

GAUGING AMERICAN PORT SECURITY ACT

MAY 30, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. KING of New York, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 4005]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4005) to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gauging American Port Security Act” or the “GAPS Act”.

SEC. 2. STUDY, REPORT, AND PLAN TO ADDRESS GAPS IN PORT SECURITY.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act the Secretary of Homeland Security shall—

(1) conduct a study of, and submit to the Congress a report on, remaining gaps in port security in the United States; and

(2) include in such report a prioritization of such gaps and a plan for addressing them.

(b) **FORM.**—The report required under subsection (a) shall be submitted in classified form but shall contain an unclassified annex.

SEC. 3. INFORMATION SHARING.

The Secretary of Homeland Security shall, in accordance with rules for the handling of classified information, share, as appropriate, with designated points of contact from Federal agencies and State, local, or tribal governments, and port system owners and operators, relevant information regarding remaining gaps in port security of the United States, prioritization of such gaps, and a plan for addressing such gaps. In the event that a designated point of contact does not have the necessary security clearance to receive such information, the Secretary shall help expedite the clearance process, as appropriate.

PURPOSE AND SUMMARY

The purpose of H.R. 4005 is to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them.

BACKGROUND AND NEED FOR LEGISLATION

More than 11 million cargo containers arrive in America's ports every year. These ports are responsible for moving imports and exports throughout the Nation on a daily basis, there are cargo ships coming to United States' shores from ports all over the world.

This bill asks that the Secretary of Homeland Security examine existing port security legislation. The Secretary is to determine if the current legislation is sufficient in protecting America's shores in the most efficient, cost effective, and preventative manner possible or if there are in fact gaps in the security of U.S. ports.

HEARINGS

No hearings were held on H.R. 4005.

COMMITTEE CONSIDERATION

The Committee met on May 9, 2012, to consider H.R. 4005, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The Committee adopted H.R. 4005, as amended, by unanimous consent.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Ms. HAHN (#1); was **AGREED TO** by unanimous consent.

An Amendment by Ms. SANCHEZ to the Amendment in the Nature of a Substitute (#1A); was **AGREED TO** by unanimous consent.

At the end of the bill add a new section entitled "Sec. 3. Information Sharing."

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 4005.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX
EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4005, the “Gauging American Port Security Act”, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

MAY 17, 2012.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4005, the Gauging American Port Security Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 4005—Gauging American Port Security Act

CBO estimates that implementing H.R. 4005 would cost about \$1 million in fiscal year 2013, from appropriated funds. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4005 would require the Department of Homeland Security (DHS) to conduct a study on gaps in security at U.S. ports. The study would be submitted to the Congress in classified form and contain an unclassified annex. In addition, the bill would direct DHS to share the results of the study, as appropriate, with federal agencies, state, local, and tribal governments, and port system owners and operators. Based on the cost of similar activities, CBO estimates that implementing H.R. 4005 would cost about \$1 million in fiscal year 2013, assuming availability of appropriated funds.

H.R. 4005 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 4005 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

The performance goal and objective of H.R. 4005 is to require the Secretary of Homeland Security to conduct a study on the remaining gaps in port security legislation.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 4005 does not preempt any State, local, or Tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that bill may be cited as the “Gauging American Port Security Act” or the “GAPS Act.”

Section 2. Study, report, and plan to address gaps in port security

This section mandates that not later than 1 year after enactment of this Act, the Secretary of Homeland Security must conduct a study of the remaining gaps in port security in the United States and submit a classified report to Congress prioritizing these gaps and a plan to address them.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 4005 does not make any changes to existing law.

