

109TH CONGRESS
2D SESSION

H. R. 4977

To place a 2-year moratorium on certain contracts to conduct port operations
in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Ms. JACKSON-LEE of Texas (for herself, Mr. HALL, Mr. REYES, Mr. CROWLEY, Mr. CUELLAR, Mr. BACA, and Mr. ORTIZ) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on International Relations and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To place a 2-year moratorium on certain contracts to conduct
port operations in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Save America’s Ports
5 Act of 2006”.

1 **SEC. 2. MORATORIUM ON CERTAIN CONTRACTS TO CON-**
2 **DUCT PORT OPERATIONS IN THE UNITED**
3 **STATES.**

4 (a) MORATORIUM.—During the 2-year period begin-
5 ning on the date of the enactment of this Act, no contract
6 providing for the operation of any seaport or other point
7 of entry into the United States may be entered into, modi-
8 fied, altered, or transferred, if a party to the contract is
9 or would be—

10 (1) a government which the Secretary of State
11 has determined, for purposes of section 6(j) of the
12 Export Administration Act of 1979, section 620A of
13 the Foreign Assistance Act of 1961, section 40 of
14 the Arms Export Control Act, or other provision of
15 law, is a government that has repeatedly provided
16 support for acts of international terrorism;

17 (2) a foreign terrorist organization designated
18 under section 219 of the Immigration and Nation-
19 ality Act;

20 (3) any foreign person determined, pursuant to
21 Executive Order 13224, to have committed, or to
22 pose a significant risk of committing, acts of ter-
23 rorism; or

24 (4) any other entity that is owned or controlled
25 by a government described in paragraph (1), an or-
26 ganization described in paragraph (2), or persons

1 described in paragraph (3), or any combination
2 thereof.

3 (b) CLARIFICATION.—For purposes of this section,
4 the operation of a seaport or port of entry includes—

5 (1) operations at such seaport or point of entry
6 relating to—

7 (A) the import or export of cargo, or the
8 movement of cargo in connection with such im-
9 port or export; or

10 (B) the arrival or departure of passengers
11 traveling by vessel or aircraft; and

12 (2) the operation, at such seaport or port of
13 entry, of any enterprise selling concessions or other
14 items.

15 **SEC. 3. STUDY AND REPORT BY COMPTROLLER GENERAL.**

16 (a) STUDY.—The Comptroller General shall conduct
17 a study on the following:

18 (1) The extent to which security operations at
19 United States seaports are managed by nationals of
20 foreign countries, including—

21 (A) an identification of the foreign coun-
22 tries involved;

23 (B) the general responsibilities and au-
24 thorities that the contracts accord to the for-
25 eign nationals; and

1 (C) the extent to which the contracts make
2 it possible for the foreign nationals to engage in
3 activities that could impact on the security of
4 the ports.

5 (2) Any incident in which foreign nationals de-
6 scribed in paragraph (1) have been charged with, or
7 convicted of, criminal conduct involving security op-
8 erations at United States seaports.

9 (3) A review of United States contracts to man-
10 age or supply United States seaports, taking effect
11 after December 31, 2001, with respect to the vulner-
12 ability of such seaports to threats to the national se-
13 curity of the United States, including an examina-
14 tion of—

15 (A) the number of such contracts awarded,
16 including the bid the number of international
17 parties represented in the contracts;

18 (B) the extent of oversight before the con-
19 tract was awarded and during the length of the
20 contract; and

21 (C) the relationship, if any, between the se-
22 curity breaches at the United States seaports
23 and the ownership or management of the sea-
24 ports.

1 (4) A review of the vulnerability of the ten larg-
2 est United States seaports to threats to the home-
3 land security of the United States, including threats
4 involving enemy infiltration, cargo shipping, and
5 passenger safety, among others.

6 (b) REPORT.—Not later than July 30, 2006, the
7 Comptroller General shall submit to the Committee on
8 Homeland Security of the House of Representatives and
9 the Committee on Homeland Security and Governmental
10 Affairs of the Senate a report on the results of the study
11 required by subsection (a).

12 **SEC. 4. STUDY AND REPORT BY SECRETARY OF HOMELAND**
13 **SECURITY.**

14 (a) STUDY.—The Secretary of Homeland Security
15 shall conduct a study on the status of security operations
16 at the ten largest United States seaports.

17 (b) REPORT.—Not later than July 30, 2006, the Sec-
18 retary of Homeland Security shall submit to the Com-
19 mittee on Homeland Security of the House of Representa-
20 tives and the Committee on Homeland Security and Gov-
21 ernmental Affairs of the Senate a report on the results
22 of the study required by subsection (a).

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