to conduct vulnerability assessments approved by the Secretary;

(6) to purchase or upgrade equipment, including computer software, to enhance terrorism preparedness;

(7) to conduct exercises or training for prevention and detection of, preparedness for, response to, or recovery from terrorist attacks; and

(8) to establish or enhance mechanisms for sharing terrorism threat information.

(e) ADDRESSING PARTNERS.—To the extent practicable, grants awarded under this section shall—

(1) address any existing cooperation or mutual aid agreements with other port facilities, vessels, organizations, or State, territorial, and local governments as such agreements relate to port security;

(2) comply with any existing cooperation or mutual aid agreements with other port facilities, vessels, organizations, or State, territorial, and local governments as such agreements relate to port security; and

(3) include in the capital budget required by subsection (c) a description of any other funds used for such purposes and amounts not obligated or expended are returned.

(f) USE OF FUNDS.—Grants awarded under this section shall be used for—

(1) to help implement Area Maritime Transportation Security Plans required under section 70103(b) of title 46, United States Code;

(2) to remedy port security vulnerabilities identified through vulnerability assessments approved by the Secretary;

(3) for the salaries, benefits, overtime compensation, and other costs of additional security personnel for State and local agencies for activities required by the Area Maritime Transportation Security Plan for a seaport area if the Secretary—

(A) increases the threat level under the Homeland Security Advisory System to Code Orange or Code Red; or

(B) raises the Maritime Security level to MARS=EC Level 2 or 3;

(3) to conduct exercises or training for prevention and detection of, preparedness for, response to, or recovery from terrorist attacks; and

(4) to establish or enhance mechanisms for sharing terrorism threat information.
bars, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

(A) $1,000,000 per project; or

(B) 10 percent of the total amount of the grant.

(2) SOURCE OF FUNDS.—Amounts authorized to be appropriated under paragraph (1) shall originate from duties collected by U.S. Customs and Border Protection.

(b) CLAIMS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135) is amended by inserting after the item relating to section 509 the following:

"Sec. 510. Procurement of security countermeasures for strategic national stockpile.

"Sec. 511. Improving other high risk area communications capabilities.

"Sec. 512. Port security grant program.

"(c) REPEAL.—

(1) I N GENERAL.—Section 70107 of title 46, United States Code, is amended by striking the commercial seaport personnel and management.

"(2) S OURCE OF FUNDS.—The requirement of paragraph (1) shall not apply with respect to a project with a total cost of not more than $25,000.00.

"(D) web-based training; and

"(E) video teleconferencing;

"(F) provide a strategy and timeline for conducting training and periodic unannounced drills for persons on the vessel or at the facility to be carried out under the plan to deter, to the maximum extent practicable, a transportation security incident or a substantial threat of such a transportation security incident;";

"SEC. 112. PORT SECURITY TRAINING PROGRAM.

(a) I N GENERAL.—Subtitle A of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended by adding at the end the following new section:

"Sec. 802. PORT SECURITY TRAINING PROGRAM.

"(a) I N GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Port Security Training Program (hereinafter in this section referred to as the ‘Program’) for the purpose of enhancing the capabilities of each of the Nation’s commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

"(b) I N GENERAL.—The Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, including how security plans and procedures are adjusted when threat levels increase; and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods, including—

(A) direct didactic;

(B) train-the-trainer;

(C) computer-based training;

(D) web-based training; and

(E) video teleconferencing;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(2) security threats and patterns;

(3) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(4) evacuation procedures;

(5) is consistent with and supports implementation of the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Goal, and other such national initiatives;

(6) is evaluated against clear and consistent performance measures; and

(7) addresses security requirements under facility security plans.

"(b) NATIONWIDE VOLUNTARY CONSENSUS STANDARDS.—The Secretary shall—

(1) support the development, promulgation, and regular updating of national consensus standards for port security training; and

(2) ensure that the training provided under this section is consistent with such standards.

"(c) TRAINING PROGRAM.—In developing and delivering training under the Program, the Secretary shall—

(1) work with government training facilities, academic institutions, commercial seaport personnel and management, and nongovernmental emergency responders or other commercial seaport personnel and management; and

(2) utilize, as appropriate, training courses provided by community colleges, public safety academies, State and private universities, and other facilities.

"(d) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training consults with—

(I) a geographic and substantive cross section of governmental and nongovernmental emergency response providers; and

(II) commercial seaport personnel and management.

"(f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—For purposes of this section, the term ‘commercial seaport personnel’ means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of cargo-related equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, including after the item relating to section 801 the following:

"Sec. 802. Port security training program.

"(c) VESSEL AND FACILITY SECURITY PLANS.—Section 70105(c) of title 46, United States Code, is amended by—

(1) in subparagraph (E), by striking ‘‘the training, periodic unannounced drills, and’’;

(2) by redesignating subparagraphs (F) and (G) as subparagraphs (H) and (I), respectively; and

(3) by inserting after subparagraph (E) the following new subparagraph:

‘‘(F) provide a strategy and timeline for conducting training and periodic unannounced drills for persons on the vessel or at the facility to be carried out under the plan to deter, to the maximum extent practicable, a transportation security incident or a substantial threat of such a transportation security incident;’’."

"SEC. 113. PORT SECURITY EXERCISE PROGRAM.

(a) I N GENERAL.—Subtitle B of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended by section 112, further amended by adding at the end the following new section:

"Sec. 803. PORT SECURITY EXERCISE PROGRAM.

"(a) I N GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Port Security Exercise Program (hereinafter in this section referred to as the ‘Program’) for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary
determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) General Provisions—The Secretary shall—

(1) consolidate all existing port security exercise programs administered by the Department; and

(2) conduct, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences; and

(D) consistent with the National Incident Management System, the National Response Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management, the Coast Guard, the Transportation Security Administration, and U.S. Customs and Border Protection, shall ensure that the program shall be shared with appropriate Federal, State, and local officials, seaport personnel and management, the Coast Guard, the Transportation Security Administration, and U.S. Customs and Border Protection, shall ensure that the program shall be shared with appropriate Federal, State, and local officials, seaport personnel and management, the Coast Guard, the Transportation Security Administration, and U.S. Customs and Border Protection, shall ensure that the program.

(3) assist State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraphs (2) and (3); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) Remedial Action Management System—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Remedial Action Management System to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) establish a program for the implementation of lessons learned and best practices by participants in the Program; and

(4) perform remedial action tracking and long-term trend analysis.

(d) Grant Program Factor.—In evaluating and prioritizing applications for Federal financial assistance under section 512, the Secretary shall give additional consideration to those applicants who have developed port security exercises under this section.

(e) Consultation.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training shall consult with—

(A) a geographic and substantive cross section of governmental and nongovernmental emergency response providers; and

(B) commercial seaport personnel and management.

(f) Commercial Seaport Personnel Defined.—For purposes of this section, the term ‘commercial seaport personnel’ means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.

(g) Clerical Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135), as amended by section 112, is further amended by inserting after the item relating to section 802 the following:

‘‘Sec. 803. Port security exercise program.’’

SEC. 114. Reserve Officers and Junior Reserve Officers Training Pilot Project.

(a) In General.—The Secretary of the department shall establish and maintain a training program under this section referred to as the ‘‘Secretary’s’’ pilot project may carry out a pilot project to establish and maintain a reserve officers and a junior reserve officers training program in locations determined by the Secretary.

(b) Criteria for Selection.—The Secretary shall establish and maintain a training program under this section in any location that is a Coast Guard District, preferably in a location that has a Coast Guard district headquarters. The Secretary shall ensure that at least one program is established at each of an historically black college or university, an Hispanic serving institution, and a high school with majority-minority population.

(c) Program Requirements.—A pilot program carried out by the Secretary under this section shall provide students—

(1) instruction in subject areas relating to operations of the Coast Guard;

(2) training in skills that are useful and appropriate for a career in the Coast Guard;

(3) provision of additional support.—To carry out a pilot program under this section, the Secretary may—

(i) assistance in course development, instruction, and other support activities;

(ii) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(iii) necessary and appropriate course materials, equipment, and uniforms.

(d) Employment of Reserve Coast Guard Personnel.—

(1) In General.—Subject to paragraph (2), the Secretary may enter into agreements with colleges, universities, or high schools to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary.

(2) Authorized Pay.—

(A) In General.—Retired members employed pursuant to paragraph (1) may receive their retired or retainer pay and an additional amount described in subparagraph (A), from funds appropriated for that purpose.

(B) Authorization of Appointments.—To carry out this section, there is authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2010.

Subtitle V—Miscellaneous Provisions

SEC. 121. Increase in Port of Entry Inspection Officers.

(a) In General.—There is authorized to be appropriated to the Department of Homeland Security $892,000,000 for the fiscal year 2012 for the recruitment and training of new port of entry inspection officers.

Subtitle VI—Strategic Plan to Enhance the Security of the International Supply Chain

(a) In General.—The Secretary of Homeland Security shall increase by not less than 200 the number of full-time active duty port of entry inspection officers through the fiscal year 2012.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out subsection (a) the following amounts for the following fiscal years:

(1) $20,000,000 for fiscal year 2007.

(2) $40,000,000 for fiscal year 2008.

(3) $60,000,000 for fiscal year 2009.

(4) $80,000,000 for fiscal year 2010.

(5) $100,000,000 for fiscal year 2011.

(6) $120,000,000 for fiscal year 2012.

SEC. 122. Acceleration of Integrated Deepwater System.

(a) In General.—The Department of Homeland Security shall accelerate the development and procurement of the Integrated Deepwater System.

(b) Implementation.—The Secretary may, in implementing the requirements of the Integrated Deepwater System, enter into agreements with appropriate Federal, State, and local government agencies and private sector stakeholders for the operation or for the movement of containers through the international supply chain, shall develop and implement, and update as appropriate, a strategic plan to enhance the security of the international supply chain.

Subtitle VII—Securities of the International Supply Chain

(a) In General.—There is authorized to be appropriated to the Secretary, in consultation with appropriate Federal, State, and local government agencies and private sector stakeholders, $400,000,000 for the fiscal year 2012 for the movement of containers through the international supply chain.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for the fiscal year 2012 for the movement of containers through the international supply chain.

(c) Certification.—There is authorized to be appropriated to the Secretary for the fiscal year 2012 for the movement of containers through the international supply chain.

(d) Reporting Requirements.—The Secretary shall submit to the appropriate congressional committees a report on the results of the study required by subsection (a).

Subtitle VIII—Security of the International Supply Chain

(a) In General.—There is authorized to be appropriated to the Secretary, in consultation with appropriate Federal, State, and local government agencies and private sector stakeholders, $400,000,000 for the fiscal year 2012 for the movement of containers through the international supply chain.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for the fiscal year 2012 for the movement of containers through the international supply chain.

(c) Certification.—There is authorized to be appropriated to the Secretary for the fiscal year 2012 for the movement of containers through the international supply chain.

(d) Reporting Requirements.—The Secretary shall submit to the appropriate congressional committees a report on the results of the study required by subsection (a).
"(a) REQUIREMENT.-The Secretary shall require transmission to the Department, through an electronic data interchange system, of additional data elements for improved high risk targeting, including appropriate security elements of entry data, as determined by the Secretary, to improve coordination with respect to cargo destined for importation into the United States prior to loading of such cargo on vessels at foreign seaports.

(2) REQUIRED.-The Secretary shall promulgate regulations to carry out this section. In promulgating such regulations, the Secretary shall adhere to the parameters applicable to the development of regulations under section 343(a) of the Trade Act of 2002 (19 U.S.C. 2021 note), including provisions relating to consultation, technology, analysis, use of information, confidentiality, and comments.

SEC. 1803. PLAN TO IMPROVE THE AUTOMATED TARGETING SYSTEM.

(a) PLANS.—The Secretary shall develop and implement a plan for improving the Automated Targeting System for the identification of high-risk containers moving through the international supply chain.

(b) CONTENTS.—

(1) TREATMENT OF RECOMMENDATIONS.—The Secretary shall include in the plan required under subsection (a) a schedule to address the recommendations of the Comptroller General of the United States, the Inspector General of the Department of the Treasury, and the Inspector General of the Department of Homeland Security with respect to the operation of the Automated Targeting System.

(2) INFORMATION SUBMISSION.—In developing the plan required under subsection (a), the Secretary shall consider the cost, benefit, and feasibility of—

(A) requiring additional nonmanifest documentation for each container;

(B) adjusting the time period allowed by law for revisions to a container cargo manifest;

(C) adjusting the time period allowed by law for submission of entry data for vessel or cargo; and

(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any other targeting systems in furthering the security and integrity of the international supply chain.

(3) OUTSIDE REVIEW.—The Secretary shall conduct, through an independent panel, a review of the Automated Targeting System. The results of this review shall be included in the plan required under subsection (a).

(4) SMART SYSTEM.—The Secretary shall consider future iterations of the Automated Targeting System, which would incorporate smart features, such as more complex algorithms and real-time intelligence, instead of relying solely on rule sets that are periodically updated. The Secretary shall also consider how the Automated Targeting System could be improved through linkages with targeting systems in existence on the date of the enactment of the Security and Accountability For Every Port Act for travel security and terrorism finance programs.

(c) NEW OR EXPANDED INFORMATION SUBMISSIONS.—In considering any new or expanded information submission requirements, the Secretary shall consult with stakeholders and identify the need for such information, determine confidentiality requirements with respect to such information, and appropriate timing of the submission of such information, in the plan required under subparagraph (A).

(d) SECURE TRANSMISSION OF CERTAIN INFORMATION.—All information required by the Department from supply chain partners shall be transmitted in a secure manner, as determined by the Secretary, so as to protect the information from unauthorized access.

(2) AUTHORIZATION OF APPLICATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2012 to carry out this section.

SEC. 1804. CONTAINER STANDARDS AND PROCEDURES.

(a) AUTHORIZATION.—The Secretary is authorized to establish and implement a program (to be known as the ‘Container Security Initiative’ or ‘CSI’) to identify and examine maritime containers that pose a risk for terrorism at foreign ports. The program will include—

(1) the level of risk for the potential compromise of containers by terrorists or terrorist weapons;

(2) the volume of regular container traffic to United States ports;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the commitment of the host nation to cooperating with the Department in sharing critical data and risk management information and to maintain programs to ensure employee integrity; and

(5) the potential for validation by the Department of the Secretary.

(c) NOTIFICATION.—The Secretary shall notify the appropriate congressional committees prior to notifying the public of the designation of a foreign port under CSI.

(d) INSPECTIONS.—

(1) REQUIREMENTS AND PROCEDURES.—The Secretary shall establish technical capability criteria and standard operating procedures for the use of nonintrusive inspection and nuclear and radiological detection systems in conjunction with the CSI.

(2) REQUIREMENTS.—Each port designated under CSI to operate nonintrusive inspection and nuclear and radiological detection systems in accordance with the technical capabilities and standard operating procedures established under subparagraph (A); and

SEC. 1805. CONTAINER SECURITY INITIATIVE.
(c) continually monitor the technologies, processes, and techniques used to inspect cargo at ports designated under CSI.

(2) CONSISTENCY OF STANDARDS AND PROCEDURES.—The Secretary shall ensure that the technical capability criteria and standard operating procedures established under paragraph (1)(A) are consistent with such standards and procedures developed by other governmental entities, other Federal agencies, or any private sector entities determined appropriate by the Secretary.

(3) PROCEDURES.—The Secretary shall establish uniform procedures for the receipt, care, and storage of supply chain security information that is voluntarily submitted to the Department through the system developed under subsection (b).

(e) LIMITATIONS.—The voluntary information collected through the system developed under subsection (b) shall not be used exclusively for ensuring security and shall not be used for determining entry or for any other commercial enforcement purpose, unless the information submitted to the Department through the system developed under subsection (b) shall not be construed to constitute compliance with any requirement to submit such information to a Federal agency under any other provision of law.

(j) PARTICIPANTS.—The Secretary shall develop protocols for determining appropriate private sector personnel who shall have access to the system developed under subsection (b). Such personnel shall include designated security officers whose use of the system is necessary to carry out the purposes of this section, including supply chain security information from outside the United States.

(k) REPORT.—The Secretary shall submit to each appropriate congressional committee not later than March 1 of each year a report on the status of CSI, including—

(1) a description of the security improvements gained through CSI;

(2) the rationale for the continuance of each port designated under CSI;

(3) an assessment of the personnel needs at each port designated under CSI; and

(4) a description of the potential for remote targeting to decrease the number of personnel who are deployed at foreign ports under CSI.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $916,000,000 for each of the fiscal years 2007 through 2012 to carry out this section.

SEC. 1806. INFORMATION SHARING RELATING TO SUPPLY CHAIN SECURITY COOPERATION.

(a) PURPOSES.—The purposes of this section are—

(1) to establish continuing liaison and to provide for supply chain security cooperation between Department and the private sector; and

(2) to provide for regular and timely interchange of information between the private sector and the Department concerning developments and security risks in the supply chain environment.

(b) SECURE SYSTEM.—The Secretary shall develop a secure electronic data interchange system to collect from and share appropriate risk information between the supply chain with the private sector entities determined appropriate by the Secretary.

(c) CONSULTATION.—In developing the system under subsection (b), the Secretary shall consult with the Commercial Operations Advisory Committee and a broad range of public and private sector entities likely to utilize the system, including importers, exporters, carriers, customs brokers, and freight forwarders, among other parties.

(f) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this section shall be construed to limit or otherwise affect the ability of a Federal, State, local, government entity, under applicable law, to obtain supply chain security information, including any information necessary to determine whether compliance with such information is submitted to the Secretary in good faith; and

(i) PENALTIES.—Whoever, being an officer or employee of the United States or any department or agency thereof, knowingly publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law, any supply chain security information protected by such information, shall be fined under title 18, United States Code, imprisoned not more than 1 year, and shall be removed from office or agency after a notice of the violation of such law is issued to the Secretary of Homeland Security.

(k) AUTHORITY TO ISSUE WARNINGS.—The Secretary may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental agencies, or the public regarding potential risks to the supply chain as appropriate. In issuing a warning, the Secretary shall take appropriate actions to protect from disclosure—

(1) the source of any voluntarily submitted supply chain security information that forms the basis for the warning;

(2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriate for public disclosure, in each port designated under CSI; and

(3) any other information that the Secretary deems appropriate for disclosure.

Subtitle B—Customs-Trade Partnership Against Terrorism (C-TPAT)

SEC. 1811. ESTABLISHMENT.

(1) ESTABLISHMENT.—The Secretary is authorized to establish a voluntary program (to be known as the ‘‘Customs-Trade Partnership Against Terrorism’’ or ‘‘C-TPAT’’) to strengthen and improve the overall security of the international supply chain and United States border security.

(2) MINIMUM SECURITY REQUIREMENTS.—The Secretary shall review the minimum security requirements of C-TPAT at least once every year and update such requirements as necessary.

SEC. 1812. ELIGIBLE ENTITIES.

‘‘Importers, brokers, forwarders, air, sea, land carriers, and other entities in the international trade in goods and import and export transactions, the international supply system are eligible to apply to voluntarily enter into partnerships with the Department under C-TPAT.’’

SEC. 1813. MINIMUM REQUIREMENTS.

(1) An applicant seeking to participate in C-TPAT shall—

(a) demonstrate a history of moving commerce through the international supply chain;

(b) conduct an assessment of its supply chains based upon security criteria established by the Secretary, including—

(i) business sector terminology;

(ii) physical security measures;

(iii) procedural security;

(iv) information technology security;

(v) implementation and maintenance of security measures and supply chain security practices meeting security criteria; and

(vi) meet all other requirements established by the Secretary.

SEC. 1814. TIER ONE PARTICIPANTS.

(1) BENEFITS.—The Secretary may offer limited benefits to C-TPAT participants whose security measures and supply chain security practices have been certified in accordance with the guidelines established pursuant to subsection (b).

(2) GUIDELINES.—The Secretary shall update guidelines for certifying a C-TPAT participant’s security measures and supply chain security practices under this section.

SEC. 1815. TIER TWO PARTICIPANTS.

(a) IN GENERAL.—Not later than one year after a C-TPAT participant has been certified under section 1814, the Secretary shall validate, directly or through third party entities certified under section 1817, the security measures and supply chain security practices of that participant. Such validation shall include assessments at appropriate foreign locations utilizing the participant as part of the supply chain.

(b) CONSEQUENCES FOR FAILED VALIDATION.—If a C-TPAT participant’s security measures and supply chain security practices fail to meet the validation requirements under this section, the Commission of U.S. Customs and Border Protection may—

(1) suspend the participant benefits under C-TPAT on a temporary or permanent basis; or

(2) suspend or expel the participant from C-TPAT.

The Secretary may deny benefits to C-TPAT participants. The Secretary may also deny benefits to C-TPAT participants if the Secretary determines that the benefits are not being used in accordance with the guidelines established by the Secretary.

(c) RIGHT OF APPEAL.—A C-TPAT participant described in subsection (b) may file an appeal with the Secretary of the Commissioner’s office or employment.
decision under subsection (b)(1) to deny benefits under C-TPAT or under subsection (b)(2) to suspend or expel the participant from C-TPAT.

"(d) BENEFITS.—The Secretary shall extend benefits to each C-TPAT participant that has been validated under this section, which may include—

"(1) reduced examinations; and

"(2) priority processing for searches.

SEC. 1816. TIER THREE PARTICIPANTS.

(a) IN GENERAL.—The Secretary shall establish a tier of C-TPAT that offers additional benefits to C-TPAT participants that demonstrate a sustained commitment beyond the minimum criteria for participation in C-TPAT.

"(b) ADDITIONAL CRITERIA.—The Secretary shall designate criteria for C-TPAT participants under this section that may include criteria to ensure—

"(1) cargo is loaded on a vessel with a vessel security plan approved under section 7010(c) of title 46, United States Code, or on a vessel with a valid International Ship Security Certificate as provided for under part 104 of title 33, Code of Federal Regulations;

"(2) container security devices and related policies and practices that exceed the standards and procedures established by the Secretary are utilized; and

"(3) cargo complies with any other requirements determined by the Secretary.

"(c) BENEFITS.—The Secretary, in consultation with the Commercial Operations Advisory Committee established by the Secretary pursuant to section 1864 of this Act, and the Automated Targeting System Advisory Committee, may provide benefits to C-TPAT participants under this section, which may include—

"(1) the expedited release of ten thousand cargo containers into destination ports within the United States during all threat levels designated by the Secretary;

"(2) reduced or streamlined bonding requirements that are consistent with obligations under other applicable provisions of law;

"(3) preference to vessels;

"(4) further reduced examinations;

"(5) priority processing for examinations;

"(6) further reduced scores in the Automated Targeting System; and

"(7) streamlined billing of any customs duties or fees.

"(d) DEFINITION.—In this section, the term 'container' means a mechanical or electronic device designed to, at a minimum, detect unauthorized intrusion of containers.

SEC. 1817. CONSEQUENCES FOR LACK OF COMPLIANCE.

(a) IN GENERAL.—If a C-TPAT participant’s security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Secretary may deny the participant benefits in whole or in part under this subtitle.

"(b) FALSE OR MISLEADING INFORMATION.—If a C-TPAT participant intentionally provides false or misleading information to the Secretary or a third party entity during the validation process of the participant under this subtitle, the Commissioner of U.S. Customs and Border Protection shall suspend or expel the participant from C-TPAT for a period of not less than five years.

"(c) RIGHT OF APPEAL.—A C-TPAT participant described in subsection (a) may file an appeal with the Secretary of the Secretary’s decision under subsection (a) to deny benefits under this subtitle. A C-TPAT participant described in subsection (b) may file an appeal with the Secretary of the Commissioner’s decision under subsection (b) to suspend or expel the participant from C-TPAT.

SEC. 1818. VALIDATIONS BY THIRD PARTY ENTITIES.

"(a) IN GENERAL.—In conducting the pilot program under subsection (f), and if the Secretary determines to expand the use of third party entities to conduct validations of C-TPAT participants upon completion of the pilot program under subsection (f), the Secretary shall—

"(1) develop, document, and update, as necessary, minimum standard operating procedures and requirements applicable to such entities for the conduct of such validations; and

"(2) meet all requirements under subtitle G of the title that require the establishment and designates such minimum standard operating procedures as a qualified anti-terrorism technology for purposes of such Subtitle.

"(b) CERTIFICATION OF THIRD PARTY ENTITIES.—

"(1) ISSUANCE OF CERTIFICATE OF CONFORMANCE.—In accordance with section 863(d)(3) of this Act, the Secretary shall issue a certificate of conformance to a third party entity to conduct validations under this subtitle if the entity—

"(A) demonstrates to the satisfaction of the Secretary the ability to perform validations in accordance with standard operating procedures and requirements that have been designated as a qualified anti-terrorism technology by the Secretary under subsection (a); and

"(B) agrees—

"(i) to perform validations in accordance with such standard operating procedures and requirements (or updates thereto); and

"(ii) to maintain liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864 of this Act; and

"(C) signs an agreement to protect all proprietary information of C-TPAT participants with respect to which the entity will conduct validations.

"(2) LITIGATION AND RISK MANAGEMENT PROTECTIONS.—A third party entity that maintains liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864 of this Act and receives a certificate of conformance under paragraph (1) shall receive all applicable litigation and risk management protections under sections 863 and 864 of this Act.

"(3) RECIPROCAL WAIVER OF CLAIMS.—A reciprocal waiver of claims shall be deemed to have been entered into by a third party entity that receives a certificate of conformance under paragraph (1) and its contractors, subcontractors, suppliers, vendors, customers, and contractors and subcontractors of customers involved in the use or operation of the validation services of the third party entity.

"(4) INFORMATION FOR ESTABLISHING LIMITS OF LIABILITY INSURANCE.—A third party entity seeking a certificate of conformance under subsection (b)(1) shall provide to the Secretary necessary information for establishing the limits of liability insurance required to be maintained by the entity under section 864(a) of this Act.

"(d) ADDITIONAL REQUIREMENTS.—The Secretary shall ensure that—

"(1) any third party entity under this section—

"(A) has no beneficial interest in any direct or indirect control over the C-TPAT participant that is contracting for the validation services; and

"(B) has no other conflict of interest with respect to the C-TPAT participant; and

"(2) the C-TPAT participant has entered into a contract with the third party entity under which the C-TPAT participant agrees to pay all costs associated with the validation.

"(e) MONITORING.—

"(1) IN GENERAL.—The Secretary shall regularly monitor and inspect the operations of a third party entity conducting validations under this subtitle to ensure that the entity is meeting the minimum standard operating procedures and requirements for the validation of C-TPAT participants established under subsection (a) and all other applicable requirements for validation services under this subtitle.

"(2) REVOCATION.—If the Secretary finds that a third party entity is not meeting the minimum standard operating procedures and requirements, the Secretary shall—

"(A) terminate the entity’s certificate of conformance issued under subsection (b)(1); and

"(B) review any validations conducted by the entity.

"(f) PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out a program to test the feasibility, costs, and benefits of utilizing third party entities to conduct validations of C-TPAT participants. In conducting the pilot program, the Secretary shall comply with all applicable requirements of this section with respect to eligibility of third party entities to conduct validations of C-TPAT participants.

"(2) REPORT.—Not later than 20 days after the completion of the pilot program conducted pursuant to paragraph (1), the Secretary shall submit to the appropriate congressional committees a report that contains—

"(A) the results of the pilot program; and

"(B) the determination of the Secretary whether or not to expand the use of third party entities to conduct validations of C-TPAT participants.

SEC. 1819. REVALIDATION.

The Secretary shall establish a process for revalidating C-TPAT participants under this subtitle. Such revalidation shall occur not less frequently than once during every 3-year period following the initial validation.

SEC. 1820. NON-CONTAINERIZED CARGO.

The Secretary may consider the potential for participation in C-TPAT by importers of non-containerized cargo that otherwise meet the requirements under this subtitle.

SEC. 1821. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $75,000,000 for each of the fiscal years 2007 through 2012 to carry out this subtitle.

Subtitle C—Miscellaneous Provisions

SEC. 1831. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS IN FURTHERANCE OF MARITIME AND CARGO SECURITY.

(a) IN GENERAL.—The Secretary shall—

"(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

"(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

"(3) evaluate such technologies.

"(b) COORDINATION.—The Secretary, in coordination with the Undersecretary for Science and Technology, the Director of the Domestic Nuclear Detection Office of the Department, and the heads of other appropriate offices or entities of the Department, shall ensure that—

"(1) research, development, test, and evaluation efforts funded by the Secretary in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

"(2) the results of such efforts are shared throughout the Department and other Federal, State, and local agencies, as appropriate.
SEC. 1832. GRANTS UNDER OPERATION SAFE COMMERCE.

(a) IN GENERAL.—The Secretary shall provide grants, as part of Operation Safe Commerce, to:

(1) integrate nonintrusive imaging inspection and nuclear and radiological detection systems with automatic identification methods for containers;

(2) test physical access control protocols and technologies to include continuous tracking devices that provide real-time monitoring and reporting;

(3) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department of Homeland Security;

(4) otherwise further maritime and cargo security, as determined by the Secretary.

(b) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—In providing grants under subsection (a), the Secretary shall establish demonstration projects that further the security of the international supply chain, including refrigerated containers, and vascularized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo, through real-time, continuous tracking technology for special or high-risk container cargo that poses unusual potential for human or environmental harm.

(c) COMPETITIVE SELECTION PROCESS.—The Secretary shall select recipients of grants under subsection (a) through a competitive process on the basis of the following criteria:

(1) The extent to which the applicant can demonstrate that personnel, laboratory, and organizational resources will be available to the applicant to carry out the activities authorized under this section.

(2) The applicant’s capability to provide leadership in making national and regional contributions to the solution of maritime and cargo security issues.

(3) The extent to which the applicant’s programs, projects, and activities under the grant will address highest risk priorities as determined by the Secretary.

(4) The extent to which the applicant has a strategic plan for carrying out the programs, projects, and activities under the grant.

(5) Any other criteria the Secretary determines to be appropriate.

(d) ADMINISTRATIVE PROVISIONS.—

(1) PROHIBITION ON DUAL USE.—If any grant under subsection (a), the Secretary shall coordinate with other Federal departments and agencies to ensure the grant will not duplicate work already being carried out with Federal funding.

(2) ACCOUNTING, REPORTING, AND REVIEW PROCEDURES.—The Secretary shall establish accounting, reporting, and review procedures to ensure that:

(A) amounts made available under a grant provided under subsection (a)—

(i) are used for the purpose for which such amounts were made available; and

(ii) are properly accounted for; and

(B) amounts not used for such purpose and amounts not expended are recovered.

(3) RECORDKEEPING.—The recipient of a grant under subsection (a) shall keep all records related to expenditures and obligations of amounts provided under the grant and make such records available upon request to the Secretary for audit and examination.

(4) REVIEW.—The Secretary shall annually review the programs, projects, and activities carried out using amounts made available under grants provided under subsection (a) to ensure that the expenditures of such amounts are consistent with the purposes for which such amounts were made available.

(e) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit to the appropriate congressional committees a report detailing the results of Operation Safe Commerce.

(f) DEFINITION.—In this section, the term ‘Operation Safe Commerce’ means the research, development, test, and evaluation grant program established under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) In general.—Subject to paragraph (2), there are authorized to be appropriated $25,000,000 for each of fiscal years 2007 through 2012 to carry out this section.

(2) EFFECTIVE DATE.—Paragraph (1) shall be effective beginning on the date on which the Secretary submits to the appropriate congressional committees a report on the implementation and results of grants provided under Operation Safe Commerce before the date of the enactment of the Secretary and Accountability For Every Port Act.

SEC. 1833. DEFINITIONS.

In this title, the following definitions apply:

(1) AUTOMATED TARGETING SYSTEM.—The term ‘Automated Targeting System’ means the rules-based system incorporating intelligence material and import transaction history, established by U.S. Customs and Border Protection to target high risk shipments of cargo.

(2) EXAMINATION.—The term ‘examination’ means a physical inspection or the imaging and radiation screening, conducting an examination, or conducting a search.

(3) INSPECTION.—The term ‘inspection’ means the comprehensive process used by U.S. Customs and Border Protection for assessing goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. This process may include screening, conducting an examination, or conducting a search.

(4) INTERNATIONAL SUPPLY CHAIN.—The term ‘international supply chain’ means the end-to-end process for shipping goods from a point of origin overseas to and from the United States.

(5) NUCLEAR AND RADIOLOGICAL DETECTION SYSTEM.—The term ‘nuclear and radiological detection system’ means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

(6) SCREENING.—The term ‘screening’ means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine or assess the threat of such cargo.

(7) SEARCH.—The term ‘search’ means an intrusive examination in which a container is opened and its contents are de-routed and visually inspected for misdeclared, restricted, or prohibited items.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135) is amended by adding at the end the following:

TITLE XVIII—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

Sec. 1801. Strategic plan to enhance the security of the international supply chain.

Sec. 1802. Creation of additional data elements for improved high risk targeting.

Sec. 1803. Plan to improve the Automated Targeting System.

Sec. 1804. Container standards and verification procedures.

Sec. 1805. Container Security Initiative (CSI).

Sec. 1806. Information sharing relating to supply chain security cooperation.

Subtitle B—Customs-Trade Partnership Against Terrorism (C-TPAT)

Sec. 1811. Establishment.

Sec. 1812. Eligible entities.

Sec. 1813. Minimun requirements.

Sec. 1814. Tier one participants.

Sec. 1815. Tier two participants.

Sec. 1816. Tier three participants.

Sec. 1817. Consequences for lack of compliance.

Sec. 1818. Validations by third party entities.

Sec. 1819. Revalidation.

Sec. 1820. Non-containerized cargo.

Sec. 1821. Authorization of appropriations.

Subtitle C—Miscellaneous Provisions

Sec. 1831. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security.

Sec. 1832. Grants under Operation Safe Commerce.

Sec. 1833. Definitions.
such Act beginning not later than two years after the date of the enactment of this Act; and
(19) carry out the pilot program described in section 181B(j) of the Homeland Security Act of 2002, as amended, not later than one year after the date of the enactment of this Act for a duration of not less than one-year period.

SEC. 202. NEXT GENERATION SUPPLY CHAIN SECURITY TECHNOLOGIES.

(a) EVALUATION OF EMERGING TECHNOLOGIES.—While maintaining the current layered approach to screening, scanning, and inspecting cargo at foreign ports bound for the United States in accordance with existing statutes, the Secretary of Homeland Security shall evaluate the development of nuclear and radiological detection systems and other inspection technologies for use at foreign seaports to increase the volume of cargo possible.

(b) EMERGING TECHNOLOGY.—Not later than one year after the date of the enactment of this Act, the President shall, having evaluated emerging technologies under subsection (a), determine if more capable, commercially available technologies exist, and whether such technology—
(1) has a sufficiently low false alarm rate for use in the supply chain;
(2) is capable of being deployed and operated at ports overseas;
(3) is capable of integrating, where necessary, with existing systems;
(4) can significantly impact trade capacity and flow of cargo at foreign and United States ports; and
(5) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(c) CONTINGENT IMPLEMENTATION.—If the Secretary determines the available technology meets the criteria outlined in subsection (b), the Secretary, in cooperation with the Secretary of State, shall within 180 days of such determination, seek to secure the cooperation of foreign governments to initiate and maximize the use of such technology at foreign ports to scan all cargo possible.

(d) INTERNATIONAL COOPERATION.—If the Secretary determines that a proposed technology meets the requirements of subsection (b), but cannot be implemented as a result of a foreign government’s refusal to cooperate in the phased deployment, the Secretary may refuse to accept containerized cargo from that port.

(e) PILOT PROGRAM.—The Secretary shall submit to the appropriate congressional committees on an annual basis a report on the evaluation performed under subsections (a) and (b), the status of any implementation initiated in accordance with subsection (c), and a detailed assessment of the level of cooperation of foreign governments, as well as any actions taken by the Secretary under subsection (d).

(f) DEFINITION.—In this section, the term “clear and radiological detection system” means any technology capable of detecting or identifying nuclear and radiological material or explosive devices.

SEC. 203. UNIFORM DATA SYSTEM FOR IMPORT AND EXPORT INFORMATION.

(a) ESTABLISHMENT.—The President shall establish and implement a single, uniform data system for the electronic collection, dissemination, and sharing of import and export information to increase the efficiency of data submission and the security of such data related to border security, trade, and public health and safety in international exchanges.

(b) PRIVATE SECTOR CONSULTATION.—The President shall consult with private sector stakeholders in developing uniform data submission implementations, procedures, and schedules under the system established pursuant to subsection (a).

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the schedule for full implementation of the system established pursuant to subsection (a).

(d) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require any Federal department or agency from collecting import and export information under any other provision of law.

SEC. 204. FOREIGN PORT ASSESSMENTS.

(a) DEPARTMENT REVIEW.—In Section 7005 of title 46, United States Code, is amended by adding at the end the following:

“(g) PERIODIC REASSESSMENT.—Nothing in this section shall be construed to prevent any Federal department or agency from conducting a review of the data generated from the use of visual searches of empty containers at United States seaports.

(b) REPORT.—No later than 90 days after the completion of the pilot program under paragraph (1), the Secretary shall prepare and submit to the appropriate congressional committees a report that contains—
(1) the results of the pilot program; and
(2) the determination of the Secretary whether or not to expand the pilot program.

SEC. 205. PILOT PROGRAM TO IMPROVE THE SECURITY OF EMPTY CONTAINERS.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a one-year pilot program to evaluate and improve the security of empty containers at United States seaports to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers. The pilot program shall include the use of visual searches of empty containers at United States seaports.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under paragraph (1), the Secretary shall prepare and submit to the appropriate congressional committees a report containing—
(1) a description of the pilot program and its results; and
(2) the determination of the Secretary whether or not to expand the pilot program.

SEC. 206. STUDIES AND PILOT PROGRAMS ON ADVANCED IMAGE-AGERY PILOT PROGRAMS.

(a) STUDY.—
(1) IN GENERAL.—The Secretary of Homeland Security, in cooperation with the Commissioner of U.S. Customs and Border Protection, shall conduct a study of the merits of current container inspection pilot programs which include nuclear or radiological detection, non-intrusive imagery, and density scanning capabilities.

(2) REQUIREMENTS.—The study required under paragraph (1) shall include, at a minimum—
(A) an evaluation of the cost, personnel, and infrastructure required to operate the pilot programs, as well as the cost, personnel, and infrastructure required to bring the pilot programs into full-scale deployment to screen all cargo imported from foreign ports;
(B) an evaluation of the cost, personnel, and infrastructure required to bring the container security initiative and other container security programs; and
(C) a summary of best practices and technological advances of the pilot programs that could be integrated into the Container Security Initiative and other container security programs; and

(b) PILOT PROGRAM.—
(1) IN GENERAL.—The Secretary shall conduct a pilot program at the seaport also known as the Port of Long Beach, California, to improve the security of empty containers by using advanced imaging technology.

(2) REQUIREMENTS.—The pilot program described in paragraph (1) shall—
(A) be conducted at the Port of Long Beach, California;
(B) use imaging technology that complies with existing immigration and customs laws; and
(C) assess the change in the volume of cargo possible.

SEC. 207. TECHNOLOGY TRANSFER FOR NUCLEAR AND RADIATION DETECTION SYSTEMS.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Commissioner of U.S. Customs and Border Protection to validate the data generated from the use of visual searches of empty containers at United States seaports, shall reassess the effectiveness of antiterrorism measures maintained at ports as described under subsection (a) and of procedures described in subsection (b) not less than every 3 years.

(b) REPORT.—The Secretary, in cooperation with the Secretary of State, shall submit to the appropriate congressional committees a report that contains—
(1) the results of the reassessment; and
(2) the determination of the Secretary whether or not to expand the pilot program.

SEC. 208. TECHNOLOGY TRANSFER FOR NUCLEAR AND RADIATION DETECTION SYSTEMS.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Commissioner of U.S. Customs and Border Protection, shall carry out the pilot program described in subsection (a) and of procedures described in subsection (b) not less than every 3 years.

(b) REPORT.—The Secretary, in cooperation with the Secretary of State, shall submit to the appropriate congressional committees a report that contains—
(1) the results of the reassessment; and
(2) the determination of the Secretary whether or not to expand the pilot program.
"(B) To identify any homeland security-rele-
ated area in which the United States and other
nations and appropriate international organiza-
tions could collaborate to improve capabilities
and to plan and the exchange of information or
sharing of best practices and technology rela-
ting to that area.
(C) To plan and participate in international
conferences, exchange programs, and training
activities, and to oversee the activities of
Department personnel operating in other countries or
traveling to other countries.
(F) To represent the Department in intern-
national negotiations, working groups, and
standards-setting bodies.

(4) PRIVATE SECTOR.—
(A) To create and foster strategic commu-
nications with the private sector to enhance the
primary mission of the Department to protect
the United States.
(B) To advise the Secretary on the impact on
the public and private sectors of, processes, and actions of the
Department.
(C) To create and manage private sector ad-
visory councils composed of representatives of industries and associations designated by the Secretary—
(i) to advise the Secretary on private sector products, applications, and solutions as they re-
late to homeland security challenges; and
(ii) to advise the Secretary on homeland se-
curity policies, regulations, processes, and ac-
tions that affect the participating industries and associations.
(D) To promote existing public-private part-
nerships and develop new public-private part-
nerships to provide for collaboration and mutual
support to address homeland security chal-
genres.
(E) To identify private sector resources and
capabilities that could be effective in supplementing functions of the Department and State and local governments to prevent or re-
spond to acts of terrorism.
(F) To coordinate among the Department’s oper-
ating entities and with the Assistant Sec-
retary for Trade Development of the Department of Commerce on issues related to the travel and tourism
industries.

SEC. 902. OFFICE OF INTERNATIONAL AFFAIRS.

(a) ESTABLISHMENT.—There is established within
the Directorate for Policy, Planning, and International Affairs an Office of International Affairs.
The Office shall be headed by an Assistant
Secretary, who shall be appointed by the Secretary.

(b) DUTIES OF THE ASSISTANT SECRETARY.—
The Assistant Secretary shall have the following
duties:
(1) To promote information and education
exchange with nations friendly to the United States
and to promote sharing of best prac-
tices and technologies relating to homeland se-
curity. Such exchange shall include the fol-
lowing:
(A) Exchange of information on research and
development on homeland security tech-
nologies.
(B) Joint training exercises of first respond-
ers.
(C) Exchange of expertise on terrorism pre-
vention, response, and crisis management.
(2) To identify areas for homeland security
information and training exchange where the
United States has a demonstrated weakness and
another friendly nation or nations have a dem-
onstrated expertise.
(3) To coordinate and undertake international
conferences, exchange programs, and training
activities.

"(B) To manage international activities within
the Department in coordination with other Fed-
eral officials with responsibility for counter-ter-
rorism matters.

SEC. 903. OFFICE OF OFFICIALS AND OFFICIALS.

(a) IN GENERAL.—The Under Secretary for Policy
shall establish the following offices in the Direc-
torate for Policy, Planning, and International Affairs:
(1) The Office of Policy, which shall be
administered by an Assistant Secretary for Policy;
(2) The Office of Strategic Plans, which shall be
administered by an Assistant Secretary for
Strategic Plans and which shall include—
(A) a Secure Border Initiative Program Of-
face; and
(B) A Screening Coordination and Oper-
ations Office.
(3) The Office of the Private Sector, which shall be
administered by an Assistant Secretary for
the Private Sector.
(4) The Victim Assistance Officer.

(6) Such other offices as considered neces-
sary by the Under Secretary for Policy.

(b) DIRECTOR OF CARGO SECURITY POLICY.—
(1) IN GENERAL.—There shall be in the Direc-
torate for Policy, Planning, and International
Affairs a Director of Cargo Security Policy (hereinafter in this section referred to as the ‘Director’), who shall be subject to the direction
and control of the Under Secretary for Policy.
(2) The Director shall—
(A) advise the Assistant Secretary for Policy
regarding all aspects of Department programs relating to
cargo security; and
(B) develop Department-wide policies regarding
cargo security; and
(C) coordinate the cargo security policies and
programs of the Department with other Federal
departments and agencies, including by
working with officials of the Department of
Energy and the Department of State, as appro-
riate, in negotiating governmental agreements relating to cargo security.
(b) CONFORMING AMENDMENTS.—Section 879 of
the Homeland Security Act of 2002 (6 U.S.C. 459) is
repealed.

(c) CLERICAL AMENDMENTS.—The table of con-
ents in section 1(b) of such Act is amended—
(1) by striking the item relating to section 879;
(2) by striking the items relating to title VI and
inserting the following:
"TITLES VI—POLICY, PLANNING, AND
INTERNATIONAL AFFAIRS
Sec. 601. Directorate for Policy, Planning, and
International Affairs.
Sec. 602. Office of International Affairs.
Sec. 603. Other offices and official.

and
(3) by inserting after the items relating to title
XIII the following:
"TITLE XIX—MISCELLANEOUS
PROVISIONS
Sec. 1901. Treatment of charitable trusts for
members of the armed forces of the
United States and other govern-
mental organizations.

SEC. 904. DOMESTIC NUCLEAR DETECTION
SEC. 401. ESTABLISHMENT OF OFFICE.

(a) ESTABLISHMENT.—The Homeland Security
Act of 2002 (6 U.S.C. 101 et seq.) is amended by
adding at the end the following title:
"TITLES VI—OFFICE OF DOMESTIC
NUCLEAR DETECTION
SEC. 401. ESTABLISHMENT OF OFFICE.

(a) ESTABLISHMENT.—The Homeland Security
Act of 2002 (6 U.S.C. 101 et seq.) is amended by
adding at the end the following title:
"TITLES VI—OFFICE OF DOMESTIC
NUCLEAR DETECTION
SEC. 2001. DOMESTIC NUCLEAR DETECTION
OFFICE.

(a) IN GENERAL.—There shall be in the De-
partment of Homeland Security a Domestic Nu-
clear Detection Office.

(b) PURPOSE.—The purpose of the Office
shall be to protect against the unauthorized in-
portation, possession, storage, transportation,
development, or use of a nuclear explosive de-
vice, fissile material, or radiological material
against the United States.

(c) DIRECTOR.—The Office shall be headed
by a Director of Domestic Nuclear Detection,
who shall be appointed from among individuals
nominated by the Secretary.

(d) LIMITATION.—This title shall not be con-
strued to affect the performance, by directors or other
officers of the Department other than the Office
of functions that are not related to de-
tection and prevention of nuclear and radio-
logical terrorism.

SEC. 2002. FUNCTIONS OF DIRECTOR OF THE DO-
MESTIC NUCLEAR DETECTION OF-
FICE, GENERALLY.

(a) IN GENERAL.—The Secretary shall vest in
the Director the primary responsibility in the Depart-
ment for—
(1) administering all nuclear and radiological
detection and prevention functions and
assets of the Department, including those func-
tions vested in the Department before the enact-
ment of the Security and Accountability For
Every Port Act;

and

(2) for coordinating such administration with
nuclear and radiological detection and pre-
vention activities of other Federal departments
and agencies.

(b) TRANSFER OF FUNCTIONS.—The Secretary
shall transfer to the Director the authority to
administer, or supervise the administration of,
all Department programs and projects relating to
counterterrorism; development, testing, and evaluation, and nu-
clear and radiological counterterrorism acquisi-
tion and deployment, including with respect to
functions and assets transferred by section
303(1)(B), (C), and (E) and functions, assets,
and personnel transferred pursuant to section
201(c).

SEC. 2003. GLOBAL NUCLEAR DETECTION ARCHI-
TURE.

(a) IN GENERAL.—The Director shall coordi-
nate the Federal Government’s implementation of
a global nuclear detection architecture.

(b) FUNCTIONS OF DIRECTOR.—The Director
shall, under subsection (a)—
(1) design a strategy that will guide deploy-
ment of the global nuclear detection architec-
ture;

(2) implement the strategy in the United States;

and

(3) coordinate Department and Federal inter-
agency efforts to deploy the elements of the
global nuclear detection architecture outside the
United States.

(c) RELATIONSHIP TO OTHER DEPARTMENTS
AND AGENCIES.—The authority of the Director
under this section shall not affect an authority or
responsibility of another department or
agency of the Federal Government with respect to
the deployment of nuclear and radiological
detection systems outside the United States
under any program administered by that depart-
ment or agency.

SEC. 2004. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Director shall carry out
research and development programs to achieve transformational and evolutionary im-
provements in detection capabilities for shielded and unshielded nuclear explosive devices
and radiological dispersion devices.

(b) HIGH-RISK PROJECTS.—The program shall
include funding for transformational research
and development projects that may have a high
risk of failure but have the potential to provide
significant benefits.

(c) LONG-TERM PROJECTS.—In order to re-
fect a long-term commitment to the development of advanced detection technologies, the pro-
gram shall include the provision for funding
for projects having a duration of more than 3 years, as
appropriate.

2005 — CONGRESSIONAL RECORD — HOUSE H2131
May 4, 2006
agencies performing similar research and development in order to accelerate the development of effective technologies, promote technology sharing, and to avoid duplication, including through the use of existing coordination council established under section 2013.

**SEC. 2005. SYSTEM ASSESSMENTS.**
(a) IN GENERAL.—The Director shall carry out a comprehensive and evaluative technology for detecting nuclear explosive devices and fissile or radiological material.
(b) PERFORMANCE METRICS.—The Director shall establish performance metrics for evaluating the effectiveness of individual detectors and systems in detecting nuclear explosive devices or fissile or radiological material.
(1) performance metrics for evaluating the effectiveness of individual detectors and systems in detecting nuclear explosive devices or fissile or radiological material.
(2) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(3) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(4) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(5) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(6) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(7) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(8) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.

(b) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(1) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(2) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(3) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(4) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(5) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(6) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(7) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(8) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.
(9) PERFORMANCE METRICS.—The Director shall develop and maintain a program to train and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.

**SEC. 2006. TECHNOLOGY ACQUISITION, DEPLOYMENT, SUPPORT, AND TRAINING.**
(a) ACQUISITION STRATEGY.—The Director shall develop and, subject to the availability of appropriations, execute a strategy for the acquisition and deployment of detection systems in order to implement the components of the nuclear detection architecture developed under section 2003.
(b) ACQUISITION STRATEGY.—The Director shall develop and, subject to the availability of appropriations, execute a strategy for the acquisition and deployment of detection systems in order to implement the components of the nuclear detection architecture developed under section 2003.

**SEC. 2007. SITUATIONAL AWARENESS.**
(a) DETECTION INFORMATION.—The Director shall continuously monitor detection information received from foreign and domestic detection systems to maintain the Department situational awareness of all nuclear threats.
(b) DETECTION INFORMATION.—The Director shall continuously monitor detection information received from foreign and domestic detection systems to maintain the Department situational awareness of all nuclear threats.
(c) DETECTION INFORMATION.—The Director shall continuously monitor detection information received from foreign and domestic detection systems to maintain the Department situational awareness of all nuclear threats.

**SEC. 2008. FORENSIC ANALYSIS.**
(a) IN GENERAL.—The Secretary shall transfer to the Secretary the functions, assets, and personnel of the Department relating to radiological and nuclear countermeasures, including forensic evidence of radiological and nuclear threats.
(b) IN GENERAL.—The Secretary shall transfer to the Secretary the functions, assets, and personnel of the Department relating to radiological and nuclear countermeasures, including forensic evidence of radiological and nuclear threats.
(c) IN GENERAL.—The Secretary shall transfer to the Secretary the functions, assets, and personnel of the Department relating to radiological and nuclear countermeasures, including forensic evidence of radiological and nuclear threats.

**SEC. 2009. THREAT INFORMATION.**
(a) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees an annual report on the following:
(1) The global nuclear detection strategy developed under section 2003.
(2) The status of implementation of such architecture.
(3) The schedule for future deployment of nuclear detection systems under such architecture.
(4) The research and development program of the Office.
(5) A summary of actions taken by the Office during the reporting period to counter nuclear and radiological threats.

**SEC. 2010. ADVISORY COUNCIL ON NUCLEAR DETECTION.**
(a) ESTABLISHMENT.—Pursuant to section 871 of this Act, the Secretary shall establish the Office an Advisory Council on Nuclear Detection, which shall recommend to the Director in this section referred to as ‘Advisory Council’.
(b) FUNCTIONS.—The Advisory Council shall, at the request of the Director—

(1) advise the Director on recommendations for the global nuclear detection architecture developed under section 2003(a); and

(2) identify research areas for development of next-generation and transformational nuclear and radiological detection technologies; and

(c) MEMBERSHIP.—The Advisory Council shall consist of 5 members appointed by the Director, who shall—

(1) be individuals who have an eminent knowledge and technical expertise related to nuclear and radiological detection research and development and radiation detection; and

(2) be selected solely on the basis of their established record of distinguished service; and

(3) not be employees of the Federal Government, other than employees of National Laboratories.

(d) CONFLICT OF INTEREST RULES.—The Advisory Council shall establish rules for determining when one of its members has a conflict of interest in a matter being considered by the Advisory Council, and the appropriate course of action to address such conflicts of interest.

SEC. 2013. INTERAGENCY COORDINATION COUNCIL.

(a) In general.—The President—

(1) shall establish an interagency coordination council to facilitate interagency cooperation for purposes of implementing this title; and

(2) shall appoint the Attorney General, the Secretary of Energy, the Secretary of State, the Secretary of Defense, and the heads of other appropriate Federal agencies to designate members to serve on such council.

(b) Functions.—The Council shall—

(1) advise the Secretary on recommendations for the global nuclear detection architecture developed under section 2003(a); and

(2) be selected solely on the basis of their established record of distinguished service; and

(3) not be employees of the Federal Government, other than employees of National Laboratories.

(4) CONFLICT OF INTEREST RULES.—The Advisory Council shall establish rules for determining when one of its members has a conflict of interest in a matter being considered by the Advisory Council, and the appropriate course of action to address such conflicts of interest.

SEC. 2014. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title—

(1) $15,000,000 for fiscal year 2007; and

(2) such sums as may be necessary for each subsequent fiscal year.

SEC. 2015. DEFINITIONS.

In this title:

(a) The term ‘Director’ means the Director of the Domestic Nuclear Detection Office.

(b) The term ‘fissile material’ means material capable of sustaining a nuclear chain reaction.

(c) The term ‘global nuclear detection architecture’ means a multi-layered system of detectors designed and developed for the purpose of detecting and interdicting nuclear and radiological materials intended for illicit use.

(d) The term ‘nuclear and radiological detection system’ means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

(e) The term ‘Office’ means the Domestic Nuclear Detection Office.

(f) The term ‘radiological material’ means material that emits nuclear radiation.

(g) The term ‘nuclear explosive device’ means an explosive device capable of producing a nuclear yield.

(h) The term ‘technical backstop’ means technical expert support provided to operational end users for data interpretation and alarm resolution.

(i) The term ‘transformational’ means that, if successful, will produce dramatic technological breakthroughs over existing capabilities in the areas of performance, cost, or ease of use.

(j) CONFORMING AMENDMENTS.—

(1) Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by adding at the end the following:

(1) A Director of the Domestic Nuclear Detection Office.

(2) Section 302 of such Act (6 U.S.C. 182) is amended—

(A) in paragraph (2) by striking ‘‘radiological, nuclear,’’; and

(B) in paragraph (5)(A) by striking ‘‘radiological, nuclear.’’

(3) Section 305 of such Act (6 U.S.C. 185) is amended by inserting ‘‘and the Director of the Domestic Nuclear Detection Office, after ‘Technology’.’’

(4) Section 308 of such Act (6 U.S.C. 188) is amended in each of subsections (a) and (b)(1) by inserting ‘‘and the Director of the Domestic Nuclear Detection Office’’ after ‘Technology’.


(a) In general.—The Secretary shall submit to the appropriate congressional committees a report that contains—

(A) a description of the next-generation radiation portal monitors deployed at United States seaports under the pilot program; and

(B) a description of the operational characteristics of the pilot program at selected United States seaports; and

(c) an evaluation of the operational performance of the next-generation radiation portal monitors, including nuisance alarm rates, and a description of the standards used in such evaluations.

(b) Deployment of Next-Generation Radiation Portal Monitors.—

(1) In general.—If the Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, determines that the operational performance of the next-generation radiation portal monitors under the pilot program carried out under section (e) has met the standards described subsection (c)(2)(C), the Secretary shall deploy next-generation radiation portal monitors, in fixed or mobile configurations, at United States seaports with a high-volume of containerized cargo to improve cargo screening capabilities at such seaports not later than September 30, 2007.

(c) Evaluation of Next-Generation Radiation Portal Monitors.—The term ‘‘nuclear and radiological detection system’’ means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

The Acting CHAIRMAN. Mr. KING of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

New York
The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109-450 offered by Mr. King of New York:

Page 6, after line 23, insert the following new subparagraph:

(2) International trade is vital to the Nation’s economy and the well-being and livelihood of United States citizens; the Department of Homeland Security’s missions, including those related to United States and international borders, involve both building security for United States interests and facilitating legitimate trade that is critical to the Nation.

Page 10, after line 14, insert the following new paragraph:

(10) Not later than May 15, 2007,

not later than 45 days prior to the

Page 44, after line 9, insert the following new paragraph:

TC64. CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS.

(b) COAC CONSULTATION AND NOTIFICATION.

(1) In general.—Subject to paragraph (2), the Secretary shall seek the advice and recommendations of COAC on any proposed Department policies, initiatives, actions, or organizational reforms prior to the provision of advice and recommendations described in paragraph (1), the Secretary shall—

Page 95, after line 8, insert the following new paragraph:

(1) In general.—Subject to paragraph (2), the Secretary shall consult with and provide any recommendations of COAC received under subsection (b) to the appropriate congressional committees not later than 30 days after the date on which the policies, initiatives, actions, or organizational reforms are finalized; and

Page 96, after line 15, insert the following new subsection:

(c) DIRECTOR OF TRADE POLICY—

(1) In general.—There shall be in the Department for Policy, Planning, and International Affairs a Director of Trade Policy (hereinafter in this subsection referred to as the ‘‘Director’’), who shall be subject to the direction and control of the Under Secretary for Policy.

(2) Responsibilities.—The Director shall—

Page 99, after line 17, insert the following new paragraph:

(1) Federal participation.—The following entities shall participate in the integrated network of maritime security command centers described in subsection (a):

Page 21, line 8, insert at the end before the semicolon the following: ‘‘or the vessel or facility security plans required under section 70103(c) of title 46, United States Code.”

Page 38, strike line 1 and all that follows through line 18.

Page 42, strike line 9 and all that follows through line 18.

Page 44, after line 9, insert the following new section:

SEC. 127. CENTER OF EXCELLENCE FOR MARITIME DOMAIN AWARENESS.

(a) Establishment. — The Secretary of the Homeland Security shall establish a university-based Center for Excellence for Maritime Domain Awareness following the merit-review process and procedures that have been established by the Secretary for selecting university program centers of excellence.

(b) Duties.—The Center shall—

(1) prioritize its activities based on the ‘‘National Plan to Improve Maritime Domain Awareness’’ published by the Department of Homeland Security in October 2005;

Page 75, line 14, insert a comma after

Page 84, beginning on line 3, strike

Page 65, beginning on line 5, strike

Page 51, line 6, insert ‘‘identity’’ before

Page 52, line 23, strike ‘‘to’’ and insert

Page 62, line 2, after ‘‘carriers,’’ insert

contract logistics providers,’’.

Page 65, before the next 5, strike ‘‘related policies, initiatives, actions, or organizational reforms that will have a major impact on trade and customs revenue functions not later than 45 days prior to the finalization of the policies, initiatives, actions, or organizational reforms.

Page 21, Subject to paragraph

Page 58, line 12, strike ‘‘That’’ and

Page 4, line 9, strike ‘‘appropriate’’ and insert

Page 84, beginning on line 3, strike ‘‘uniform data system for import and export information’’ and insert ‘‘international trade data system’’.

Page 84, line 6, after ‘‘implement’’ insert

‘‘the International Trade Data System’’.

Page 84, line 8, insert a comma after ‘‘export information’’.

Page 90, after line 6, insert the following new subparagraph:

(2) Monitor and report to Congress on actions, or organizational reforms prior to the provision of advice and recommendations described in paragraph (1), the Secretary shall—

Page 99, after line 17, insert the following new paragraph:

(5) TRADE AND CUSTOMS REVENUE FUNCTIONS.—The Under Secretary for Policy shall—

Page 99, after line 12, insert the following new subparagraph:

(6) Other appropriate Federal agencies.

(d) Other appropriate Federal agencies.

Appropriate State and local law enforcement agencies may participate in the integrated network of maritime security command centers described in subsection (a).

Page 99, line 25, strike ‘‘section’’ and insert ‘‘subsection’’.

Page 99, line 25, strike ‘‘section’’ and insert ‘‘subsection’’.

Page 99.
date on which the policies, initiatives, actions, or organizational reforms are finalized; and

"(B) to the extent appropriate, modify the policies, initiatives, actions, or organizational reforms based upon the consultations with the appropriate congressional committees.

Page 97, after line 2, insert the following new section:

SEC. 302. STUDY AND REPORT ON CUSTOMS REVENUE FUNCTIONS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study evaluating the extent to which the Department of Homeland Security and the U.S. Customs Service have been consolidated with other functions of the Department (including the assignment of non-customs revenue functions to personnel responsible for customs revenue functions), discontinued, or diminished following the transfer of management structure created by the Department ensures effective trade facilitation and customs revenue collection.

(2) ANALYSIS.—The study shall include an analysis of—

(A) the extent to which the customs revenue functions carried out by the former U.S. Customs Service have been consolidated with other functions of the Department (including the assignment of non-customs revenue functions to personnel responsible for customs revenue functions), discontinued, or diminished following the transfer of management structure created by the Department; and

(B) the extent to which staffing levels or resources attributable to customs revenue functions have decreased since the transfer of the U.S. Customs Service to the Department; and

(C) the extent to which the management structure created by the Department ensures effective trade facilitation and customs revenue collection.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report on the results of study conducted under subsection (a).

(c) DEFINITION.—In this section, the term "customs revenue functions" means the functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)).

Page 99, line 11, after "implement" insert "Department components of".

Page 99, line 21, strike "outside the United States" and insert "technology".

Page 101, line 13, add at the end the following new sentence: "The results of the tests performed with services made available under this subsection shall be confidential and may not be disclosed to individuals or entities outside of the Federal government without the consent of the developer for whom the tests are performed.".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from New York (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, the manager's amendment makes technical changes, adds several new findings on the importance of maintaining vibrant international trade, and improves customs revenue function by being used to address vulnerabilities in vessel and facility plans in addition to maritime security plans, and clari-

fies that the Domestic Nuclear Detection Office is responsible for implementing Department of Homeland Security requirements under the Global Nuclear Architecture and that any private testing performed by DNDO will be confidential.

Additionally, the manager's amendment includes two provisions at the request of Chairman LoBIONDO to set deadlines for the enhanced crew member identification cards so that the rollout is on the same expedited schedule as the Transportation Worker Identification Credential, TWIC, in the base bill. The second provision is the establishment of a Center of Excellence for Maritime Domain Awareness.

The base bill represents the work of the Homeland Security Committee and also input from several other committees: Science, Ways and Means, Transportation and Infrastructure, Government Reform and others. The manager's amendment also includes several changes to the base bill at the request of our colleagues from other committees.

Specifically, given that H.R. 889, the Coast Guard Authorization Bill Conference Report, is complete and likely to be considered on the floor in the near future, the amendment removes two provisions accepted during full committee consideration that relate to the Coast Guard. The first establishes a pilot program for training Coast Guard reserve officers for the funding for the acceleration of Deepwater. Finally, the manager's amendment establishes a Director of Trade Policy in the Department of Homeland Security's Office of Policy.

The changes and additions made in the manager's amendment are consistent with the overall goals in the base bill and represent perfecting changes at the requests of several of our colleagues. I ask my colleagues for their support for the amendment and the underlying bill.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Mississippi is recognized to control the 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment. The provisions on trade and maritime domain awareness it contains are strong improvements to the bill. However, I must express my deep disappointment with one provision in the bill removed by this amendment. In committee, we included language that would have assured that the Coast Guard did not have to use bubble gum, balloons, and buckets in the coming years. This language was stripped out of the bill, meaning that we are going to have to make the Coast Guard spend the next two decades fighting a 21st century war on terror with assets built during the Vietnam War.

The Deepwater Program must be accelerated if our ports and coastlines are going to be safe. I know that if Chairman KING had had his way this provision would have stayed in, and I thank him for that.

I am a strong supporter of this program. As a conferee on the last two Coast Guard authorization bills, I supported more funding for the Deepwater Program each year.

At one time during Hurricane Katrina, the Coast Guard used 78 Deepwater assets in Hurricane Katrina relief to save 33,000 people. One would think that the administration would be asking for more money for this type of equipment, not less.

The Commandant of the Coast Guard, ADM Thomas Collins, told me in February of this year that the Coast Guard can accelerate the completion of the Deepwater Program if given the funding, and that it would result in a large savings to the taxpayers.

I hope this Congress will reconsider accelerating Deepwater in the conference on this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Chairman, I would like to thank the gentleman from Mississippi and assure him that we strongly support the acceleration of the Deepwater Program, but we are very concerned with the way this provision is written. As written, the language would require any new ships, aircraft and communications equipment procured under the Deepwater Program to be used to support the Coast Guard's homeland security mission only. As my colleagues know, the Coast Guard is a multimission service. Their assets need to be multimission. If, in fact, there is a national emergency that is unrelated to homeland security, they need to be able to use their assets for that.

I assure my colleagues that when the Committee on Transportation and Infrastructure meets to mark up the 2007 Coast Guard authorization bill in a few weeks that I will be offering an amendment, as I have each year since I have been subcommittee chair, to significantly increase the funding for Deepwater.

This critical program needs to be accelerated. Current Coast Guard assets are rapidly aging and falling; as has been noted, under intense operation tempo. The Coast Guard is forced to sink more and more funding into obsolete legacy assets. We need to increase funding and get these critically needed new and more capable assets into the hands of our men and women as quickly as possible, not as slow as the Coast Guard as soon as possible, but this provision would tie their hands behind their back.
I look forward to working with my colleagues to accelerate Deepwater as the Committee on Transportation and Infrastructure moves forward with the 2007 authorization bill, and I look forward to support from all of my colleagues to accelerate Deepwater.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman from Mississippi for yielding, and I rise in support of H.R. 4954 but to raise some concerns about this amendment.

I also want to thank him and the chairman of the Homeland Security Committee, Chairman King, for their support of two amendments that I proposed during consideration of this bill in the committee: One, the establishment of a border patrol unit for the Virgin Islands; and the other, a study for the impact of the Advanced Passenger Information System on the owners and operators of small charter boats in the Virgin Islands, which are very important to my constituents and me.

What I am pleased is that these two amendments continue to be in the base bill. I am very disappointed that the third amendment that I offered was removed from it by the Rules Committee and not in the manager’s amendment, even though it was approved by the Homeland Security Committee by a voice vote.

This amendment to authorize an additional $1.8 billion to accelerate funding for the Coast Guard’s integrated Deepwater program was unfortunately not made in order under the rule. This program was designed to replace the Coast Guard’s aging fleet of cutters and aircraft and enable them to operate with the speed and agility required to protect our ports from terrorist attacks as well as better perform their other missions.

Accelerating Deepwater would also strengthen the Coast Guard’s Homeland Security mission by giving those cutters and aircrafts the surveillance capability needed to detect and intercept suspicious vessels before they reach our shores and harm us.

America witnessed the heroism of the Coast Guard during Hurricane Katrina. They should be rewarded for that heroism by ensuring they don’t have to wait two decades or more to have modern cutters and aircraft.

My amendment was removed from the bill and not made in order because of questions raised about the ability of the Coast Guard to utilize this additional funding. But, Mr. Chairman and Members, the Commandant of the Coast Guard indicated in response to a question by the committee hearing that, based on this very comprehensive report to the Congress of the feasibility of accelerating the integrated Deepwater system, that they would be able to spend that additional money if they received it as well as receive additional benefits and savings through the acceleration.

I am also very concerned that the Deepwater amendment that would have provided 100 percent of cargo screening within a time certain was not adopted or made in order, and I am sure our fellow Americans share that concern as well as the one about the funding on Deepwater.

In spite of this, it is not a perfect bill, but it is a good bill. I commend the chairman of the subcommittee, Mr. LUNGREN, and ranking member, Ms. SANCHEZ, for drafting this bipartisan bill, and I urge support of H.R. 4954.

Mr. KING of New York. Mr. Chairman, may I inquire how much time is remaining?

The Acting CHAIRMAN. The gentleman from New York has 1 1/2 minutes remaining. The gentleman from Mississippi has 1 minute remaining.

Mr. THOMPSON of Mississippi. Mr. Chairman, in support of the amendment, I would like to compliment our chairman on really pulling together a good bill. Even though there were differences, we did the best we could to work those differences out in what I consider a very fair and reasonable manner, and I want to compliment him for that. I was able to in the course of this discussion go to New York and look at some of the fine things going there. So, Mr. Chairman, thank you very much.

The gentleman from New Jersey has indicated support for the Deepwater Program, additional monies for the assets. I look forward to supporting that effort.

The Coast Guard, as we know, serves a wonderful purpose. We need to make sure they have the assets to get the job done. So I look forward to working with him on that.

Mr. Chairman, I yield back the balance of the time.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, at the outset, let me thank the gentleman from Mississippi for his very kind and generous remarks, and I want to again return the compliment by saying it has been an outstanding privilege to work with him as the bill has worked its way to this present stage.

I also want to thank the gentleman from New Jersey for once again reaffirming his support of the Deepwater Program and pledging to work to get the necessary funding for the Coast Guard. All of us saw the outstanding job in Katrina, outstanding job. They were the true heroes of Katrina, certainly from the Federal level. So I think we stand as one in urging full funding for the Coast Guard.

Mr. Chairman, I thank the gentleman for his support of the amendments.

Mr. Chairman, I yield back the balance of my time and urge adoption of the amendment.
The NTC is also working on a demonstration project that will analyze scanned images of cargo like the non-invasive screening that is under way at the Port of Hong Kong.

I believe actually analyzing these images is an important step in preventing a terrorist attack. It is a good first step in identifying potentially dangerous cargo when it is loaded on a ship at the foreign port is one of the best ways to protect our families and our communities.

The NTC can work well right now, but we live in a world where threats change every day. This amendment requires the Department of Homeland Security to conduct a study and prepare recommendations to make sure that the NTC is using all of its resources and manpower in the most effective way to catch terrorists before they strike. We must ensure that the NTC is using the latest in technology and employing the best and brightest in the field.

The NTC goes a long way to protect our country and our Nation’s ports, but we could always do better. We must always keep improving our security operations to be prepared for the future. I believe this study and its recommendations will do that. I ask that my colleagues support this amendment, and let us make sure the National Targeting Center is ready for the threats of today as well as the threats of tomorrow.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York will control the 5 minutes.

There was no objection. Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York will control the 5 minutes.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109-450 offered by Mr. RUPPERSBERGER.

Page 17, line 12, after “The Secretary” insert “in consultation with appropriate Federal, State, and local officials.”

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Maryland (Mr. Ruppersberger) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself such time as I may consume.

This bill is a good start that will help America in securing its ports. This amendment will strengthen the bill and make our seaports safer.

The legislation before us today instructs the Secretary of the Department of Homeland Security to create maritime security centers. These centers will bring together the Coast Guard, Customs, and Border Patrol and, in many cases, the Navy, National Guard, and State and local law enforcement. These centers integrate the technologies and personnel of these agencies into one system.

This amendment directs the Secretary to consult with Federal, State, and local officials on where these centers should be placed and what should be the appropriate level of coordination. This provides a critical link and an open dialogue with DHS.

Historically, there has been a lack of communication not only between government agencies and the private sector but between various levels of government. We can’t let the lack of communication stop us from securing our ports.

My concern is that this bill allows the Secretary of DHS to solely determine where and to what level coordination must occur. He alone will decide where the command centers will be located and who should be a part of that team. My fear is that DHS will treat our 539 ports the same.

The Port of Baltimore, which has not had a naval presence, does not need the same amount of coordination with the Navy as the Port of L.A.-Long Beach, with their large military deployments. DHS must gather input from Navy, Coast Guard, Customs, Border Patrol, National Guard, and local and State law enforcement. This amendment provides for and requires this coordination.

Mr. Chairman, these maritime security centers should be created, but they should be organized in a way that makes sense. A blanket policy or a one-size-fits-all approach is not the best solution. This amendment will bring all of the critical players to the table to determine where these centers should be placed and how integrated they should be. All ports do not need the same level of integration.

Mr. Chairman, we should be asking the Coast Guard, the Navy, Customs, Border Patrol, the FBI, and every other group with a hand in port security how they currently interact with other agencies and how we can make improvements for the future. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment even though I am not opposed.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection. Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

I want to thank my friend from Maryland for all his efforts in relation to this amendment and to his commitment to the establishment of maritime security command centers.

These centers will be vital tools in the war on drugs, will assist in preventing illegal immigration, and will monitor possible terrorist activity in each region by tracking shipping movements.

I agree that the close cooperation and coordination between the Federal, State, and local governments is an integral part of a successful command center structure, and I will be pleased to accept the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. Debbie Wasserman Schultz).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, we cannot overestimate the importance and vulnerability of the maritime domain. Maritime security involves hundreds of ports, thousands of miles of coastlines, tens of thousands of commercial and private craft, and millions of shipping containers. In addition, many major population centers and critical infrastructure are in close proximity to U.S. ports or accessible by waterways.

In the 20th District of Florida that I represent, our ports, including Port Everglade in Ft. Lauderdale and the Port of Miami, serve as an entryway to millions of tons of cargo and people each year. It is clear that our country still needs an adequate overarching approach to the challenges of maritime security.

That is why I am standing today in support of the Ruppersberger amendment. Security command centers are vital to the protection of our ports and to the safety of all Americans. This
amendment would help make these centers more efficient, better organized, and promote better coordination among the various entities responsible for security.

This amendment just makes sense. Why wouldn’t the Secretary of Homeland Security seek input and advice from those most intimately familiar with the specific mission and needs of a seaport? We must have a broad and comprehensive maritime security strategy, and this amendment is one step closer to meeting that goal.

I urge my colleagues to support the Ruppersberger amendment on security command centers. I am pleased that the chairman of the committee is in favor of it as well.

Mr. RUPPERSBERGER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

Amendment No. 4 offered by Mr. RUPPERSBERGER

Mr. RUPPERSBERGER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Chair will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109-450 offered by Mr. RUPPERSBERGER:

Page 6, line 12, insert after “as quickly as possible” the following new sentence: “The protocols shall be developed by the Secretary, in consultation with appropriate Federal, State, and local officials, including the Coast Guard Captain of the Port involved in the transportation security incident, and representatives of the maritime industry.”

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Maryland (Mr. RUPPERSBERGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I rise in support of an amendment that requires the Secretary of DHS to consult with State and local agencies to create a system to reopen U.S. ports in the event of a terrorist attack or natural disaster. I believe that by incorporating this amendment into the bill, we can work together to ensure that our ports are properly prepared to respond to any threat.

A major event would endanger countless Americans and stop commerce for weeks. An attack on a U.S. port would result in economic damages ranging from $58 billion to $1 trillion. The U.S. Coast Guard estimates that for every month just one American port is closed, $50 billion in revenue could be lost. We must do everything in our power to prevent accidents and attacks on our ports.

This amendment brings all of the parties involved, the State and local governments, the U.S. Coast Guard and the maritime industry, to the table to create a plan for how to get our ports up and running again in the case there is a terrorist attack or at any time commerce is stopped at our ports.

Historically, there has been a lack of coordination between government agencies, the private sector, and also between various levels of government. The security of our ports is too important to allow that kind of limited information sharing. Congress needs to ensure that all critical players, those who rely on our ports, have a say in how to get the ports back in operation.

The bill currently allows for protocols to be established to determine how Federal, State, and local agencies should work together. But DHS is the only agency in the room making those decisions. There is no representation from any other Federal agency other than DHS, no State or local input, no input from the Coast Guard or those whose lives depend upon this maritime industry.

Currently, all the agencies and organizations and industries will be under the sole direction of the Secretary of Homeland Security. They will have to rely on the Secretary and hope that he will know their agencies and industries well enough to know how and when they should work together.

Mr. Chairman, I do not want to leave port security up to just the DHS Secretary. It makes sense that all the partners who have an vested interest in getting the ports up and running sit down and determine how they should work together before a crisis occurs.

This amendment plays a critical role in ensuring that the Secretary of Homeland Security works together as a team with the appropriate Federal, State, and local officials. I urge my colleagues to support this amendment. Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the amendment offered by Mr. Ruppersberger?

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. Brown), the co-chair of the Port Security Caucus.

Mr. BROWN of South Carolina. Mr. Chairman, I rise to speak on this amendment and also the previous amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER) and the co-chair of the Port Security Caucus.

I strongly believe that security command centers are a vital piece of the blueprint for the future of port security for our Nation.

I am proud to represent the Port of Charleston, South Carolina. It is the fourth largest port in the Nation, and it is growing every day. Within the Port of Charleston, we have our own security command center called Project Seahawk.

Project Seahawk has brought Federal, State, and local officials into the process to work together for a common cause, which is the safety of the Port of Charleston. Project Seahawk has proven to be a tremendous success, and has helped eliminate the turf wars between the many Federal, State, and local officials that have jurisdiction over port security.

I strongly encourage my fellow colleagues to vote in favor of this amendment sponsored by the gentleman from Maryland. I believe that by incorporating security command centers as part of a broader port security policy, we will have a strong plan for the future of how we secure our Nation’s ports.

Mr. RUPPERSBERGER. Mr. Chairman, first, I want to acknowledge and thank the gentleman from South Carolina (Mr. Brown) for his involvement as the co-chair of the Port Security Caucus. I again urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield the balance of our time to the gentleman from Texas (Mr. Poe).

Mr. POE. Mr. Chairman, I speak in support of this amendment as a member of the Port Security Caucus.

There is a port in my district, the Port of Beaumont, that ships out one-third of the military cargo that goes to Iraq and Afghanistan. Also, that port is largely responsible for 11 percent of the refinery capacity in the United States.

Due to those concerns and the expertise of the people that run the refineries, the people that run the port facilities, I think it is imperative that we have input from local officials on how to secure the safety of our ports. So I support this amendment in its entirety.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

Amendment No. 5 offered by Mr. CUellar

Mr. CUellar. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Chair will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109-450 offered by Mr. CUellar:

Page 44, line 9, insert the following new section:

SEC. 127. REPORT ON SECURITY AND TRADE AT UNITED STATES LAND PORTS.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study on the challenges to balance the need for greater security with maintaining the efficient flow of trade at United States land ports.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the results of the study required by subsection (a).
The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Texas (Mr. Cuellar) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. Cuellar. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all I want to thank the chairman of the Homeland Security Committee and the ranking member, Mr. Thompson, for allowing me to present this particular amendment. I believe this amendment is acceptable to both gentlemen.

Ensuring national security and promoting economic trade is critical to our Nation’s future. Balancing security aspects while maintaining the efficient flow of trade at the United States land ports is critical.

My amendment provides that the Secretary of Homeland Security look at the challenges for implementing border security programs while not hindering or negatively impacting the flow of trade and business at land ports. This is critical to land ports because in 2004, for example, the top 10 U.S. land ports for land trade with Canada alone totaled over $655 billion. Land ports handle more than 20,000 containers coming through international ports of entry every day.

The Port of Laredo in my hometown, for example, is the fourth busiest port overall in the United States, and the Nation’s busiest inland port with $131 billion worth of goods and merchandise processed in 2004 alone.

The Transportation Bureau of Statistics report for Laredo for 2004 reveals crossings of over 1.4 million commercial trucks, 3,400 trains with 317,000 containers, 38,000 buses, 4.5 million pedestrians, and 6.7 million private vehicles that cross the Laredo area.

These statistics show the urgent need to examine and address the unique security challenges faced at land ports. H.R. 4954 is a good bill, and I certainly support this bill. I hope we can add this amendment, which is acceptable to both the chairman and the ranking member.

Mr. Chairman, I reserve the balance of my time.

Mr. King of New York. Mr. Chairman, I ask unanimous consent to control the time even though I am not opposed to the amendment.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Kansas (Mr. Ryun) and a Member opposed each will control 5 minutes.

Mr. Ryun of Kansas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109-450 offered by Mr. Ryun of Kansas.

Page 82, line 12, add at the end the following new sentence: “In carrying out this section, the Secretary’s evaluation shall include an analysis of battery powered portable neutron and gamma-ray detection devices that can be inexpensively mass produced.”

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Kansas (Mr. Ryun) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. Ryun of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that will help us find ways to identify and stop shipping containers that contain nuclear material.

Section 202 of this bill requires the Secretary of Homeland Security to evaluate emerging technologies for container security. My amendment simply stipulates that as part of the Secretary’s evaluation of emerging technology, he should analyze portable battery powered nuclear detection devices that can be mass produced inexpensively.

We have a clear need to know what is in the containers coming into our country. Many of the available technologies to screen nuclear devices, however, are difficult and are very expensive.

To my knowledge, the Department of Homeland Security has focused on detection devices that are large, expensive, use a large amount of energy, and cannot easily be placed in or on a shipping container. These technologies may work, but they may not be easy for them to be used, and it may not be possible to procure enough of these types of devices to examine shipping containers headed into our ports. That is why we need to review emerging technology, including portable devices.

I know this type of technology exists because Kansas State University in my district is doing some exciting research in this area. In fact, they have developed nuclear detection devices that are the size of a dime which they believe they can produce for about $20 each. These types of devices are easily placed in shipping containers, and can be used to detect nuclear material before it enters any port.

For this reason, it is prudent to ask the Secretary to thoroughly review this type of technology. We all know that rogue nations and terrorist cells may wish to employ such devices in an effort to secure our ports.

I ask unanimous consent to add the amendment.

Mr. King of New York. Again, Mr. Chairman, I ask unanimous consent to control the time even though I am not opposed to the amendment.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from New York (Mr. King) and a Member opposed each will control 5 minutes.

Mr. King of New York. Mr. Chairman, I yield myself such time as I may consume.

Including mobile detection capabilities in the evaluation process is vital and will aid search capabilities. Also, the development of nuclear batteries will allow for more widespread application. This detection equipment will be considered under the same criteria and measured against the same real-world performance criteria before they are deployed.

The gentleman’s amendment raises responsible questions that must be addressed prior to asking our allies to deploy new inspection equipment or for domestic use.

I appreciate this thoughtful addition to the bill offered by the gentleman from Kansas, and I am prepared to accept the amendment.

Mr. Chairman, I yield back the balance of my time.
The amendment was agreed to.

**AMENDMENT NO. 7 OFFERED BY MS. HOOLEY**

Ms. HOOLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report 109–450 offered by Ms. HOOLEY:

Page 66, beginning on line 5, strike “detect unauthorized intrusion of containers.” and insert “positively identify containers and detect and record unauthorized intrusion of containers.”

Container Security Devices, or CSDs, represent a “today” solution to secure the 14 million containers in circulation worldwide. The technology has been developed in conjunction with Customs and Border Protection and has been extensively tested and determined to be reliable.

Container Security Devices are a vast improvement over the bolt seal, which is the low-tech guard against tampering used today.

In addition to guarding against unauthorized container intrusions, many CSDs will be able to provide a wealth of additional data to U.S. Customs and DHS officials at U.S. ports. They can provide data on where a container has traveled from, the ports it has traveled through, and provide a unique, encrypted container ID.

Throughout its journey, the status of a CSD, tampered with or not, can be verified.

The amendment I am offering today is simple and straightforward. Currently, the bill, as written, simply defines a Container Security Device as a “mechanical or electronic device designed to detect unauthorized intrusion of containers.”

My amendment changes that definition of a Container Security Device so it accomplishes three things. It will require a CSD positively identifies the container; detects and records any unauthorized intrusion of the container; have a false alarm rate that is demonstrated to be below 1 percent.

Now, this is a minimum requirement. As written right now, this bill doesn’t put a minimum requirement for the performances of container security devices.

Over the past year, DHS has conducted tests on multiple technologies from multiple vendors that would be capable of tracking, monitoring and securing containers against compromise. The Department has been very clear that, before incorporating these devices into government-sponsored programs, the device must meet a strict 1 percent false-positive threshold.

In addition to DHS, a coalition of industry groups supports this minimum requirement. The group includes the U.S. Chamber of Commerce, Worldwide Shipping Council, National Customs Brokers and Forwarders Association of America, Business Alliance for Customs Modernization, and the American Trucking Association.

In the comments the coalition submitted to Senator Craig and Senator Murray of the Senate Committee on Homeland Security on the GreenLane Maritime Cargo Security Act, the company bill to the SAFE Port Act, they explicitly state, “Only Container Security Devices that meet the Department of Homeland Security’s 99 percent false-positive and overall reliability requirements should be deemed qualified under this legislation.”

I urge my colleagues to support this commonsense amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I seek to obtain the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in reluctant opposition because of some lack of clarity on this amendment, and perhaps I can be relieved of my concern.

The gentlewoman, in her comments, suggested that the World Shipping Council and the Pacific Maritime Association were in support of this amendment. And yet I have a letter with a contrary conclusion, not based on the fact that they object to the objective of the gentlewoman’s amendment but rather some concern that the gentlewoman’s amendment would be too restrictive in bringing us to the point of having the best technology available as soon as possible.

As I understand the gentlewoman’s amendment, it changes the definition of Container Security Device from “a mechanical or electronic device designed to, at a minimum, detect unauthorized intrusions of containers” to “a mechanical or electronic device designed to, at a minimum, positively identify containers and detect and record unauthorized intrusion of containers.” and then goes on to say, such devices must have false alarm rates that have been demonstrated to be below 1 percent.

In the letter that we received from the Coalition for Secure Ports, they were concerned that the 1 percent false alarm rate may be unacceptable. In that we have between 11 and 12 million containers coming into the United States per year. If you had this device on all of them, a 1 percent false alarm rate would create as many as 120,000 false security alarms in U.S. ports.

Mr. Chairman, I seek to obtain the balance of my time.

As I understand, there are other manufacturers that are trying to work in other areas.

So those are the concerns I have.

And with that, I would reserve the balance of my time.

Ms. HOOLEY. Mr. Chairman, if I may, I would like to answer the gentlewoman’s question.

First of all, there is a definition in this bill.

Secondly, it doesn’t have a minimum standard.

Now, the 1 percent is what the Department of Homeland Security asked for, that it is 99 percent accurate. However, it can be more than that. It can be 99.2, 99.5. That is the very minimum that has to happen. So it can go well beyond that.

Again, it is trying to make sure that you can take into account anything that has either been developed or on the market today or will be on the market so you have some flexibility and some competition amongst the companies.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. So your intent in using the language “positively identify containers” is not to eliminate the possibility of optical character recognition or similar systems in meeting this particular demand.

Ms. HOOLEY. No, it doesn’t mandate that it needs to be an RFID device. It doesn’t mandate that.

Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. I would just say that, with that understanding that they do not have those limitations of which I have concern, I would not object to this amendment. But I want to make it clear that the record reflect, number one, that if the Secretary believes we have a device that is more precise than a 1 percent false alarm rate, that he have the discretion to do that.

Ms. HOOLEY. Absolutely.
Mr. DANIEL E. LUNGREN of California. And, secondly, that we are not limiting this to RFID systems or similar systems to RFID, that other systems of technology could also meet the gentleman’s amendment.

Ms. HOOLEY. Correct.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, with that I yield back the balance of my time.

Ms. HOOLEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Ms. HOOLEY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Mr. Chairman, I ask unanimous consent to offer the Stupak amendment at this time.

The Acting CHAIRMAN. The gentleman’s amendment rise as the designee for the Stupak amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109-450 offered by Mr. THOMPSON of Mississippi:

Page 25, beginning on line 18, after “including” insert the following: “communications equipment that is interoperable with Federal, State, and local agencies and.”

Page 25, line 17, insert at the end before the second colon “and to ensure that the mechanisms are interoperable with Federal, State, and local agencies”.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I support this amendment which will ensure that port security grant funds be used by ports to purchase communication equipment that is interoperable with Federal, State and local communication systems.

I have been in countless hearings in the Department of Homeland Security Committee where first responders have told us how year after year they have not been able to communicate with each other.

I have also heard testimony from the operators of critical infrastructure such as hospitals affected by Hurricane Katrina who also still cannot communicate with government officials in an emergency.

We have not yet had a terrorist attack on a port in the United States, but I do not want to wait until one occurs to find out whether port operators face similar challenges.

Allowing port security grants funds to be used by ports to build interoperable communication systems will ensure that if an attack does occur at a U.S. port we are ready for it.

As a result, Mr. Chairman, I support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. REICHERT. Mr. Chairman, I ask unanimous consent to claim the time in opposition to this amendment even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. REICHERT. Mr. Chairman, as the chairman of the Subcommittee of Emergency Science and Technology, I rise in support of this amendment.

When I came here to Washington and first participated in one of many hearings on interoperability and operability, I learned from one of witnesses that this has been a struggle that Congress has been mulling over and struggling with more than 10 years. And I interrupted the witness and said, this has been a problem that first responders have been struggling with for over 30 years.

Ms. HOOLEY. Mr. Chairman, I yield back.

As a new police officer in 1972, interoperability and operability was a huge problem for us and still is today. It is intolerable that first responders are still struggling with this issue.

The current language in the bill provides that grants may be used to purchase equipment and to establish or enhance mechanisms for sharing terrorism threat information. This amendment supplements that language by providing that all equipment purchased be interoperable with Federal, State, and local agencies. Additionally, this amendment ensures mechanisms for sharing terrorism threat information, that they be interoperable with all Federal, State, and local agencies.

The Department of Homeland Security has already spent $2 billion in moving this country forward to become interoperable. It is time that we make this commitment.

I congratulate Mr. STUPAK for bringing this amendment to the floor, and I support it.

Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. STUPAK).

(Mr. STUPAK asked and was given permission to revise and extend his remarks.)

Mr. STUPAK. Mr. Chairman, I thank both the subcommittee Chair and ranking member for taking care of this matter for me as I was trying to get here from a committee as we are dealing with high fuel prices, energy prices, gas prices. I just did not make it in time, but I appreciate the assistance of the ranking member and chairman.

Mr. Chairman, I rise to offer an amendment that would add to the Congress’s efforts to strengthen communications interoperability.

The SAFE Port Act creates a new Port Security Grant Program. These grants may be awarded for twelve different purposes, including purchasing equipment and creating threat information systems.

My amendment makes two simple improvements to the bill. The amendment requires that communications equipment authorized for purchase under the Grant Program is interoperable with local, state, and federal governments.

Second, my amendment would require that the mechanisms for sharing terrorism threat information funded under these grants are also interoperable with local, state, and federal agencies.

We know that the problem of interoperability has plagued this country for too long. The lack of interoperable and operability was a huge problem for us and still is today. It is intolerable that first responders are still struggling with this issue.

The current language in the bill provides that grants may be used to purchase equipment and to establish or enhance mechanisms for sharing terrorism threat information. This amendment supplements that language by providing that all equipment purchased be interoperable with Federal, State, and local agencies. Additionally, this amendment ensures mechanisms for sharing terrorism threat information, that they be interoperable with all Federal, State, and local agencies.

I rise in support of this amendment to the floor, and I urge my colleagues to support my amendment to add an interoperable standard to the equipment and threat information systems authorized under these grants with efforts by the Administration and Congress.

An interoperable communications standard is already required under the Urban Area Security Initiative, the State Homeland Security, and the Law Enforcement Terrorism Prevention Grant Programs.

I fear without this amendment we may have every port in the United States purchasing equipment that does not communicate with local, state, and federal officials on the ground. What good does this do the next time there is a terrorist attack or natural disaster involving a U.S. port?

I urge my colleagues to support my amendment to add an interoperable standard to the equipment and threat information systems authorized under these grants. This is a good bill and would be made better with the adoption of my amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109-450 offered by Mr. SHAYS:

Page 26, after line 12, insert the following new section:

SEC. 207. INTEGRATED CONTAINER INSPECTION SYSTEM PILOT PROJECT

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a pilot project at an overseas port similar to the Integrated Container Inspection System being tested at the port in Hong Kong.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.
Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

The amendment I have introduced would require the Department of Homeland Security to conduct a pilot project at an overseas port similar to the Integrated Container Inspection System, ICIS, in Hong Kong.

In Hong Kong, container trucks pass under two giant portals. The first portal scans for radioactivity. The second portal uses gamma-ray imaging to check for odd-sized objects that might conceal weapons. An optical scanner retrieves the ID numbers on the container while a computer integrates data into a database that could be accessed by ports worldwide.

Since late 2004, this program has generated digital profiles of outbound containers at the port. The ICIS system can scan 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 the port.

It is not my intention, I want to point out, to limit this pilot program to one company. I understand that Science Applications International Corporation designed the ICIS program currently being run in Hong Kong, but other companies have begun to develop similar technology. In the text of my amendment, the language states the program must be similar to the ICIS program, but it does not mandate that it be the program developed by Science Applications International.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I thank the chairman for pointing that out.

I am not opposed to the amendment. The chairman would and the main sponsor and other committee members have limitations, but a thorough operational test by independent evaluators would enable us to look at it much more objectively.

I also want to thank his staff that has been very patient in working with all of us and then to particularly thank Mr. LUNGREN, who has kind of taken this over and marshaled it all along the way, has provided opportunities for us to cosponsor and also to provide input into the bill, which he has allowed a tremendous amount of input, and I thank him for that as well.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I yield the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I would just like to thank him for his keen work and the fact that he sees a good part of the issue and to say that it would clearly be the intention of this amendment to do that. I certainly will be advocating that the conference committee do it. I know the chairman and the main sponsor of this whole bill. So I think we all agree it needs to happen, and I thank the gentleman for pointing that out.

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. Thompson).

Mr. THOMPSON of Mississippi. Mr. Chairman, I thank the gentleman from Connecticut for yielding me the time.

Mr. Chairman, I support the amendment. Many Democrats on the Homeland Security Committee have been asking for a long time why DHS is not more seriously looking at the ICIS system, and we have never gotten an answer from them.

The ICIS system proves that we can scan every container leaving for the U.S. without interrupting the flow of commerce. The Markey-Nadler amendment would exactly use technology like this if it had been allowed to have been debated here today. Unfortunately, we could not.

We cannot accept anything less than 100 percent container screening coming into this country. So I am in support of Mr. SHAYS’s amendment. This at least moves us forward. It is unfortunate that we have to take baby steps rather than giant steps. But for the sake of moving forward, we support the amendment, and I compliment the gentleman from Connecticut for offering the amendment.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

I rise in support of the gentleman from Connecticut’s amendment. The type of technology to which he is referring certainly has extraordinary promise. The measured approach he is proposing here, I believe, is the way we should go forward. I understand the Department of Homeland Security may have some concerns, but the fact is, I think, all of us agree the government does not always have the right answer to a particular problem. I believe that the gentleman from Connecticut should be commended for pushing this matter forward and for using his energy and abilities to do that.

I know that this technology is said to have limitations, but a thorough operational test by independent evaluators will enable us to look at it much more objectively.

With that, I strongly urge the adoption of the gentleman’s amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself the balance of my time.

I want to thank Mr. KING, the chairman of the committee, for working with both sides of the aisle and even working with members within his own committee who sometimes have disagreed. He has done an extraordinary job.

I also want to thank his staff that has been very patient in working with all of us and then to particularly thank Mr. LUNGREN, who has kind of taken this over and marshaled it all along the way, has provided opportunities for us to cosponsor and also to provide input into the bill, to which he has allowed a tremendous amount of input, and I thank him for that as well.

Mr. THOMPSON of Mississippi. Mr. Chairman, I thank Mr. KING and his staff on the Homeland Security Committee and my own staff person, Jennifer Warren, for help on this.
This amendment would add another use of funds received under the new port security grant program created in H.R. 4954. I fully support the new grant program and want to emphasize that my amendment does nothing to change the prioritization in which awards are granted. Security that is based on risk and national economic strategic defense considerations.

What my amendment would do is to allow a State or local agency to petition the Secretary of the Department of Homeland Security to use Federal funds from this program for any port security activity relating to prevention, detection, preparedness, response, or recovery from acts of terrorism that is a Federal duty usually performed by a Federal agency.

Additionally, an agreement between the State and local organizations and Federal agency would have to exist in order for the cost of activities to be eligible for reimbursement. This proposed change would allow State and local agencies to petition for reimbursement of expenses such as salaries, overtime, maintenance, and other overhead costs that a State or local agency is spending to perform the Federal port security duties that would otherwise not be covered by the existing language in the bill we have before us today.

I think it is really critical in ensuring that funds under this new program will be eligible to go to more resources than just Federal agencies. I will give you an example: in my home State of New Hampshire, the Port of Portsmouth, it is a busy port. Although small, it is busy. There is a nuclear power plant nearby, and the New Hampshire Marine Patrol does a considerable amount of surveillance and spends over $200,000 annually in additional costs relating to the port security duties that would otherwise not have to be covered by the U.S. Coast Guard. This is just one example.

The American maritime industry has seen an increase in their responsibilities of almost $12 million per year over the past 5 years in annual operating security costs and has been advised by the U.S. Coast Guard that they now may be responsible for waterborne surveillance. So we do have situations in which those other than Federal agencies do actually perform these responsibilities and should be eligible for compensation under this bill.

So I hope that the committee will see fit to accept the bill and that it will be made a part of this legislation. I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition even though I am not opposed.

The Acting CHAIRMAN. Without objection, the gentleman will control the time in question.

There was no objection.

Mr. KING of New York. Mr. Chairman, let me just say that I commend the gentleman from New Hampshire for his proposal. It is something that is needed. It fills a very vital need, and I urge the adoption of his amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BASS. Mr. Chairman, I want to thank the gentleman again for his support, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109-450 offered by Ms. MILLENDER-MCDONALD: Page 26, line 3, strike "and"; Page 26, line 5, strike the period and insert ";", and Page 26, after line 9, insert the following new paragraph: 

'(13) to establish or enhance truck inspection stations for seaports and communities with a high percentage of container traffic in coordination with States, local governments, and port operators to enable secure and efficient supply chain operations at ports and seaports.

Page 29, line 6, add at the end the following new sentence: "Of the amount appropriated pursuant to the authorization of appropriations under this paragraph for a fiscal year, up to $20,000,000 is authorized to be made available to States for the enhancement and development of any truck inspection facility not otherwise eligible for reimbursement. The Secretary shall provide guidance and advice during the process of developing and implementing these projects."'

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

MODIFICATION TO AMENDMENT NO. 11 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I ask unanimous consent to modify my amendment.

The Acting CHAIRMAN. The Clerk will report the modification.

MODIFICATION OFFERED BY MS. MILLENDER-MCDONALD

Strike line 1 and all that follows and insert in lieu thereof the following: 

'(13) for the purpose of enhancing supply-chains, critical infrastructure, and facilities and ensuring the security of critical infrastructure and facilities, and facilities and ensuring the security of critical infrastructure and facilities, and critical infrastructure and facilities, and critical infrastructure and facilities, and critical infrastructure

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Ms. MILLENDER-MCDONALD. Mr. Chairman, at this time let me thank Mr. Lungren, the subcommittee Chair, as well as the full committee Chair, Mr. Chairman, for accepting this amendment and its modification, along with the ranking member, Congressman Bennie Thompson, for his guidance and advice during the process of all of this.

I am happy that this bill has language that was in a port security bill that I had for the past 2 years that speaks to the multi-level funding for larger port security projects.

Mr. Chairman, I offer this amendment because I do represent the region that has the largest port complex in the United States and in the world, and it is important that we enhance truck inspection stations located on trade corridors that lead to port complexes that support a heavy volume of cargo containers.

In 2005, 11.4 million containers entered our country and traveled along our interstate highway system. On average, that is an increase of 500,000 containers annually entering our country. In the Ports of Los Angeles and Long Beach, 80 percent of goods that come into this country from the Pacific rim come through these ports, and 45 percent of containerized goods come through these ports. So, Mr. Chairman, it is important that we recognize the vital components of ports to secure these ports, our trade corridors and our communities. It is another layer of security. It is about securing the entire supply chain.

As we continue our efforts as a Nation to establish and maintain a security infrastructure, this amendment does make sense. Truck inspection facilities have the potential to integrate new technology that will make our supply lines safer as well as more secure and efficient. In short, truck inspection facilities have the potential to be high-tech weight stations. More importantly, this is another tool in the toolbox in ensuring that our ports and supply chains are secure.

Many of you have come out to the Ports of Los Angeles and Long Beach and seen the Alameda Corridor. When trucks go down that Alameda Corridor, we have to make sure they are secure and that the goods that are being moved from that point to the point of distribution are safe and secure. This is why this amendment is extremely important.

I will say that while I cannot go on as a cosponsor at this time, given that I would have wanted to, this particular bill is extraordinarily important for us and I support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I ask unanimous consent to obtain the time in opposition even though I do not oppose this amendment.

The Acting CHAIRMAN (Mr. Putnam). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I would like to congratulate the gentlewoman from Southern California for working with us to modify the language of her original amendment so it achieves the purpose to which she intends and is not objectionable in any way.

There is no doubt that we want to make sure that we have layers of security, starting at the foreign ports,
through the period of time in which the containers are shipped, to just outside our ports, in our ports, and then as the containers leave our ports.

One of the things we have to do in this entire effort is to insert a notion of understanding in the minds of would-be terrorists. One of the ways we do that is having layers of security all across the globe.

The gentlelady has suggested that we be explicit in our language with respect to the possibility of utilizing another tool in our toolbox, as she suggests, where we might be able to devise certain programs that utilize facilities that may exist just outside the port for purposes of looking at trucks for safety purposes, and we might be able to incorporate the terrorist security review at that point as well. If in conjunction with the authorities, local and state authorities, this kind of a grant request is made, we want to make sure that the Department of Homeland Security can, in fact, take a look at it. If it seems to serve the purpose to which we are all dedicated, then it would be allowed under this bill.

So I congratulate the gentlelady for introducing the bill. I also congratulate her for representing my hometown, the place I was born and lived in for 42 years.

Mr. Chairman, I yield back the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I am glad to have my friend who once served so admirably in the southern California area now being a part and parcel of this bill that is just so vital. He knows, as I know, that our California Highway Patrol commissioners are also amenable to this bill as well.

Mr. Chairman, truck inspection stations will be a consolidation and coordination of seaports, community and trade corridors, and both local and state authorities are all involved in this. I am very pleased about this important amendment. I thank all of those, the chairman and the ranking members, for accepting this.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer to amend the bill. I offer the amendment with the understanding that the amendment is on the amendment offered by Ms. JACKSON-LEE of Texas:

I yield myself such time as I may consume.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, allow me to offer my appreciation to the chairman of the full committee and the ranking member of the full committee and Ms. SANCHEZ, Ms. HARMAN and Mr. LUNGREN of California for the work that they have done on this legislation. My good friend, Mr. REICHERT from Washington, let me thank you very much as we have had an opportunity to work together.

This bill is about port security. In securing the ports, the reason is to prevent a horrific tragedy from occurring similar to the tragedy of 9/11. We have come to understand that through containers, or ships that are carrying containers, weapons of mass destruction, nuclear materials, inserted into these particular items coming into our ports and a horrific act of terror can occur, killing thousands.

Mr. Chairman, this chart shows an example of the Nation’s ports, a port that is surrounded by population, thriving neighborhoods, neighborhoods which understand that they are surrounding a local asset and a national asset. But they, too, deserve security and deserve protection.

My amendment today, which I urge upon my colleagues in support, includes communities in disaster preparedness by providing for an annual update to the Homeland Security Training Program described in this bill. The Port Security Training Program is designed for the purpose of enhancing the capabilities of each of the Nation’s commercial seaports to prepare, prevent for, respond to, mitigate against and recover from threatened or actual acts of terrorism, natural disasters and other emergencies.

What I would say to you is, having visited a number of ports, including the port in Washington, I am aware of its treasure to the community and to the Nation, but I am also aware that it looks just like this, populations surrounding our ports. So a danger to ports and port security is a danger to our neighborhoods.

The amendment I offered today extends this training program to include communities and neighborhoods in proximity to seaports by educating, training and involving populations at risk, neighborhoods around the ports, including training on an annual basis, and, of course, collaboration with our local authorities.

This is to include our neighborhoods in somewhat of a neighborhood watch concept, continuing the idea of the citizen corps. It is a moral public safety and public health imperative that we augment the public for disasters in order to help facilitate response and relief.

The point is to be prepared. Local responders are not the only ones who can help in the time of need. We need your help, and we are here to help with them in the idea of collaborating with the port and our local first responders.

While 44 percent of Americans say their neighborhood has a plan to help reduce crime, only 13 percent report that they have a neighborhood plan for disasters. Nearly two-thirds of respondents, 63 percent, believe it is important for neighborhoods to have a way to work together on emergency preparedness.

The Port of Houston, for example, is a 25-mile-long complex of public and private facilities located just a few hours sailing time from the Gulf of Mexico. The port is ranked first in the United States in foreign waterborne commerce and second in total tonnage and sixth in the world. The Port of Houston is made up of the Port Authority and the 150-plus private industrial companies along the ship channel. Altogether, the Port Authority and its neighbors along the channel are a large, vibrant community.

I say that, because of this vibrant community, there is a great need, if you will, to provide this nexus in this bill to ensure this kind of safety plan. I ask my colleagues to look and see this as a port in your neighborhood and to join me in supporting the Jackson-Lee amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, even though I do not oppose it.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. REICHERT. Mr. Chairman, I would like to thank the gentlelady for offering this amendment during committee markup last week on the underlying legislation. The committee added language that would establish a port security training program.

Training is essential to our Nation’s success in the war on terror. It is imperative that our Nation’s first responders, longshoremen, seaport managers and those in the private sector and others learn and master the skills necessary to respond to a terrorist attack in our Nation’s ports, especially those involving weapons of mass destruction.

This current amendment will provide for the education and training of persons in neighborhoods surrounding at-risk ports to learn what to be watchful
for in order to be a citizen corps, if necessary. As a former law enforcement officer for over 33 years and the current Chair of the Subcommittee on Emergency Preparedness, Science and Technology, I certainly appreciate the intent of this amendment.

While I generally support this amendment and am willing to accept it, I do have a few reservations. I have concerns that this amendment could potentially undermine plans and training away from ports in favor of establishing an ad hoc citizen corps. No determination has been made that developing a citizen corps would be a more effective use of resources. Moreover, unlike the port personnel, a proposed citizen corps would not be a full-time service but only a used-as-necessary service.

The amendment lends no guidance as to the level of training that would be necessary, the function of the citizens corps, or the circumstances under which a citizens corps would be necessary.

While I believe port authorities should undoubtedly perform outreach to affected neighborhoods, where appropriate, I am concerned about the amendment that requires the training of citizens at the expense of most crucial training for port personnel.

In addition, local law enforcement are currently responsible for conducting outreach plans and for training and educating local businesses and communities around our Nation’s ports. While local law enforcement currently work in coordination with our ports, this amendment would take some authority away, I believe, from the local law enforcement in conducting community outreach.

I therefore ask to work diligently with the gentlelady as we move forward in this process to ensure communities surrounding our ports are adequately involved without taking resources away from the training of port personnel.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from Mississippi (Mr. THOMPSON), the distinguished ranking member.

Mr. THOMPSON of Mississippi. Mr. Chairman, I appreciate the gentlelady allowing me to speak in support of her amendment. We absolutely need to work with communities around ports. Those communities, just like other communities, are at risk, not only to what comes into those communities but also by many of the people who live in the communities.

So we are happy to support the gentlelady’s amendment. Citizen preparedness is what we should be about. It is absolutely important. We support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member, Mr. REICHERT. Let me just say we want a seamless connection on security and port security, working with local law enforcement, working with the neighborhoods around the poverty and working with port security. I look forward to working with you to ensure that it is collaborative.

I think that the resources are spent in a balanced way for the port personnel but also in very effective outreach methods that I have seen utilized around the country with effective neighborhood and citizens corps, local first responders, as you have served for a number of years, and, of course, port security. I ask my colleagues to support it.

Mr. REICHERT. Mr. Chairman, I look forward to working with the gentlelady, and certainly agree we need a seamless operation when it comes to protecting this Nation’s borders and ports. I think the training and exercises in and around our port areas, including our communities, is essential to the protection and the safety of the citizens that live there, and again look forward to working with you and appreciate you offering this amendment.

Ms. JACKSON-LEE of Texas. We will work together. I ask my colleagues to support this amendment to protect the neighborhoods that surround our ports. Port security and secure neighborhoods.

Mr. Chairman, I rise today to urge my colleagues to support an amendment I am offering that includes communities in disaster preparedness by providing for an annual community update to the Homeland Security Training program described in this bill. I agree we need a seamless operation when it comes to protecting this Nation’s borders and ports. I think the training and exercises in and around our port areas, including our communities, is essential to the protection and the safety of the citizens that live there, and again look forward to working with you and appreciate you offering this amendment.

The amendment I offer today extends this training program to include communities and neighborhoods in proximity of the seaports by educating, training, and involving populations of at-risk neighborhoods around ports, including training on an annual basis to learn what to watch for.

Many communities across the country also have a “Neighborhood Watch” program that teaches citizens to watch for suspicious activity or other signs of danger. This amendment provides for a similar “citizens corps” preparation in anticipation of a national security threat. The intent is to mimic the Citizen Corps initiative begun by the White House and the Department of Homeland Security in 2002.

It is a moral, public safety and public health imperative that we assist the public to prepare for disasters in order to help facilitate response and relief.

The point is to be prepared. Local responders are not the only ones who can help in a time of need.

While 44 percent of Americans say their neighborhood has a plan to help reduce crime, only 13 percent report having a neighborhood plan for disasters. Nearly two thirds of respondents, 63 percent, believe it is important for neighborhoods to have a way to work together on emergency preparedness.

The Port of Houston is a 25-mile-long complex of public and private facilities located just a few hours’ sailing time from the Gulf of Mexico. The port is ranked first in the United States in foreign waterborne commerce, second in total tonnage, and sixth in the world. The Port of Houston is made up of the port authority and the 150-plus private industrial companies along the ship channel. All together, the port authority and its neighbors along the Houston Ship Channel provide a large and vibrant component to the regional economy.

About 200 million tons of cargo moved through the Port of Houston in 2005. A total of 7,057 vessel calls were recorded at the Port of Houston during the year 2003.

Economic studies reveal that ship channel-related businesses support more than 287,000 direct and indirect jobs throughout Texas while generating nearly $11 billion in economic impact. Additionally, more than $649 million in state and local tax revenues are generated by business activities related to the port. Approximately 87,000 jobs are connected with the Port of Houston itself, and over 80 percent of those people live in the Houston metropolitan area.

Centrally located on the gulf coast, Houston is a strategic gateway for cargo originating in or destined for the U.S. West and Midwest. Houston lies within close reach of one of the nation’s largest concentrations of consumers. More than 17 million people live within 300 miles of the city, and approximately 60 million live within 700 miles.

The danger is very real that we may be escorting a weapon of mass destruction to its target. For every mile along the Houston Ship Channel that dangerous cargo passes, an additional 2000 people are at risk. Clearly, once the cargo reaches the city, the risk is greatest.

In 2002, the Department of Homeland Security established the Citizens Corps initiative, and in 2004, over 1,000 communities around the country, encompassing 40 percent of the U.S. population, had established Citizen Corps Councils to help inform and train citizens in emergency preparedness and to coordinate and expand opportunities for citizen volunteers to participate in homeland security efforts and manage our communities safer.

Fifty-two States and territories have formed state level Citizen Corps Councils to support local efforts. Maybe before the next disaster, our citizens can be aware and trained to react effectively and timely, and perform as local responders themselves. Support this amendment, and include the neighborhood in disaster preparedness.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlelady from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. WEINER

Mr. WReiner. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 13 printed in House Report 109-450 offered by Mr. WEINER.

Page 29, after line 2, insert the following new subsection:
“(k) QUARTERLY REPORTS REQUIRED AS A CONDITION OF HOMELAND SECURITY GRANTS.—

“(1) EXPENDITURE REPORTS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the grant recipient to submit quarterly reports to the Secretary that describe each expenditure made during that fiscal quarter.

“(2) DEADLINE FOR REPORTS.—Each report required under paragraph (1) shall be submitted not later than 30 days after the last day of a fiscal quarter and shall describe expenditures made during that fiscal quarter.

“(3) PUBLICATION OF EXPENDITURES.—

“(A) IN GENERAL.—Not later than one week after receiving a report under this subsection, the Secretary shall publish and make publicly available on the Internet website of the Department a description of each expenditure described in the report.

“(B) WAIVER.—The Secretary may waive the requirement of subparagraph (A) if the Secretary determines that it is in the national security interests of the United States to do so.”

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

Mr. Chairman, we create in this bill a port grant program which provides allocation to go to States and localities to take steps to ensure homeland security around ports.

But frankly without this amendment, we will not really have any good way to know the money is being spent. We have learned through port grants in other elements of the homeland security bill that we are finding that once States and localities get the money for these grants, they are not spending them in a very wise way.

For example, when Converse, Texas, got funds for homeland security, they used it to spend $3,000 for a trailer which was used to transport lawn mowers to lawn mower drag races in that county.

We found that in Columbus, Ohio, over $7,000 was used to purchase bulletproof vests for dogs. In fact, when the Department of Homeland Security Inspector General looked at one State, Indiana, to try find out if the funds were being spent prudently, they found that the county emergency preparedness coordinator had purchased a $30,000 emergency hazardous material truck that he was using as a commuting vehicle back and forth to work.

We found out about a lot of these things not because the process was transparent, but because often States and localities bragged about them. My amendment would simply say, once we give the money, we have to hear back from the States and localities how they spent it, allow transparency to be the best disinfectant for boondoggles.

Mr. KING of New York. Madam Chairman, I ask unanimous consent to control the time in opposition to the amendment, even though I am not opposed.

The Acting CHAIRMAN (Mrs. BIGGERT). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Chairman, I would like to raise several points. I want to commend my good friend from New York for offering the amendment. Obviously, more oversight is needed. This amendment serves that purpose.

I did have some concerns about the danger of potential national security information being listed. But the language of the amendment does provide an exception on that. There is also some concerns about whether or not this could prove burdensome on some local governments.

I just want to work with him to ensure the amendment does not impose unnecessary burdens on State and local governments.

Madam Chairman, I yield the balance of my time to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. I thank the gentleman for yielding. I will be very brief in support of the amendment, but also the underlying legislation which I think is a natural extension of where this country has gone over the last several years as we seek to ensure the safety and security of the American people.

We know that the most fundamental responsibility of our Federal Government is to ensure the safety of its people and to protect and ensure our National security. And clearly port security has been left in limbo.

But not until today have we seen a more comprehensive and in a way bipartisan approach that acknowledges that indeed we are vulnerable in our ports. And events over the last couple of months obviously have catapulted this to the top of the headlines, if you will.

But for someone who represents Staten Island and Brooklyn, proudly, the mouth of New York-New Jersey Harbor, practically every cargo container that comes and finds its way into the northeastern region goes underneath the Verrazano Bridge. And I want to know, as much as I can, that the people that I represent are safe and secure.

We recognize the importance of commerce. We recognize the importance of jobs and what that cargo means to consumers across the country, especially in New York and New Jersey and Connecticut and the northeast. But that does not mean we have to keep safety at the door.

So I commend Chairman King and all of those Members who have worked so diligently over the last couple of months to bring this bill to the floor. I think, as I say, this is a natural extension to let those who want to or are contemplating ways to wreak havoc on the American people know that we are serious about protecting its people here, and that we are going to do everything possible to ensure that cargo that comes into our ports is safe and non-threatening.

Mr. KING of New York. Madam Chairman, I yield back the balance of my time.

Mr. WEINER. Madam Chairman, I would point out to my colleagues that under this legislation we are going to be considering, containers will continue to come through all of the bridges in New York and the New Jersey area unchecked, uninspected.

We had an opportunity in this House to have a discussion about whether or not that was a desirable state of affairs, and we chose not to have it. There is no reason, none whatsoever, why we should not have it as the law of the land: any container, of the millions and millions of containers that come here, should not be prescreened in their home country before they arrive here, those not to do a decision. It is not because the technology does not exist. It is not because the desire does not exist. It is not because of anything except our decision in this House not even to have a discussion on it.

You know, there are concerns that have been raised. Is the technology ready? The answer is, yes. Is it overly burdensome in cost? The answer is, no.

But that is what we have this Chamber for, to have a discussion of these issues.

If there is one thing that makes Americans scratch their head about port security, it is, are we leaving ourselves vulnerable to a contaminated container with fissile material, with nuclear material, with just a bomb in there? And they say, check it. And we are saying here, not only will we not do it, we will not even have a discussion about whether we are going to do it.

And I think that is most regrettable. I think we should have had a chance here today to vote up or down, should we screen containers or not? And I think the answer would have been a bipartisan “yes.”

But then again, the people who control this House say they will not even debate it. So maybe there were going to be people on that side. We have to assume then that they were going to vote “no.”

But irrespective of that, this is too important an issue at least not to debate in the context of this important bill.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

Mr. FLAKE. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.
The text of the amendment is as follows:

Amendment No. 14 printed in House Report 109-450 offered by Mr. FLAKE:

Page 21, line 5, insert "REPEAL OF" before "PORT SECURITY GRANT PROGRAM.

Page 21, strike line 6 and all that follows through line 14 on page 29.

Page 29, strike line 15.

Page 30, line 23, redesignate paragraph (1) as subsection (a).

Page 29, line 18, redesignate paragraph (2) as subsection (b).

Page 27, strike line 23 and all that follows through line 2 on page 38.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Mr. FLAKE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, in 2005, the Ports of New York and New Jersey received $6.7 million for port security. Seattle-Tacoma received $7.3 million, and the State of California received $33 million.

The Long Beach-L.A. port received $21.2 million from Homeland Security. All of these came from Homeland Security grants. These funds are also in addition to the funds raised by security fees charged by these ports on shipping to pay for port homeland security costs.

This is a mechanism that the ports can use to cover their costs if they need additional money. No major U.S. shipping port is not in compliance with Coast Guard security requirements.

If $400 million is not to get them in compliance, I think we really need to ask, what is it for? Now, the White House has some ideas on this. They just released the "Statement of Administration Policy." And the White House says: "Given the significant resources dedicated to port security today, and requested in the budget, the administration believes that a new grant authorization would duplicate existing authorities and may inhibit the administration’s ability to target resources most effectively to the sectors of the Nation’s infrastructure that face the highest risk."

Rather than creating a new Federal homeland security grant program, we need to first get control over the grant programs that we have. The gentleman from New York (Mr. WEINER) just listed some of the grants that have been issued.

And it is simply appalling to see how this money is often being spent. In Kentucky, an anti-terror grant was awarded to the State to probe bingo halls. Over $500,000 was spent so that the Town of North Pole, Alaska, could get security rescue and communications equipment.

In my home state of Arizona, the town of Phoenix got a homeland security grant to buy a tactical robot. In my own district, the City of Apache Junction received nearly $300,000 for 19 traffic preemption devices which are remote controls that change a street light from green to red or red to green.

Madam Chairman, I am not saying that these things are not needed, but I am saying that we ought to question whether the Administration’s responsibility to fund them or if this money ought to be spent in areas with a greater threat.

I would submit that if we create this new program, without first getting a hold on the grant programs that we have, we are going to see the same problems in port security. We are going to see grants frittered away on things that we do not need, rather than things that are truly a threat.

I simply do not believe there has been a clear case made as to why the taxpayers should pay $400,000 for this new program given the existence of all of the other programs as well.

Let me tell you, major ports are in compliance with Coast Guard security requirements. The President says that it is duplicative and unnecessary and that $173 million has yet to be awarded from 2006 grants. The fiscal year 2007 budget includes $600 million for targeted infrastructure protection grants which include ports.

Also I point out again that ports charge fees to the shippers. If they believe and if they need to increase their security to come into compliance, they can charge extra fees, as it should be.

Then the users are actually paying rather than the taxpayers as a whole and the money will be far better spent.

Madam Chairman, I believe that we need this amendment. We ought to have this amendment to have a little fiscal responsibility. Some may say, this is just an authorization. It is not saying that we will appropriate it. But as soon as we authorize it, then if we do not fully appropriate for it, then we are accused of not fully funding the program.

We are bitten by that all the time. I would say, let’s step back now and say, let’s be as fiscally responsible as we can.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ). Ms. LORETTA SANCHEZ of California. Madam Chairman, I oppose the Flake amendment to eliminate the port security grant program in this bill. The third largest port in the United States, Long Beach-Los Angeles, in the first year after 9/11, the Federal Government actually spent $1.8 million to help them with their security.

The fact of the matter is that that local port, those two cities, put up their money to fortify, to study, to think about, and to do something about port security. The Federal Government basically was not even there. $1.8 million.

Now I remind my colleagues in the House, we spend $1.5 billion a week in Iraq. We have not stood up and done the right thing and protected our critical infrastructure. That port when it is shut down, because we have seen it, is closed $2.3 million worth of commerce a day. It is thousands of jobs. It affects every city and every State in our Nation. We need to have moneys directly going to port security.

Mr. FLAKE. Madam Chairman, in response to that, the Long Beach Port received $1.4 million. I believe, the following year from the Federal Government. This is in addition to the moneys that they receive by charging a fee on shipping.

The money that the Federal Government pays is minuscule compared to that amount that comes charged by fee. What this amendment is about is saying that as the President has said, as the White House has said, let us target our homeland security money where it is actually needed.

When we continue to dole out money, these kinds of grants, the kind of formula grants that we have, we continue to see the money spent in ways like buying fitness facilities for fire departments or whatever else.

We simply have higher priorities. And heaven knows, we have got a tight budget and we ought to prioritize here.

Mr. KING of New York. Madam Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I just say in response to the gentleman from Arizona, we have taken into consideration concerns that he has expressed. We have implemented in this bill an appropriated $23.2 million. I believe, the following year from the Federal Government.

We simply have higher priorities. And heaven knows, we have got a tight budget and we ought to prioritize here.

Mr. KING. I would assure the gentleman that Apache Junction will not get a grant under this program, nor any landlocked city in Kentucky. This is a port bill.

The third thing I would say is this is based on the assessment by the Coast Guard of what is necessary for the capital investment improvements from a security standpoint for all the ports in the United States. As a matter of fact, we only provide funds for half of the amount that has been identified by the Coast Guard.

This is not one of those grant programs that lasts forever. We have a 6-year sunset on this, and we have a specified revenue stream in this bill to take care of it. So I would suggest that we have looked at the complaints that the gentleman has, but this is a part of our national security.
then we are kidding ourselves, and if we spend $400 million on a grant program that the President even says that we do not need here, then the sun has set on fiscal responsibility.

Madam Chairman, I yield back.

Mr. KING of New York. Madam Chairman, I yield 1 minute to the gentleman from California (Ms. HARMAN), the coauthor of the legislation.

Ms. HARMAN. Madam Chairman, I thank the gentleman for yielding and want to say to the amendment sponsor how much I admire him, how much I agree with his point that growing debt and deficits are irresponsible; but in this case, the dollars we are talking about are much smaller than he may believe.

First of all, we are replacing an annual grant program that was appropriated for $175 million last year. Second of all, we are using existing Customs revenues, not new money, to fund what we are talking about.

As our ports are vulnerable, Al Qaeda attacks us asymmetrically. I admire his intent, I truly do, but I think he should focus on programs that, in the end, will net out as less important and will not cost America and American commerce the amounts of money that it will cost if one of our ports has an explosion or one of our containers contains a radioactive bomb.

I reluctantly oppose the amendment. Mr. KING of New York. Madam Chairman, I yield myself the balance of the time.

Madam Chairman, I understand what the gentleman from Arizona is attempting to do as far as imposing a sense of fiscal order, but the fact is you know sometimes the price of everything, but the value of nothing. I cannot imagine any potential target in this country which would have more of an economic impact on us than our ports and our trade; but in one of our major ports could cost up to $1 trillion in loss to our economy.

The gentleman refers to money that has definitely been wasted in certain projects around the country under the rubric of homeland security. The fact is, we passed legislation in this House last year, H.R. 1544, which would base funding on threat and risk analysis. It is that exact same philosophy that applies to this port security bill. It is based on threat and risk.

As the gentleman from California said, the Coast Guard estimates it would cost over $5 billion for the targeted ports to receive the proper amount of security which they need. This funds slightly less than half of the amount that is required. There is no matching money required from the ports.

The fact is we are at war, and we cannot be applying the same green eye-shade philosophy to protecting our National home as we do to other projects.

I agree that nothing is worse than having $1 of homeland security funding wasted. That is why we passed the legislation last year, that is why we are passing this port security, this bill, this time this year to ensure that money will go where it is needed; but it is only going to be based for security. It is not going to be wasted, and to me, this is clearly money well spent. It will also save human lives.

As someone who comes from a district next to the Port of New York and New Jersey, who saw the thousands of people who were killed on September 11, this is a war we cannot afford to hold back in any way. It is essential we go forward. This money is money which is absolutely necessary; and as thegentlewoman from California said, we are taking away the $176 million, adding this. It is money well spent, and I urge defeat of the amendment.

The Acting CHAIRMAN (Mrs. BIGGERT). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment is in order.

AMENDMENT NO. 45 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 printed in House Report 109-450 offered by Ms. LORETTA SANCHEZ of California:

Page 63, line 8, insert at the end the following new sentence: "Such benefits may not include reduced scores in the Automated Targeting System."

The Acting CHAIRMAN. Pursuant to the text of the amendment, the amendment is offered.

The Acting CHAIRMAN. Amendment No. 15 offered by Ms. LORETTA SANCHEZ of California.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 63, line 8, insert at the end the following new sentence: "Such benefits may not include reduced scores in the Automated Targeting System."

The Acting CHAIRMAN. Amendment No. 15 offered by Ms. LORETTA SANCHEZ of California.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield to the gentleman from California (Ms. LORETTA SANCHEZ).

Mr. KING of New York. Madam Chairman, I yield my time to the gentleman from California, Mr. FLAKE.

Mr. FLAKE of California. Madam Chairman, I yield the balance of my time to the gentlewoman from Arizona (Ms. LUNGREN).

Ms. LUNGREN of Arizona. Madam Chairman, this amendment offers a very small and simple refinement to this piece of legislation, but I think it is a very important refinement and will dramatically strengthen the Customs-Trade Partnership Against Terrorism program, or what we call C-TPAT.

Currently, there are about 5,000 companies that have submitted written security plans that Customs Border Protection has reviewed and certified. This certification qualifies shippers to be fast-tracked through our ports.

Here is the problem: of those 5,000 companies, only 1,200 have had their plans validated, meaning that the Customs has actually gone to those sites to ensure that what the company wrote they were doing about security measures has actually been implemented.

Based on that practice, that means that there are 3,800 companies whose security measures have not been validated, looked at, et cetera; but they have been receiving a lowered risk score, and this score is used to determine whether containers will be subject to additional screening or inspection.

There has been a lot of talk today about not giving ourselves and the American people a false sense of security, but that is exactly what we are doing. We are letting containers into our ports with a low probability of inspection when we have the slightest idea that the shipper has any real security measures in place.

The Sanchez amendment would stop the current practice of granting risk score reductions for nonvalidated C-TPAT companies.

Now, some would argue that the C-TPAT program should receive a benefit for just turning in a plan and that taking away the reduced risk score for the nonvalidated member would take away their incentive to participate in the program.

Well, think of it as you are driving along and you come to a toll road and everybody's backed up to pay in cash and you're in your car and you're thinking, Why is the incentive? You would definitely decide to purchase if you are going to do this all the time every day, to take that toll. So you would sign up for that program and put your money in the bank so you can whiz by the same thing. There is an incentive. The incentive is that we get our Customs people to review your plan, and then you get to go through the fast lane. We should not let these companies have their cargo go through the fast lane when we have never even checked if they have got a fence around, if they have done background checks on their people, if Al Qaeda people are there or not, et cetera. We need to go and take a look at that.

A reduction in their score is unacceptable until we have actually visited and validated that their security measures are actually happening. We need to work together on this bill. We have supported this program, but as Ronald Reagan always said, we must trust but we must verify.

C-TPAT is a security program, and security does not come from a written rubber stamp plan. So I urge my colleagues to support this.

Madam Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, with all due respect, I rise in opposition to this amendment. Ms. Sanchez and I have worked together on this bill. We have reached accommodations on a number of different issues. We support the idea of the C-TPAT program. I certainly support her efforts to try and strengthen the C-TPAT program. I certainly have supported and incorporated in my bill the recommendation on her part that no third-party validators so that we can get the manpower necessary to do the validations that are necessary in this program.

However, I do oppose her amendment because I think it would cut down on the participation in this program.

One must understand that the C-TPAT program, Customs-Trade Partnership Against Terrorism program, is
one that leverages industry cooperation to increase the security of the global supply chain. It has three tiers: tier 1 being the lowest, tier 3 being the highest.

The gentlewoman suggests that any benefits that are recognized under tier 1 to someone who has begun to participate in the program is unnecessary and somehow undercuts the credibility of the program. I would suggest that that is not true.

The conditions for obtaining the C-TPAT tier 1 status include that prior to an importer being certified, the importer must complete a comprehensive self-assessment of their current security practices, which gauged against the clearly defined and published minimum security criteria.

If the security self-assessment completed by the importer reveals any security deficiencies and requires a correction, admission to the program and no benefits whatsoever are obtained unless those deficiencies are addressed to the satisfaction of the Department.

The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I demand a recorded vote.
of the United States, having had under consideration the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes, pursuant to House Resolution 789, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered to be a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The motion to recommit offered by Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The Clerk read as follows:

Mr. Nadler moves to recommit the bill to the Committee on Homeland Security.

The SPEAKER pro tempore. Is the motion to recommit seconded?

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The Clerk will report the motion to recommit.

The motion to recommitted by the Acting CHAIRMAN.

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

Mr. Nadler moves to recommitted the bill H.R. 4954 to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendments:

Page 51, strike line 16 and all that follows through line 25 on page 52.

Page 80, strike line 10 and all that follows through page 11.

Page 81, after line 23, insert the following:

Page 80, strike line 10 and all that follows through line 25 on page 52.

_PAGE_202_ REQUIREMENTS RELATING TO ENTRY OF CONTAINERS INTO THE UNITED STATES

(a) REGULATIONS.—Section 70116 of title 46, United States Code, is amended by adding at the end the following new subsection:

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, such sums as may be necessary for each of the fiscal years 2007 through 2012.

REGULATIONS; APPLICATION:

(1) REGULATIONS.—

(A) INTERIM FINAL RULE.—The Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than 120 days after the date of the enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code.

(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than one year after the date of the enactment of this section, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

(2) PHASED-IN APPLICATION.—

(A) IN GENERAL.—The requirements of section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, shall apply with respect to any container entering the United States, either directly or via a foreign port, beginning on:

(i) the end of the 3-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot-equivalent units of containers were loaded on vessels entering the United States; and

(ii) the end of the 5-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in any other country.

(B) EXTENSION.—The Secretary may extend by up to one year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

(i) finds that the scanning equipment required under section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, is not available for purchase and installation in the port; and

(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

(D) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, with the Secretary of the Treasury, is encouraged to promote and establish international standards

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

Mr. Nadler moves to recommit the bill H.R. 4954 to the Committee on Homeland Security.

The Acting CHAIRMAN. The amendment was agreed to.

The Acting CHAIRMAN. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.

The motion to recommit was seconded.
for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

(e) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out section 701(b)(c) of title 22, United States Code, as added by subsection (a) of this section, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

Mr. NADLER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, I offer this motion to recommit with the gentleman from Massachusetts (Mr. MARKY), and I thank him for his efforts on this issue.

This is a reasonable bill, but none of it matters much if we don’t at least electronically scan every shipping container. All it takes is one atomic or radiological bomb to make 9/11 look like a firecracker, to kill hundreds of thousands of people, to cost hundreds of billions of dollars, to bring commerce to a total halt for weeks or months while every trucked hand by hand because we don’t have in place the means to scan every container.

That is what this motion is about. If we really want to make this country safer, we must demand that before any container is put on a ship bound for the United States it must be scanned electronically in the foreign port. It is too late if we find a nuclear bomb in Los Angeles or New York.

The container must then be sealed with a seal that will tell us if it is tampered with after it is scanned, and the results of the scan must be transmitted electronically to people in the United States for examination.

This motion is identical to an amendment that was unanimously agreed to by Chairman Young and the entire Transportation Committee, as I recall, earlier this month. This is not a partisan issue, unless you choose to make it so by voting “no.”

They say the technology doesn’t exist. The technology most certainly does exist. It is installed right now in Hong Kong. The technology is installed in Hong Kong now, except that the results of those scans are stored on disks because no one at the Department of Homeland Security can be bothered to read them.

The people who say we can’t do this are the same people that told us 2 years ago that we couldn’t get a bill of lading for every container 24 hours in advance, the same people who told us that if we searched every passenger, the airports would be gridlocked, the planes would never take off. Scanning every container is feasible, it is relatively cheap, and it will not delay global commerce.

If we continue to rely solely on so-called risk-based strategy, the terrorists will simply put the atomic bomb in a low-risk container from Wal-Mart. The real risk is that a good company will have a container with sneakers on a truck that is passed to a port, the driver will stop for lunch; and while he is at lunch terrorists will take out some sneakers and put in a bomb. And the bill of lading will be fine.

The question on this motion is, do we or do we not want to risk American cities and American lives on the chairman’s confidence in Wal-Mart’s paperwork?

Mr. Speaker, I yield now to a leader on this issue, Mr. MARKY, the gentleman from New York for his great leadership on this issue.

This recommittal motion deals with the fatal flaw in the Republican bill. They have refused to allow a vote on this House floor on this issue. This is the now the time for the Members to go on record to get real about cargo security.

The threat is that, in the former Soviet Union, with all of the loose nuclear material, that al Qaeda purchases weapons there for a nuclear device to a port in Asia, in Africa, in Europe, places it upon a ship. Using the screening which the Republican party supports, the screening would be a piece of paper. Oh, you look okay. You can bring it on to the ship. No inspection, no scanning. That is what their bill does.

The Democratic substitute says that no container can be placed on a ship coming to the United States which is not scanned for uranium, for nuclear materials, for a nuclear bomb, for weapons of mass destruction.

The screening must be done overseas, and we must seal those containers. We must scan and seal overseas so that we do not have to duck and cover here in the United States. That is the risk that al Qaeda has said they pose to us at the very top of their terrorist target list.

The Republicans are basically saying they are going to put a “Beware of Dog” sign out on the lawn but not pursuant to a thorough screening, never do the inspection, use a paperwork inspection instead.

This bill has a loophole big enough to drive a cargo container filled with nuclear weapons material through it. This is an historic moment.

Here is the seal under which the Republicans are still approving to be placed upon a cargo container. This can be cut by a child’s scissors, ladies and gentlemen.

This is what should be placed upon each one of the containers after they have been scanned, after they have been sealed, to make sure that if it is tampered with an electronic signal goes to the Department of Homeland Security.

The Republican party says no. The Republican party says they will use paperwork instead of real, physical scanning of each and every cargo container, knowing that it could contain a nuclear weapon, knowing that the nuclear materials have not been secured in the former Soviet Union.

Vote “aye” on the recommittal motion and protect the security of our country from the single greatest threat this country has ever faced. Vote “aye” on the recommittal motion.

Mr. KING of New York. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Speaker, I yield to the gentleman from California (Mr. DANIEL E. LUNGREN), the author of the legislation.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I came to this body with many of you to make sure that we did what was necessary to protect our constituents. I brought this bill to the floor, through the subcommittee, committee and to the floor with that promise in mind.

This is not, as the gentleman from Massachusetts said, a Republican bill. This is, in fact, a bipartisan bill. Eighty cosponsors. Passed our committee 29–0.

There is a dispute with respect to this particular technology, and I might just refer you to the National Journal of this last week talking about this very issue. It said, nice idea, but not very feasible with current technology.

Eleven million containers are shipped to the U.S. ports every year. Of those, U.S. Customs and Border Protection personnel physically screen, that means inspect, only about 6 percent, or 680,000.

On a noble impulse, but, as a practical matter, it can’t be accomplished right now, said Jack Riley, Homeland Security expert with Rand.

The key to being able to carry this out in the future is better equipment that scans faster. That is what our bill does. It asks us to accelerate our investigation into new technology. It mandates that the Secretary, if, in fact, he finds that to be usable, practical, adaptable, that he then negotiate with foreign countries to immediately put it into place and, if they refuse, gives our President and our Secretary the right to refuse to allow their cargo into the United States. We don’t put a time limit on it. We said as soon as it is feasible to do it.

So as a great political philosopher, Don Meredith, once said, “If ifs and buts were candy and nuts, every day would be Christmas.”

We don’t bring you a hope that cannot be fulfilled. We bring you a promise that can be fulfilled in this bill. Please vote down this motion to recommit.

Mr. KING of New York. Mr. Speaker, let me at the outset commend Ranking
Mr. MARKEY or Mr. NADLER have introduced a bill is far similar to the amendment GINNY BROWN-WAITE, by Mr. S HAYS. I hope. It is not a cruel hoax. It does stop another nuclear attack. Do they really believe that? Do they so demean the truth hurts.

Mr. MARKEY of New York. No, I will not yield. I did not interrupt you. Mr. MARKEY, Mohammed Atta started in Boston, my friend. There were Bostonians on that plane. Let me also commend our staff, Dr. Diane Berry for working together on both sides of the aisle is committed to get a real port security bill. I came from standing port security bill. I came from Democratic amendments on this bill. Just this afternoon we adopted nine amendments by Ms. HARMAN for the truly bipartisan job they did in putting this together.

Mr. KING of New York. Amazing how the reality is, though, this is an outrageous bill that will bring about real strong America. Vote down the motion for debate has expired.

The SPEAKER pro tem. The question is on the motion to recommit. The vote was taken by electronic device, and there were — votes 222, not voting 8, as follows: [Roll No. 126]
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KING of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—aye 421, noes 2, not voting 9, as follows:

(Roll No. 127)

AYES—421

Abercrombie
Ackerman
Adler
Akkin
Alexander
Allen
Baca
Bachus
Baird
Barrett (NC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Bass
Barton (TX)
Bauer
Beauséjour
Beccerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Berry
Becerra
Belkin
Berry
Biggert
Bilirakis
Bingham
Bishop (GA)
Bilirakis
Ber

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unaccountably detained and missed roll call votes 125, 126, and 127. Had I been present, I would have voted "aye" for 125, 126, and 127.

PARLIAMENTARY INQUIRIES

Mr. LAHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LAHOOD. Mr. Speaker, when a Member of the minority party offers a motion to reconsider on a bill and the bill is passed, the Speaker asks the Member if they are opposed to the bill and the Member answers to the House that they are opposed to the bill and then votes for the bill on final passage, is that a violation of the rules?

The SPEAKER pro tempore. As Members are aware, the first element of priority in recognition for a motion to reconsider is whether the Member seeking recognition is opposed to the main measure. Under the practice of the House exemplified in Cannon’s Precedents, volume 8, section 2770, the Chair accepts without question an assertion by a Member of the House that he is opposed to the measure in its current form.

Mr. LAHOOD. Mr. Speaker, I have a further parliamentary inquiry.

Mr. Speaker, I just want to note for the record that one of the Members who was on the motion to reconsider, the gentleman from Massachusetts, voted against the bill. The Member that offered the motion to reconsider voted for the bill, and I assume that then that is a violation of the rules.

The SPEAKER pro tempore. The Chair takes a Member at his word when he says he is opposed to the bill in its current form.

The gentleman from Illinois’s statement is noted.

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, if the Speaker takes the Member at their word, obviously we are dealing with either confusion or some other circumstance.

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland is recognized.

There was no objection.

Mr. HOYER. Mr. Speaker, this is the second week in a row that it is my perception that the motivations and intentions of a Member are being put in question. Now it is being put as a question of parliamentary procedure. Particularly the second speaker who spoke on this clearly implied that and meant to imply it.

First of all, I would say, Mr. Speaker, if Members’ amendments were made in order, if in a democratic fashion these amendments were made on the floor, in fact you were to subject yourself to debate and a fair vote on these issues, perhaps this issue would never come up.

Secondly, I would say, Mr. Speaker, as I said last week when another Member’s actions were questioned, whether they were within the ambit of the rules