

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 Phillips, posted combined quarter profits of almost \$16 billion last week.

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 for 5 years.

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.

#### GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4954.

The SPEAKER pro tempore (Mr. POE). Is there objection to the request of the gentleman from New York?

There was no objection.

#### 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.

□ 1020

#### IN THE COMMITTEE OF THE WHOLE

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 rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes, and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will 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 also to the ranking member, Ms. LORETTA SANCHEZ, and to Ms. HARMAN 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 that come into 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; but the reality is that more has 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 unexamined, uninspected 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 in our ports.

This is a bill which I believe warrants the support of the entire House. It passed out of the subcommittee unani-

mously, 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 the bill before us today.

I especially want to commend my colleagues, Ms. LORETTA SANCHEZ and Ms. HARMAN, 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 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. We must do better. 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,  
Washington, DC, May 3, 2006.

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 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 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 should such a conference be convened.

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,  
Washington, DC, May 3, 2006.

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

DEAR CHAIRMAN KING: In recognition of the desire to expedite consideration of H.R. 4954, the "SAFE Port Act," the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in H.R. 4954 that implicate the Rule X jurisdiction of the Committee on the Judiciary.

The Committee takes this action with the understanding that by forgoing consideration of H.R. 4954, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee 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. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 4954 on

the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, May 3, 2006.

Hon. BILL THOMAS,  
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Ways and Means 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 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 Ways and Means Committee does not waive any of its jurisdictional prerogatives it may have over H.R. 4954. I also acknowledge my commitment regarding conference proceedings as reflected in your letter. 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 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 WAYS AND MEANS,  
Washington, DC, May 3, 2006.

Hon. PETER T. KING,  
Chairman, Committee on Homeland Security, Adams Building, Washington, DC.

DEAR CHAIRMAN KING: I am writing concerning H.R. 4954, the "SAFE Port Act," which the Committee on Homeland Security reported on April 28, 2006.

As you know, the Committee on Ways and Means has jurisdiction over trade and customs revenue functions. A range of provisions in H.R. 4954 affects the Committee's jurisdiction, including provisions that specifically mandate the use of customs duties for port security grants; authorize the Secretary of 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 the scoring of imports for inspection for customs duties; establish new confidentiality and advance filing requirements for trade import data; 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 Committees to address various issues, including changes you have included in the Manager's Amendment to the bill. I would like to specifically highlight and confirm your commitment that in the 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 "do not load" authority would be used to enforce the provision; and (3) the Committee on Ways and Means will be represented in all conference activities 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 our Committees. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its 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,  
Washington, DC, May 3, 2006.

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 in 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,  
Washington, DC, May 3, 2006.

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 sequential consideration of this bill by the Committee on Government Reform. However, I did so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

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 with the Senate. 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.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, April 28, 2006.

Hon. SHERWOOD BOEHLERT,  
Chairman, Committee on Science, Rayburn  
House Office Building, Washington, DC.

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 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 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 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 towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SCIENCE,  
Washington, DC, April 28, 2006.

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

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 jurisdictional interest in the sections listed below based on the Committee's black letter jurisdiction over the "National Institute of Standards and Technology (NIST) and the standardization of weights and measures." (Rule X(o)(7)). 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 based on the plain language of Rule X(o)(14) which grants the Science Committee jurisdiction over "Scientific research, development, and demonstration, and projects therefore."

1. Title I, Subtitle B, Section 112, Port Security Training Program—Section 112 adds a new section 802 to the Homeland Security Act of 2002. The Science Committee is interested in Section 112 but has particular interest in the language dealing with National

Voluntary Consensus Standards which directs the Secretary to "support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for port security training" and to ensure that training provided is consistent with such standards.

2. Certain Items Contained in Title I, Subtitle C, Section 201—Section 201 adds a new title to the Homeland Security Act of 2002. Within that title (Title XVIII), the Science Committee is interested in the following:

a. Section 1801, Strategic Plan To Enhance the Security of the International Supply Chain—Subsection 1801(d) on International Standards and Practices encourages the Secretary, as appropriate, "to establish standards and best practices for the security of containers moving through the International Supply Chain."

b. Section 1803, Plan To Improve the Automated Targeting System—Section 1803 requires the Secretary to develop and implement "a plan to improve the Automated Targeting System for the identification of high-risk containers moving through the International Supply Chain." This section contains a number of research and development pieces with the clearest example being the language on the "Smart System," which requires the incorporation of "smart features, such as more complex algorithms" instead of relying solely on rule sets. Such an effort to move away from a system solely based on rule sets would necessitate the need for research, development, testing and evaluation of these "smart features," including the more complex algorithms mentioned. This is clearly DHS research and development and would be carried out in coordination with DHS S&T.

c. Section 1804, Container Standards and Verification Procedures—Section 1804 requires the Secretary "to review the standards and procedures established" and "enhance the security standards and procedures, as appropriate, based on tests of technologies as they become commercially available." In addition, the Secretary "is encouraged to promote and establish international standards for the security of containers."

d. Section 1831, Research, Development, Test and Evaluation Efforts in Furtherance of Maritime and Cargo Security—Section 1831 directs the Secretary to conduct maritime and cargo security research, development, test, and evaluation activities and to consider demonstration projects. It also specifies that the Secretary, acting through the Under Secretary for Science and Technology, will coordinate these efforts within the Department.

e. Section 1832, Grants Under Operation Safe Commerce—Section 1832 directs the Secretary to provide grants "to test physical access control protocols and technologies" and "establish demonstration projects."

f. Section 1833, Definitions—Section 1833 provides definitions and other administrative language relating to the prior sections.

3. Title II, Subtitle C, Section 202, Next Generation Supply Chain Security Technologies—Section 202 directs the Secretary to "evaluate the development of nuclear and radiological detection systems and other inspection technologies" and to "determine if more capable commercially available technology exists" and meets technical requirements.

4. Title II, Subtitle C, Section 206, Study and Report on Advanced Imagery Pilot Programs—Section 206 directs the Secretary to "conduct a study of the merits of current container inspection pilot programs" and to conduct "an assessment of the impact of technology." The test and evaluation of technologies required to fulfill this section are an element of technology development and a responsibility of DHS S&T.

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, the position of Under Secretary for Policy and several Assistant Secretary positions. Several provisions in this title are of particular interest to the Science Committee, including language directing 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," "to 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 ("DNDO") at the Department. This amendment transfers from the Under Secretary of Science and Technology to the Director of DNDO "all Department programs and projects relating to nuclear and radiological detection research, development, 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 sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that 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,

SHERWOOD BOEHLERT,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, April 28, 2006.

Hon. JOE BARTON,  
Chairman, Committee on Energy and Commerce,  
Rayburn House Office Building, Wash-  
ington, DC.

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 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 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 Energy and Commerce 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 Energy and Commerce 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 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 towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC, April 28, 2006.*

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 expeditious manner. Accordingly, I will not exercise my Committee's 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 reserves its right to seek conferees 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 commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 4954 or similar legislation.

I request that you include this letter in 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.

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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 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 ensure 100 percent security at America's ports.

The SAFE Port Act is a common-sense, responsible and effective piece of legislation that is needed for the security of our Nation, and I urge my colleagues to vote "yes" on the bill.

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 process. Many of the provisions in this bill also come from a provision introduced by the gentlewoman, H.R. 4355, introduced in the 108th Congress.

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.

What is in 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 in this port bill.

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, we can't 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 bicameral, bipartisan product. Many 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 his was an inspired idea.

I co-sponsored the Ose bill some years back. 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 125 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 checks against terrorist and immigration lists 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 bill provides a 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 during, 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 \$58 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 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. HARMAN, 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 would identify and examine high-risk containers at foreign ports before they are loaded onto 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 policies; and, C, coordinate 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 118,000 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.

The SAFE Port Act is a good bill. It is a bipartisan solution for helping strengthen the security of our country, and I urge my colleagues to support it.

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.

Now, 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 of this administration 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, for the CSI program and the Megaports program? The Bush administration's bureaucracy says the technologies do work.

They say the technologies do not work. They say they will delay cargo. They are being used in Hong Kong. You can drive a truck past at 10 miles per hour.

They say, well, no one is reading the data. Why is no one reading the data? Because the U.S. will not assign people to read the data.

This is incredible. This loophole-ridden system has to stop. We need real security. You should have allowed an amendment. Why are you afraid to vote on an amendment for 100 percent screening?

Mr. KING of New York. Madam Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER), the chairman of the Subcommittee on Prevention of Nuclear and Biological Attack.

Mr. LINDER. Madam Chairman, I thank the gentleman for yielding. I thank the subcommittee chairman for bringing this to the floor with Ms. HARMAN.

I rise in support of H.R. 4954. While this legislation contains many important provisions, it also includes the language of H.R. 5029, a bipartisan proposal I introduced earlier this year to authorize the Domestic Nuclear Detection Office. DNDO is tasked with the job of developing a multi-layered global nuclear detection architecture designed to detect and prevent a nuclear attack before it gets here.

Madam Chairman, this is not an easy task. Despite claims by some to the contrary, we have heard numerous times in hearings and briefings by experts that existing technologies do not fully or effectively detect nuclear material. It is not available yet. And yet we are trying to insist that 100 percent of them be checked for nuclear material. The technology we have today will detect bananas, kitty litter, and tile, just as it does low-level radioactive material. There is new technology on the scene.

This bill includes support for a transformational research and development program to bring major improvements in the technology detection and the cost and ease of use. I also want to point out that this bill directs DNDO to deploy successfully tested technologies to ports of entry within 1 year of certification.

The key to next-generation systems is the likelihood that they will produce lower false alarm rates, thus minimizing disruptions to port operations. Rather than disrupting the flow of commerce to pull open a container of kitty litter, we ought to have the new technology, and we have got to be patient for it to be here.

I want to reiterate that this legislation takes a significant step forward in our Nation's efforts to counter nuclear and radiological threats. As such, I urge my colleagues to join me in supporting it.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. 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, Ms. LORETTA SANCHEZ for their tireless 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 models. 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, I think. 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 security 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 have talked to the Chair and we have talked to the ranking member about this, is what happened to the Markey-Nadler amendment mandating 100 percent screening.

I hope 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. DANIEL E. LUNGREN of California. Madam Chairman, I thank the gentleman for yielding me the time.

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. And 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.

In response to 9/11, the natural response 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 safety. But that does not 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 changing the world, and we 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. We are attempting to make us safer. Let us rejoice in this day and let us support this bill.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Madam Chairman, I thank my friend for yielding.

I rise in support of H.R. 4954, the Security and Accountability for Every Port Act.

Let me commend the sponsors for their hard work: Representative HARMAN; Representative DANIEL E. LUNGREN of California; Representative LORETTA SANCHEZ, ranking member; and the chairman for their foresight in the drafting of this piece of bipartisan port security legislation.

Although it is a good start, this bill does not go nearly far enough to protect our ports. I am very disappointed that the leadership has denied the American people the opportunity to debate and vote on an amendment that requires the scanning of 100 percent of the containers entering this country. This outrageous high-handedness by the Republican leadership endangers Americans by continuing the wink-and-nod approach of container inspection.

I will vote for H.R. 4954 because it makes modest progress toward safer ports in America. Every farmer, every business person, and every consumer in America relies on the products that come through our Nation's ports. And it is the responsibility of Congress to ensure that our country's maritime commerce is cost-effective; efficient; and above all, safe. I hope, as this legislative process moves forward, Congress can take a more meaningful action to strengthen our port security.

Mr. THOMPSON of Mississippi. Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I yield 2 minutes to the gentleman from Washington (Mr. REICHERT), the former sheriff of King County and chairman of the Subcommittee on Emergency Preparedness.

Mr. REICHERT. Madam Chairman, I thank the chairman for yielding.

Madam Chairman, as a member of the Homeland Security Committee and cosponsor of H.R. 4954, the SAFE Port Act, I am pleased to rise in support of this bipartisan legislation.

My district is home to two of our Nation's most critical seaports, the ports of Seattle and Tacoma. Ensuring their security is one of my highest priorities. The SAFE Port Act is a comprehensive approach that strikes a balance between security and commerce. Unlike other approaches to port security, the SAFE Port Act does not impose technically impossible solutions and mandates.

□ 1100

I was pleased that during committee markup of this legislation, the two amendments that I offered were included in this legislation. These amendments, which were drafted with my good friend from New Jersey, Mr. PASCRELL, will create a Port Security Exercise and Training Program.

As the chairman of the Subcommittee on Emergency Preparedness, I have repeatedly heard from first responders across our Nation about the importance of conducting exercises and training. The exercise portion of this legislation requires that the Secretary of Homeland Security establish a Port Security Exercise and Training Program for the purpose of testing and evaluating emergency capabilities of personnel at our Nation's ports.

The value of exercises cannot be understated. The success or failure of our

response to acts of terrorism or catastrophic natural disasters depends on effective coordination and cooperation. As a former law enforcement officer of 33 years, I know the importance of training. The Port Security Training Program will use multiple mediums to provide validated training at the awareness, performance and planning levels to first responders and commercial seaport personnel and management to ensure that they are able to do those things and more.

I would like to thank Chairman KING, Ranking Member THOMPSON, Chairman LUNGREN, Representative HARMAN and Ranking Member SANCHEZ for their bipartisan work on this important legislation.

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

Mr. KING of New York. Mr. Chairman, I am pleased to yield 2 minutes to 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.

Ms. GINNY BROWN-WAITE of Florida. Thank you, Mr. Chairman, for yielding me time.

Mr. Chairman, I rise today in support of the bill before us, the SAFE Port Act.

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 concerned about 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 wants to 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 does require 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 LUNGREN

and Congresswoman HARMAN for the opportunity to work with them on this very significant legislation. I urge all Members to support the SAFE Port Act.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE) for the purpose of a colloquy.

Mr. CASTLE. Mr. Chairman, I appreciate the opportunity to enter into a colloquy with the chairman of the Homeland Security Committee.

Chairman KING, I support your efforts to enhance security at our Nation's seaports. The Port of Wilmington in my home State of Delaware is among our Nation's busiest terminals, and this legislation truly is a comprehensive approach for improving port security. I commend your determination in taking on this challenge.

Unfortunately, Mr. Chairman, we still have not had success in developing a comparable strategy for securing our nation's rail systems. In the wake of attacks on rail lines in London and Madrid, it is clear that terrorist organizations are intent on disrupting surface transportation and mass transit systems around the world.

Despite these continuing threats, we have not made adequate progress in developing a comprehensive national rail security plan. The Federal efforts to bolster rail security have been sporadic and unfocused, while funding for rail and transit security grants in the annual Homeland Security Appropriations bill have remained stagnant.

Since the 2001 terrorist attacks, our government's transportation security efforts have consistently been described as "fighting the last war." Clearly, Congress must change course and get a few steps ahead, rather than constantly reacting to incidents and attacks once they have already occurred. We are very lucky that an attack on rail systems has not taken place in this country, and we now have a great opportunity to be proactive and pass real rail security legislation before it is too late.

I have introduced legislation to begin the process of addressing rail security in this country, and I know we share an interest in fixing this extremely inconsistent and flawed system.

I would appreciate the chairman's thoughts on this.

Mr. KING of New York. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from New York.

Mr. KING of New York. Mr. CASTLE, I share your concerns. The legislation under consideration today is only one part of an aggressive campaign to bring common sense to our homeland security efforts. Rail security has been one of my highest priorities, certainly coming from New York, which has one of the largest subway systems in the world. The terrorist attacks on the rail systems in London and Madrid were very grim reminders that our enemies are not above exploiting civilian targets.

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 security 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 seaports and we must 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 Nu-

clear 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 the best 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 DNDOD 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 of 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 Union technologically 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.

So this vote 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 long and productive, bipartisan 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 layers 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 will 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 on this legislation.

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 Bush. If you want 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 newspapers.

Yes, we can do 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.

□ 1115

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 try to make 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 down in Homeland Security. It is already down 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 side and Mr. LUNGREN, 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. Because 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. In conjunction with the national strategy for maritime security, there is now a meaningful framework for assessing, planning for, preventing and responding to maritime transportation security incidents.

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 identification credentials. 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 of our Nation's 361 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 reinventing 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 a container loaded with a potential bomb. What harm is there in debating an amendment that we did debate, we had discussion with 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 stood at the abyss 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 Semtec, stored in a cassette tape recorder, in a suitcase that should never have been forwarded on 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, yes, to 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 left on our side?

The Acting CHAIRMAN. The gentleman from New Jersey has 5½ minutes remaining.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of this legislation. I want to thank Mr. KING, Mr. LUNGREN, 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 again 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 nice bill. It has 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 bomb, to make 9/11 look like a fire cracker, 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 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 the result of 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, 10 seconds 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 that was 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 will 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, someone takes out a package of sneakers and puts in an 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 home 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 recognizes 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 since 9/11, our U.S. Customs and 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.

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

I spoke earlier about our experience with Pan Am 103, the report that 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 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 American 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.

The Democratic 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 gentlewoman 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 substances or devices.

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.

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.

An American company and skilled American workers supplying a very important device to American security personnel to protect America's ports. We are not outsourcing this job to anyone, Mr. Chairman, and the great workers of my district are doing their part to defend our Nation.

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

Chairman KING for being so open to so many ideas and Congressman LUNGREN also, to again thank Mr. OBERSTAR 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 moving forward. This is an extremely good bill. We should move forward with it, and I am asking every Member to please support it.

Ms. SCHWARTZ of Pennsylvania. 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 international trade entering our country.

But we must take a step forward, and the bill under consideration will improve many elements of security at our ports, which I have actively supported such as establishing a risk-based port security grant program and setting deadlines for a mandatory security identification card for port employees.

For this reason, I urge a "yes" vote on the bill. And, I will keep working to ensure security at all American ports.

Mr. CUMMINGS. Mr. Chairman, as a cosponsor of H.R. 4954, I rise today to express my support for the security improvements that this measure would require.

In particular, this bill would require the Department of Homeland Security to develop a strategic plan to resume trade in the event of some type of terrorist attack that disrupted international shipping to the United States.

In addition to providing for national planning, this measure would also strengthen the Coast Guard's oversight of port facility security plans by requiring the Coast Guard to verify the effectiveness of each port's plan at least twice each year.

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 Baltimore—to a firm owned by the government of Dubai 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 immeasurably 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. SMITH of Washington. Mr. Chairman, I rise today in support of H.R. 4954, the SAFE Port Act. I am proud to be an original cosponsor of this comprehensive, bipartisan legislation which will address one of the most significant challenges identified by the 9/11 Commission: an attack at our ports. I commend my colleagues for working together to bring forth this important piece of legislation that will enhance our security, improve the efficiency of trade and provide necessary funding for the critical missions of our Coast Guard, Customs and Border Agents, and others involved in the maritime industry.

The Puget Sound region has a long maritime history. As we've moved towards a global economy, Washington state had responded accordingly and has become an important global partner in facilitating and improving international commerce. It is estimated that 95 percent of U.S. trade flows through the nation's 361 ports, equaling almost \$1 trillion annually.

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 Fort 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 security efforts.

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 security 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 containers 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 allow us to better 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. 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 reorganization of the Department of Homeland Security, and micromanaging of port operations in this legislation are a paltry substitute for real security.

Apparently the Majority feared that common sense would prevail, as they won't even allow a vote on a Democratic amendment to scan 100 percent of containers within five years, following the model set by Hong Kong's successful Integrated Container Inspection System, which has operated since 2005 without significantly increasing costs or causing delays. The shipping industry itself admits that the maximum cost of 100 percent scanning would be \$125 per container. It could be as low as \$6.50 per container. Either way, it's a small price to pay for security when compared to the \$4,000 cost of shipping a container from Asia.

I will vote in favor of this bill because it is an improvement over the current system and sends more federal money to ports to improve their security. However, unlike my Republican colleagues, I will not claim "mission accomplished" on port security until we know what's in every container entering this country.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to address the ongoing debate of whether our port system can accommodate 100 percent screening of shipping containers headed through United States ports.

The case for 100 percent screening is not hard to make. Approximately 95 percent of our nation's trade, worth nearly \$1 trillion, enters or leaves through our seaports. Foreign vessels carry the bulk of the approximately 800 million tons of goods that come into our country. In fiscal year 2005 alone, more than 11 million containers arrived on American soil by sea, and this number is growing at a rate of over 10 percent a year. Given this enormous amount of traffic the need to ensure our nation's security is considerable.

Any assertion that technology does not exist to screen 100 percent of the cargo coming to the United States is simply incorrect. For several years, innovative small businesses have been busy improving upon existing technology. Just this month in my district, TMC Services, a small company located in Los Alamos, unveiled a prototype of an advanced spectroscopic radiation detection system. This mobile platform is designed to provide for 100 percent screening without unduly affecting port operations. The mobile and versatile system provides drive-through or drive-over inspection of containers and is intended for integration into the global detection network connected to a centralized nuclear data analysis center which is being developed by the Domestic Nuclear Detection Office (DNDO) at the Department of Homeland Security.

Mobile Point of Needs Detector System (MPONDS) is a unique systems engineered solution to the container screening problem and ahead of its time in terms of looking at all the pieces necessary to put together a coherent and effective port protection system. I saw

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 restrictive 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. 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

in February saying, "This is not a pie-in-the-sky idea. Since January 2005, every container entering the truck gates of two of the world's busiest container terminals, in Hong Kong, has passed through scanning and radiation detection devices. Images of the containers' contents are then stored on computers so that they can be scrutinized by American or other customs authorities almost in real time. Customs inspectors can then issue orders not to load a container that worries them."

If Hong Kong terminals can do it, certainly America can require other terminals to do it. The Hong Kong pilot program has shown that 100% scanning can work without slowing down commerce. If two of the busiest terminals in the world have been successful at 100% scanning, it is time that Congress insists on it for those who wish to ship to our ports—it is what we must do to protect the lives of all Americans.

Mr. HOLT. Mr. Chairman, I rise today in support of Security and Accountability for Every Port (SAFE Port) Act, H.R. 4954. In the 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 our economy 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, which 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 persist. Only 5 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 this essential issue. This bill takes important steps necessary to help secure out nation's ports and prevent dangerous materials from entering our country.

However, the bill is far from perfect. The Republican Majority wants to play word games with port security rather than 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 paper 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 inspection program at its ports. Unfortunately, my Republican colleagues denied 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 Con-

gress 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 \$400 million for port security funding for Fiscal Year 2006, but it was rejected by the Republican Majority, who is more interested in giving tax breaks the wealthiest Americans. We can and must do better for the security of the American people.

That is why I am glad that the SAFE Port Act would authorize \$400 million annually for port security grant programs to be distributed based on risk. This money is desperately needed by our nation's ports to ensure that terrorist do not smuggle dangerous materials in to our country. Further, this bill requires the Department of Homeland Security to hire an additional 200 port-of-entry inspectors every year for the next six years. These additional employees will help ensure that high risk containers are actually inspected.

The SAFE Port Act represents a bipartisan and thoughtful effort to address the important issue of port security. I am pleased that this bill authorizes approximately \$5 billion over six years to improve port and cargo security programs. This bill requires the Department of Homeland Security to finally develop a plan to deploy radiation detection systems at all American ports. It also strengthens the Container Security Initiative. Further, it authorizes almost \$2 billion for the Coast Guard to upgrade and replace its deteriorating equipment and ships.

The SAFE Port Act is a good bill and I urge my colleagues to support it. But we need more work remains to be done. We need to require 100 percent inspection of all cargo coming in to the United States. Anything less jeopardizes the security of the American people.

Ms. WATERS. Mr. Chairman, I rise in strong support of H.R. 4954, SAFE Ports Act. Port Security has been on everyone's lips for the past two months with the proposed sale of the six major U.S. ports to the Dubai World Ports, a state-sponsored company backed by The United Arab Emirates. However, we all realize that port security was not really addressed by the outcome on that deal. What we still have at our ports is the free movement of cargo from just about every place in the world. Something must be done to establish security at our American ports. Today, we have an opportunity to do just that by supporting, H.R. 4954, SAFE Ports Act.

The major provisions of the bill address a number of issues that became even more relevant after the Dubai debacle. One, the bill establishes security standards for all cargo containers entering the U.S. after six months of enactment. This is long overdue, since containers represent the major device being handled by our Ports. The Port of Los Angeles handled 7.3 million containers in 2005, and is expected to handle even more this year, setting new records. The bill also authorizes a study of the current radiation and nuclear detection scanning technology. It came to light that this type of technology in this country is not up to par with many of our trading partners. Moreover, the bill creates a dedicated stream of funding for port security, which is necessary to maintain the level of security recommended by our own Coast Guard.

In addition, the bill would establish a Port security worker training and exercise program. This would ensure the readiness of these workers, particularly in a changing threat environment. Port security personnel must be prepared for these threats. The bill also accelerates the U.S. Coast Guard Deepwater program. Further, the bill established maritime command centers to ensure a coordinated response to our Port security needs.

Similar measures have advanced in the Senate, where Senators STEVENS and INOUE have introduced S. 1052, the Transportation Security Improvement Act of 2005, and Senators COLLINS and MURRAY the Greenlane Maritime Act, S. 2008. These bills require marine terminal operators to comply with Coast Guard regulations to secure cargo and terminal facilities at all of our nation's ports, regardless of who operates them.

Inspections of all containers and security measures like the security IDs are important to security. Port Security is a major issue in the State of California, and of major concern to me is security at the Port of Los Angeles, one of the nation's busiest ports. The Port of Los Angeles is the largest container complex operating in the U.S., and the 8th busiest container port in the world. When combined with the Port of Long Beach the two ports rank as the 5th busiest in the world. The Los Angeles Port handles 162 million metric tons of cargo (7.3 million containers) in 2005, representing approximately \$150 billion.

What is astounding is that the Los Angeles Port covers 7500 acres, 8300—water and—4200 land. This means that the Port of Los Angeles has 43 miles of water front facilities to secure. The City of Los Angeles cannot provide adequate security alone for the Port, but in cooperation with the federal government we can begin to address the concerns of workers, port and terminal operators, and others, by supporting this bill.

Mr. KING of New York, Mr. Chairman, I have discussed this issue with the ranking member, Mr. THOMPSON, and it is important to note today, as we consider the SAFE Port Act, that the Committee on Homeland Security is concerned that the list of criminal offenses that will initially disqualify a worker from holding a maritime transportation security card includes vague and overly broad crimes. The proposed list of disqualifying offenses appears to go significantly beyond the already existing mandate of exclusion and we hope that TSA and the Coast Guard, as it finalizes its rules, will narrow and limit the list of disqualifying criminal offenses to more accurately identify individuals that pose a terrorism security risk and who are therefore unworthy to hold a maritime transportation security card.

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 already 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” takes to address port security.

We must 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 en route to 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 this Congress has the fortitude to demand total cargo scanning 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 ammunitions, 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 local citizens, but 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 takes a tragedy in this county for us 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 port ,and waterways. The citizens of this nation. deserve no less.

The Acting CHAIRMAN (Mr. PUTNAM). 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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**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.

**TITLE I—SECURITY OF UNITED STATES SEAPORTS**

*Subtitle A—General Provisions*

Sec. 101. Definition of transportation security incident.

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—Grant and Training Programs*

Sec. 111. Port security grant program.

Sec. 112. Port security training program.

Sec. 113. Port security exercise program.

Sec. 114. Reserve officers and junior reserve officers training pilot project.

*Subtitle C—Miscellaneous Provisions*

Sec. 121. Increase in port of entry inspection officers.

Sec. 122. Acceleration of Integrated Deepwater System.

Sec. 123. 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.

**TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN**

Sec. 201. Security of the international supply chain.

Sec. 202. Next generation supply chain security technologies.

Sec. 203. Uniform data system for import and export information.

Sec. 204. Foreign port assessments.

Sec. 205. Pilot program to improve the security of empty containers.

Sec. 206. Study and report on advanced imagery pilot programs.

**TITLE III—DIRECTORATE FOR POLICY, PLANNING, AND INTERNATIONAL AFFAIRS**

Sec. 301. Establishment of Directorate.

**TITLE IV—OFFICE OF DOMESTIC NUCLEAR DETECTION**

Sec. 401. Establishment of Office.

Sec. 402. Nuclear and radiological detection systems.

**SEC. 2. FINDINGS.**

*Congress makes the following findings:*

(1) Maritime vessels are the primary mode of transportation for international trade and they carry over 80 percent of international trade by volume.

(2) In 2004, maritime vessels carried approximately 9,700,000 shipping containers into United States seaports at an average of 27,000 containers per day.

(3) The security of the international container supply chain and the maritime transportation system is critical for the prosperity and liberty of all countries.

(4) In its final report, the National Commission on Terrorist Attacks Upon the United States noted, “While commercial aviation remains a possible target, terrorists may turn their attention to other modes of transportation. Opportunities to do harm are as great, or greater in maritime or surface transportation.”

(5) In May 2002, the Brookings Institution estimated that costs associated with United States port closures from a detonated terrorist weapon could add up to \$1 trillion from the resulting economic slump and changes in our Nation’s inability to trade. Anticipated port closures on the west coast of the United States could cost the United States economy \$1 billion per day for the first five days after a terrorist attack.

(6) Significant steps have been taken since the terrorist attacks against the United States that occurred on September 11, 2001:

(A) Congress passed the Maritime Transportation Security Act of 2002 on November 14, 2002.

(B) The Coast Guard issued a comprehensive set of port security regulations on October 22, 2003.

(C) The International Maritime Organization adopted the International Ship and Port Facility (ISPS) Code in December 2002.

(D) The White House issued Homeland Security Presidential Directive-13 in September 2005 which lays out requirements for a comprehensive maritime security policy.

(7) Through both public and private projects, the private sector in the United States and overseas has worked with the Department of Homeland Security to improve the security of the movement of cargo through the international supply chain.

(8) Despite these steps, security gaps in the maritime transportation system remain, resulting in high-risk container systems not being

checked 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 applying a multi-layered approach to supply chain security, in a coordinated fashion. Current supply chain programs within the Federal Government have been independently operated, often falling short of gains 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 investments.

(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 global economy, raise investor confidence, 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.

(11) 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” has the meaning given the term 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 70101(6) of title 46, United States Code, is amended by inserting after “economic disruption” the following “(other than economic disruption caused by acts that are unrelated to terrorism and are committed during a labor strike, demonstration, or other type of labor unrest)”.

#### SEC. 102. PROTOCOLS 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)(i)”;

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

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

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

“(II) coordination with appropriate Federal, State, and local agencies and the private sector on law enforcement actions, inter-modal rerouting plans, and identification and prioritization of goods that may enter the United States; and

“(III) designation of appropriate Federal officials to work with port authorities to reestablish the flow of cargo by prioritizing shipments based on appropriate 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 180 days after the date of the enactment of this Act.

#### SEC. 103. REQUIREMENTS RELATING TO MARITIME FACILITY 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) 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 qualified individual having 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 that title 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 watchlists to ensure that the individual is not identified on any such terrorist watchlist.

(c) **FACILITY SECURITY ACCESS.**—Section 70103(c)(3)(C)(ii) of title 46, United States Code, is amended by adding at the end before the semicolon 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.

Subparagraph (D) of section 70103(c)(4) of title 46, United States Code, is 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.”.

#### 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 70105 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 seaports facilities under subsection (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 first 25 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 issue transportation security cards to individuals at all other seaport facilities.

(c) **INTERIM VERIFICATION OF INDIVIDUALS.**—

(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 seaport facility (as designated in an 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 poses a threat; and

(B) determine whether each such individual may be denied admission to the United States, or removed from the United States, under the Immigration and Nationality Act (8 U.S.C. 1101 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).

(4) **PRIVACY REQUIREMENTS.**—Terrorist watch list comparisons and immigration records checks under this subsection shall be carried out in accordance with the requirements of section 552a of title 5, United States Code.

(5) **RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.**—

(A) **RESTRICTION ON DISCLOSURE.**—Information obtained by the Secretary in the course of comparing the individual against terrorist watch lists under this subsection may not be made available to the public, including the individual’s employer.

(B) **CONFIDENTIALITY; USE.**—Any information constituting grounds for prohibiting the employment of an individual in a position described in paragraph (1)(A) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section. The Secretary may share any such information with appropriate Federal, State, local, and tribal law enforcement agencies.

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

(d) **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 made in conducting terrorist watch list comparisons, and the number of individuals found to be unlawfully present in the United States, under subsection (c);

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

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

(e) **TREATMENT OF INDIVIDUALS RECEIVING HAZARDOUS MATERIALS ENDORSEMENTS.**—

(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 that an individual does not pose a risk warranting denial of a transportation security card issued under section 70105 of title 46, United States Code, if such individual—

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

(B) possesses a current and valid hazardous materials endorsement in accordance with 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 obtaining a transportation security card under section 70105 of title 46, United States Code, for any individual referred to in paragraph (1).

(f) **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) of” before “paragraph (1)”.

**SEC. 107. LONG-RANGE VESSEL TRACKING.**

(a) **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”.

(b) **VOLUNTARY PROGRAM.**—The Secretary of Homeland Security may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under subsection (a) of such section.

**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 and maritime 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 connectivity, 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) implement the transportation security incident response plans required under section 70104;

“(3) 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. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

“(4) conduct short- and long-range vessel tracking under sections 70114 and 70115; and

“(5) carry out such other responsibilities as determined by the Secretary.

“(e) **SECURITY CLEARANCES.**—The Secretary shall sponsor and expedite individuals participating in a maritime security command center described in subsection (a) in gaining or maintaining their security clearances. Through the Captain of the Port, 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 the Security and Accountability For Every Port Act.”.

(b) **CLERICAL AMENDMENT.**—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.”.

(c) **IMPLEMENTATION PLAN AND BUDGET ANALYSIS.**—The Secretary of Homeland Security shall submit to the appropriate congressional committees a plan for the implementation of section 70122 of title 46, United States Code, as added by subsection (a), and a budget analysis for the implementation of such section, including additional cost-sharing arrangements with other Federal departments and agencies and other participants involved in the maritime security command centers described in such section, not later than 180 days after the date of the enactment of this Act.

**Subtitle B—Grant and Training Programs**

**SEC. 111. PORT SECURITY GRANT PROGRAM.**

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

(1) by redesignating the second section 510 (as added by section 7303(d) of Public Law 108–458 (118 Stat. 3844)) as section 511; 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 develop a prioritization for 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.**—

“(1) **IN GENERAL.**—Any entity or facility subject to an Area Maritime Transportation Security Plan required under subsection (b) or (c) of section 70103 of title 46, United States Code, may 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.

“(2) **MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.**—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;

“(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, as identified in 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) a determination by the Captain of the Port that the project—

“(i) addresses or corrects port security vulnerabilities; and

“(ii) helps to ensure compliance with the Area Maritime Transportation Security Plan.

“(3) **PROCEDURAL SAFEGUARDS.**—The Secretary, in consultation with the Office of the Inspector General and the Office of Grants and Training, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

“(A) grant funds are used for the purposes for which they were made available;

“(B) grantees have properly accounted for all expenditures of grant funds; and

“(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

“(d) **USE OF FUNDS.**—Grants awarded under this section may be used—

“(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 non-Federal projects contributing to the overall security of a seaport or a system of United States seaports, as determined by the Secretary;

“(4) 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 MARSEC Level 2 or 3;

“(5) for 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;

“(6) to conduct vulnerability assessments approved by the Secretary;

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

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

“(9) to establish or enhance mechanisms for sharing terrorism threat information;

“(10) for the cost of equipment (including software) required to receive, transmit, handle, and store classified information;

“(11) for the protection of critical infrastructure against potential attack by the addition of

barriers, 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) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the grant; and

“(12) to conduct port-wide exercises to strengthen emergency preparedness of Federal, State, territorial, and local officials responsible for port security, including law enforcement personnel and firefighters and other first responders, in support of the Area Maritime Security Plan.

“(e) **PROHIBITED USES.**—Grants awarded under this section may not be used to—

“(1) supplant State or local funds for activities of the type described in subsection (d);

“(2) construct buildings or other physical facilities;

“(3) acquire land; or

“(4) make any State or local government cost-sharing contribution.

“(f) **MATCHING REQUIREMENT.**—

“(1) **IN GENERAL.**—Except as provided in subparagraph (A) or (B) of paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

“(2) **EXCEPTIONS.**—

“(A) **SMALL PROJECTS.**—The requirement of paragraph (1) shall not apply with respect to a project with a total cost of not more than \$25,000.

“(B) **HIGHER LEVEL OF FEDERAL SUPPORT REQUIRED.**—The requirement of paragraph (1) shall not apply with respect to a project if the Secretary determines that the project merits support and cannot be undertaken without a higher rate of Federal support than the rate described in paragraph (1).

“(3) **IN-KIND CONTRIBUTIONS.**—Each recipient of a grant under this section may meet the requirement of paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, as determined by the Secretary, including any necessary personnel expenses, contractor services, administrative costs, equipment, fuel, or maintenance, and rental space.

“(g) **MULTIPLE PHASE PROJECTS.**—

“(1) **IN GENERAL.**—The Secretary may award grants under this section for projects that span multiple years.

“(2) **FUNDING LIMITATION.**—Not more than 20 percent of the total grant funds awarded under this section in any fiscal year may be awarded for projects that span multiple years.

“(h) **CONSISTENCY WITH PLANS.**—The Secretary shall ensure that each grant awarded under this section—

“(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

“(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

“(i) **COORDINATION AND COOPERATION.**—The Secretary—

“(1) shall ensure that all projects that receive grant funding under this section within any area defined in an Area Maritime Transportation Security Plan are coordinated with other projects in such area; and

“(2) may require cooperative agreements among users of the seaport and seaport facilities with respect to projects funded under this section.

“(j) **REVIEW AND AUDITS.**—The Secretary shall require all grantees under this section to maintain such records as the Secretary may require and make such records available for review and audit by the Secretary, the Comptroller General of the United States, or the Inspector General of the Department.

“(k) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated \$400,000,000 for each of fiscal years 2007 through 2012 to carry out this section.

“(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) **CLERICAL AMENDMENT.**—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. Urban and other high risk area communications capabilities.

“Sec. 512. Port security grant program.”.

(c) **REPEAL.**—

(1) **IN GENERAL.**—Section 70107 of title 46, United States Code, is hereby repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70107.

**SEC. 112. PORT SECURITY TRAINING PROGRAM.**

(a) **IN 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) **IN GENERAL.**—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and U.S. Customs and Border Protection, 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) **REQUIREMENTS.**—The Program shall provide validated training that—

“(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, 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 delivery;

“(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;

“(H) security threats and patterns;

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

“(J) 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 Guidance, 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.

“(c) **NATIONAL VOLUNTARY CONSENSUS STANDARDS.**—The Secretary shall—

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

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

“(d) **TRAINING PARTNERS.**—In developing and delivering training under the Program, the Secretary shall—

“(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or 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.

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

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

“(2) 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.”.

(b) **CLERICAL AMENDMENT.**—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 801 the following:

“Sec. 802. Port security training program.”.

(c) **VESSEL AND FACILITY SECURITY PLANS.**—Section 70103(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking “the training, periodic unannounced drills, and”

(2) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), 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) **IN GENERAL.**—Subtitle A of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361), as amended by section 112, is further amended by adding at the end the following new section:

**“SEC. 803. PORT SECURITY EXERCISE PROGRAM.**

“(a) **IN 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) REQUIREMENTS.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and U.S. Customs and Border Protection, shall ensure that the Program—

“(1) consolidates all existing port security exercise programs administered by the Department;

“(2) conducts, 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;

“(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection 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; governmental and nongovernmental emergency response providers, and the private sector; and

“(G) followed by remedial action in response to lessons learned; and

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

“(A) conform to the requirements of paragraph (2); 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) monitor the implementation of lessons learned and best practices by participants in the Program; and

“(4) conduct 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 that have conducted 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—

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

“(2) 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.”

(b) 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 in which the Coast Guard is operating (in this section referred to as the “Secretary”) 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 each 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; and

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

(d) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide—

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

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

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

(e) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may authorize a selected college, university, or high school 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 of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty with the Coast Guard during that period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) PAYMENT TO THE SCHOOL.—The Secretary shall pay to a selected college, university, or high school an amount equal to one half of the amount described in subparagraph (A), from funds appropriated for that purpose.

(f) AUTHORIZATION OF APPROPRIATIONS.—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 C—Miscellaneous Provisions**

**SEC. 121. INCREASE IN PORT OF ENTRY INSPECTION OFFICERS.**

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than 200 the number of positions for full-time active duty port of entry inspection officers of the Department of Homeland Security for each of the fiscal years 2007 through 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 DEEP-WATER SYSTEM.**

In addition to any other amounts authorized by law, there is authorized to be appropriated to the Secretary of Homeland Security \$1,892,000,000 for the acquisition and construction of vessels, aircraft, shore and offshore facilities and other components associated with the Integrated Deepwater System in accordance with the report required by section 888 of the Homeland Security Act of 2002 (116 Stat. 2250).

**SEC. 123. BORDER PATROL UNIT FOR UNITED STATES VIRGIN ISLANDS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

**SEC. 124. REPORT ON OWNERSHIP AND OPERATION OF UNITED STATES SEAPORTS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report that contains—

(1) the name of each individual or entity that leases, operates, manages, or owns real property or facilities at each United States seaport; and

(2) any other information that the Secretary determines to be appropriate.

**SEC. 125. REPORT ON SECURITY OPERATIONS AT CERTAIN UNITED STATES SEAPORTS.**

(a) STUDY.—The Secretary of Homeland Security shall conduct a study on the adequacy of security operations at the ten United States seaports that load and unload the largest amount of containers.

(b) REPORT.—Not later than 270 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).

**SEC. 126. REPORT ON ARRIVAL AND DEPARTURE MANIFESTS FOR CERTAIN COMMERCIAL VESSELS IN THE UNITED STATES VIRGIN ISLANDS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the impact of implementing the requirements of section 231 of the Immigration and Nationality Act (8 U.S.C. 1221) (relating to providing United States border officers with arrival and departure manifests) with respect to commercial vessels that are fewer than 300 gross tons and operate exclusively between the territorial waters of the United States Virgin Islands and the territorial waters of the British Virgin Islands.

**TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN**

**SEC. 201. SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.**

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

**“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.**

“(a) STRATEGIC PLAN.—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private sector stakeholders responsible for security matters that affect or relate to 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.

“(b) REQUIREMENTS.—The strategic plan required under subsection (a) shall—

“(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private sector stakeholders that relate to the security of the movement of containers through the international supply chain;

“(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

“(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

“(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

“(5) build on available resources and consider costs and benefits;

“(6) provide incentives for additional voluntary measures to enhance cargo security, as determined by the Secretary;

“(7) consider the impact of supply chain security requirements on small and medium size companies;

“(8) include a process for sharing intelligence and information with private sector stakeholders to assist in their security efforts;

“(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

“(10) provide a plan for the expeditious resumption of the flow of legitimate trade in accordance with section 70103(a)(2)(J)(ii) of title 46, United States Code;

“(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs; and

“(12) expand upon and relate to existing strategies and plans, including the National Strategy for Maritime Security and the eight supporting plans of the Strategy, as required by Homeland Security Presidential Directive-13 (September 2005).

“(c) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

“(d) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

“(e) REPORT.—

“(1) INITIAL REPORT.—The Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

“(2) FINAL REPORT.—Not later than three years after the date on which the strategic plan is submitted under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report that contains an update of the strategic plan.

“(f) DEFINITION.—In this section, the term ‘transportation security incident’ has the meaning given the term in section 70101(6) of title 46, United States Code.

**“SEC. 1802. TRANSMISSION OF ADDITIONAL DATA ELEMENTS FOR IMPROVED HIGH RISK TARGETING.**

“(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 be provided as advanced information with respect to cargo destined for importation into the United States prior to loading of such cargo on vessels at foreign seaports.

“(b) REGULATIONS.—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. 2071 note), including provisions relating to consultation, technology, analysis, use of information, confidentiality, and timing requirements.

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

“(a) PLAN.—The Secretary shall develop and implement a plan to improve 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 SUBMISSIONS.—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, appropriate confidentiality requirements with respect to such information, and appropriate timing of the submission of such information, in the plan required under subsection (a).

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

“(e) AUTHORIZATION OF APPROPRIATIONS.—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 VERIFICATION PROCEDURES.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish minimum standards and verification procedures for securing containers in transit to the United States relating to the sealing of containers.

“(2) DEADLINE FOR ENFORCEMENT.—Not later than two years after the date on which the standards and procedures are established pursuant to paragraph (1), all containers bound for ports of entry in the United States shall meet such standards and procedures.

“(b) REVIEW AND ENHANCEMENT.—The Secretary shall regularly—

“(1) review the standards and procedures established pursuant to subsection (a); and

“(2) enhance the security standards and procedures, as appropriate, based on tests of technologies as they become commercially available to detect container intrusion and the highest consequence threats, particularly weapons of mass destruction.

“(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards 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.

“(d) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out this section, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under this section do not violate international trade obligations or other international obligations of the United States.

**“SEC. 1805. CONTAINER SECURITY INITIATIVE (CSI).**

“(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 before the containers are shipped to the United States.

“(b) ASSESSMENT.—Before the Secretary designates any foreign port under CSI, the Secretary, in consultation with other Federal officials, as appropriate, shall conduct an assessment of the port, including—

“(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 of security practices by the Department.

“(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—

“(A) establish technical capability criteria and standard operating procedures for the use of nonintrusive inspection and nuclear and radiological detection systems in conjunction with CSI;

“(B) require each port designated under CSI to operate nonintrusive inspection and nuclear and radiological detection systems in accordance with the technical capability criteria and standard operating procedures established under subparagraph (A); and



“(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 of any other department or agency of the Federal government with respect to deployment of nuclear and radiological detection systems outside the United States.

“(3) **FOREIGN ASSISTANCE.**—

“(A) **IN GENERAL.**—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and the heads of other Federal agencies, shall identify foreign assistance programs that could facilitate the implementation of cargo security antiterrorism measures at ports designated under CSI and foreign ports not designated under CSI that lack effective antiterrorism measures.

“(B) **ACQUISITION.**—The Secretary is authorized to loan or otherwise assist in the deployment of nonintrusive inspection or nuclear and radiological detection systems for cargo containers at each designated CSI port under such terms and conditions as the Secretary determines to be appropriate and to provide training for foreign personnel involved in CSI.

“(e) **PROHIBITION.**—

“(1) **IN GENERAL.**—The Secretary shall issue a ‘do not load’ order to each port designated under CSI to prevent the onload of any cargo that has been identified as higher risk by the Automated Targeting System unless the cargo—

“(A) is scanned with a non intrusive imagery device and nuclear or radiological detection equipment;

“(B) is devanned and inspected with nuclear or radiological detection equipment; or

“(C) is determined to be of lower risk following additional inquiries by appropriate personnel of U.S. Customs and Border Protection.

“(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to interfere with the ability of the Secretary to deny entry of any cargo into the United States.

“(f) **REPORT.**—The Secretary shall submit to the appropriate congressional committees 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.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$196,000,000 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 related to securing 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.

“(d) **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 be used exclusively for ensuring security and shall not be used for determining entry or for any other commercial enforcement purpose. The voluntary 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.

“(f) **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 within companies that are determined to be low risk through participation in the Customs-Trade Partnership Against Terrorism program established pursuant to subtitle B of this title.

“(g) **CONFIDENTIALITY.**—Notwithstanding any other provision of law, information that is voluntarily submitted by the private sector to the Department through the system developed under subsection (b)—

“(1) shall be exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

“(2) shall not, without the written consent of the person or entity submitting such information, be used directly by the Department or a third party, in any civil action arising under Federal or State law if such information is submitted in good faith; and

“(3) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this section, except—

“(A) in furtherance of an investigation or other prosecution of a criminal act; or

“(B) when disclosure of the information would be—

“(i) to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee thereof or subcommittee of any such joint committee; or

“(ii) to the Comptroller General, or any authorized representative of the Comptroller General, in the course of the performance of the duties of the Comptroller General.

“(h) **INDEPENDENTLY OBTAINED INFORMATION.**—Nothing in this section shall be construed to limit or otherwise affect the ability of a Federal, State, or local, government entity, under applicable law, to obtain supply chain security information, including any information lawfully and properly disclosed generally or broadly to the public and to use such information in any manner permitted by law.

“(i) **PENALTIES.**—Whoever, being an officer or employee of the United States or of 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 in this section from disclosure, shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both, and shall be removed from office or employment.

“(j) **AUTHORITY TO ISSUE WARNINGS.**—The Secretary may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general 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; and

“(2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

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

**“SEC. 1811. ESTABLISHMENT.**

“(a) **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.

“(b) **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 supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C-TPAT.

**“SEC. 1813. MINIMUM REQUIREMENTS.**

“An applicant seeking to participate in C-TPAT shall—

“(1) demonstrate a history of moving commerce in the international supply chain;

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

“(A) business partner requirements;

“(B) container security;

“(C) physical security and access controls;

“(D) personnel security;

“(E) procedural security;

“(F) security training and threat awareness; and

“(G) information technology security;

“(3) implement and maintain security measures and supply chain security practices meeting security criteria; and

“(4) meet all other requirements established by the Secretary.

**“SEC. 1814. TIER ONE PARTICIPANTS.**

“(a) **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).

“(b) **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 in accordance with section 1817, the security measures and supply chain security practices of that participant. Such validation shall include assessments at appropriate foreign locations utilized by 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 Commissioner of U.S. Customs and Border Protection may—

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

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

“(c) **RIGHT OF APPEAL.**—A C-TPAT participant described in subsection (b) may file an appeal with the Secretary of the Commissioner’s

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 third 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 70103(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 and the National Maritime Security Advisory Committee, may provide benefits to C-TPAT participants under this section, which may include—

“(1) the expedited release of tier three cargo 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 security device’ 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 VIII of this Act to review and designate 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 (or updates thereto) 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 between 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.

“(c) **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 or 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) revoke 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 pilot 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 30 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 cargoes 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 Department 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, vessels, and vehicles;

“(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; and

“(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 noncontainerized 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 DUPLICATION OF EFFORT.—Before providing 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 obligations and expenditures of such amounts are consistent with the purposes for which such amounts are 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 that brings together private sector shareholders, port officials, and Federal, State, and local representatives to analyze existing security procedures for cargo and develop new security protocols that have the potential to increase the security of cargo shipments by monitoring the movement and integrity of cargo through the international supply chain.

“(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 Security 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 of a conveyance using non-intrusive inspection (NII) technology, for the presence of contraband.

“(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-vanned and visually inspected for the presence of 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. Transmission 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. Minimum 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.”.

(c) EFFECTIVE DATES.—The Secretary of Homeland Security shall—

(1) submit to the appropriate congressional committees the report required by section 1801(e)(1) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of enactment of this Act;

(2) promulgate regulations under section 1802(b) of the Homeland Security Act of 2002, as added by subsection (a), not later than one year after the date of the enactment of this Act;

(3) develop and implement the plan to improve the Automated Targeting System under section 1803(a) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act,

(4) develop the standards and verification procedures described in section 1804(a)(1) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act;

(5) begin exercising authority to issue a “do not load” order to each port designated under CSI pursuant to section 1805(e) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act;

(6) develop the secure electronic data interchange system under section 1806(b) of the Homeland Security Act of 2002, as added by subsection (a), not later than one year after the date of the enactment of this Act;

(7) update guidelines for certifying a C-TPAT participant’s security measures and supply chain security practices under section 1814(b) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act;

(8) develop a schedule and update guidelines for validating a C-TPAT participant’s security measures and supply chain security practices under section 1815 of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of enactment of this Act;

(9) provide appropriate benefits described in subsection (d) of section 1816 of the Homeland Security Act of 2002, as added by subsection (a), to C-TPAT participants under section 1816 of

such Act beginning not later than two years after the date of the enactment of this Act; and

(10) carry out the pilot program described in section 1818(f) of the Homeland Security Act of 2002, as added by subsection (a), beginning not later than one year after the date of the enactment of this Act for a duration of not less than a one-year period.

**SEC. 202. NEXT GENERATION SUPPLY CHAIN SECURITY TECHNOLOGIES.**

(a) **EVALUATION OF EMERGING TECHNOLOGIES.**—While maintaining the current layered, risk-based approach to screening, scanning, and inspecting cargo at foreign ports bound for the United States in accordance with existing statutory provisions, 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 containers scanned prior to loading on vessels bound for the United States.

(b) **EMERGING TECHNOLOGY.**—Not later than one year after the date of the enactment of this Act, the Secretary shall, having evaluated emerging technologies under subsection (a), determine if more capable, commercially available technology exists, 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) does not significantly impact trade capacity and flow of cargo at foreign or 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) **REPORT.**—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 “nuclear and radiological detection system” means any technology that is 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 of international cargoes.

(b) **PRIVATE SECTOR CONSULTATION.**—The President shall consult with private sector stakeholders in developing uniform data submission requirements, 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 section shall be construed to prevent any Federal department or agency from collecting import and export information under any other provision of law.

**SEC. 204. FOREIGN PORT ASSESSMENTS.**

Section 70108 of title 46, United States Code, is amended by adding at the end the following:

“(d) **PERIODIC REASSESSMENT.**—The Secretary, acting through the Commandant of the Coast Guard, 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.”.

**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 that contains—

(1) the results of pilot program; and

(2) the determination of the Secretary whether or not to expand the pilot program.

**SEC. 206. STUDY AND REPORT ON ADVANCED IMAGERY PILOT PROGRAMS.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security, in consultation 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 move 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 by U.S. Customs and Border Protection to validate the data generated from the pilot programs;

(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

(D) an assessment of the impact of technology or processes utilized in the pilot programs on improving cargo operations and security.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains—

(1) the results of the study required under subsection (a); and

(2) recommendations to improve container security programs within the Department of Homeland Security.

**TITLE III—DIRECTORATE FOR POLICY, PLANNING, AND INTERNATIONAL AFFAIRS**

**SEC. 301. ESTABLISHMENT OF DIRECTORATE.**

(a) **ESTABLISHMENT.**—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title VI as title XIX, and moving such title so as to appear after title XVIII, as added by section 201;

(2) by striking the heading for such title and inserting the following:

**“TITLE XIX—MISCELLANEOUS PROVISIONS”.**

(3) by redesignating section 601 as section 1901; and

(4) by inserting after title V the following new title:

**“TITLE VI—POLICY, PLANNING, AND INTERNATIONAL AFFAIRS**

**“SEC. 601. DIRECTORATE FOR POLICY, PLANNING, AND INTERNATIONAL AFFAIRS.**

“(a) **ESTABLISHMENT.**—There shall be in the Department a Directorate for Policy, Planning, and International Affairs.

“(b) **UNDER SECRETARY FOR POLICY.**—

“(1) **IN GENERAL.**—The head of the Directorate shall be the Under Secretary for Policy, who shall be appointed by the President.

“(2) **QUALIFICATIONS.**—No individual shall be appointed Under Secretary for Policy under paragraph (1) unless the individual has, by education and experience, demonstrated knowledge, ability, and skill in the fields of policy and strategic planning.

“(c) **RESPONSIBILITIES OF UNDER SECRETARY.**—

“(1) **POLICY RESPONSIBILITIES.**—Subject to the direction and control of the Secretary, the policy responsibilities of the Under Secretary for Policy shall be as follows:

“(A) To serve as the principal policy advisor to the Secretary.

“(B) To provide overall direction and supervision of policy development for the programs, offices, and activities of the Department.

“(C) To establish and implement a formal policymaking process for the Department.

“(D) To analyze, evaluate, and review the completed, ongoing, and proposed programs of the Department to ensure they are compatible with the statutory and regulatory responsibilities of the Department and with the Secretary's priorities, strategic plans, and policies.

“(E) To ensure that the budget of the Department (including the development of future year budgets and interaction with the Office of Management and Budget and with Congress) is compatible with the statutory and regulatory responsibilities of the Department and with the Secretary's priorities, strategic plans, and policies.

“(F) To represent the Department in any development of policy that requires the Department to consult with another Federal agency, the Office of the President, a foreign government, or any other governmental or private sector entity.

“(G) To supervise and oversee policy development undertaken by the component agencies and offices of the Department.

“(2) **STRATEGIC PLANNING RESPONSIBILITIES.**—Subject to the direction and control of the Secretary, the strategic planning responsibilities of the Under Secretary for Policy shall be as follows:

“(A) To conduct long-range, strategic planning for the Department.

“(B) To prepare national and Department strategies, as appropriate.

“(C) To conduct net assessments of issues facing the Department.

“(3) **INTERNATIONAL RESPONSIBILITIES.**—Subject to the direction and control of the Secretary, the international responsibilities of the Under Secretary for Policy shall be as follows:

“(A) To promote the exchange of information and the sharing of best practices and technology relating to homeland security with nations friendly to the United States, including—

“(i) the exchange of information on research and development on homeland security technologies;

“(ii) joint training exercises of first responders in coordination with the Assistant Secretary for Grants and Training; and

“(iii) exchanging expertise and information on terrorism prevention, response, and crisis management.

“(B) To identify any homeland security-related area in which the United States and other nations and appropriate international organizations could collaborate to improve capabilities and to encourage the exchange of information or sharing of best practices and technology relating to that area.

“(C) To plan and participate in international conferences, exchange programs (including the exchange of scientists, engineers, and other experts), and other training activities with friendly nations

“(D) To manage international activities within the Department in coordination with other Federal officials with responsibility for counterterrorism matters.

“(E) To oversee the activities of Department personnel operating in other countries or traveling to other countries,

“(F) To represent the Department in international negotiations, working groups, and standards-setting bodies.

“(A) PRIVATE SECTOR.—

“(1) To create and foster strategic communications 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 private sector of the policies, regulations, processes, and actions of the Department.

“(C) To create and manage private sector advisory 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 relate to homeland security challenges; and

“(ii) to advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations.

“(D) To promote existing public-private partnerships and develop new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges.

“(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 respond to acts of terrorism.

“(F) To coordinate among the Department's operating entities and with the Assistant Secretary for Trade Development of the Department of Commerce on issues related to the travel and tourism industries.

**“SEC. 602. OFFICE OF INTERNATIONAL AFFAIRS.**

“(a) ESTABLISHMENT.—There is established within the Directorate of 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 in order to promote sharing of best practices and technologies relating to homeland security. Such exchange shall include the following:

“(A) Exchange of information on research and development on homeland security technologies.

“(B) Joint training exercises of first responders.

“(C) Exchange of expertise on terrorism prevention, 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 demonstrated expertise.

“(3) To plan and undertake international conferences, exchange programs, and training activities.

“(4) To manage international activities within the Department in coordination with other Federal officials with responsibility for counterterrorism matters.

**“SEC. 603. OTHER OFFICES AND OFFICIALS.**

“(a) IN GENERAL.—The Under Secretary for Policy shall establish the following offices in the Directorate 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 Office; and

“(B) a Screening Coordination and Operations 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.

“(5) The Tribal Security Officer.

“(6) Such other offices as considered necessary by the Under Secretary for Policy.

“(b) DIRECTOR OF CARGO SECURITY POLICY.—

“(1) IN GENERAL.—There shall be in the Directorate 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) RESPONSIBILITIES.—The Director shall—

“(A) advise the Assistant Secretary for Policy regarding all aspects of Department programs relating to cargo security;

“(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 appropriate, in negotiating international 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 contents 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:

**“TITLE 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 officials.”;

and

(3) by inserting after the items relating to title XVIII the following:

**“TITLE XIX—MISCELLANEOUS PROVISIONS**

“Sec. 1901. Treatment of charitable trusts for members of the armed forces of the United States and other governmental organizations.”.

**TITLE IV—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 new title:

**“TITLE XX—OFFICE OF DOMESTIC NUCLEAR DETECTION**

**“SEC. 2001. DOMESTIC NUCLEAR DETECTION OFFICE.**

“(a) IN GENERAL.—There shall be in the Department of Homeland Security a Domestic Nuclear Detection Office.

“(b) PURPOSE.—The purpose of the Office shall be to protect against the unauthorized importation, 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 by the President from among individuals nominated by the Secretary.

“(d) LIMITATION.—This title shall not be construed to affect the performance, by directorates and agencies of the Department other than the Office, of functions that are not related to detection and prevention of nuclear and radiological terrorism.

**“SEC. 2002. FUNCTIONS OF DIRECTOR OF THE DOMESTIC NUCLEAR DETECTION OFFICE, GENERALLY.**

“(a) IN GENERAL.—The Secretary shall vest in the Director the primary responsibility in the Department for—

“(1) administering all nuclear and radiological detection and prevention functions and assets of the Department, including those functions vested in the Department before the enactment of the Security and Accountability For Every Port Act; and

“(2) for coordinating such administration with nuclear and radiological detection and prevention 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 functions, personnel, assets, and liabilities of all Department programs and projects relating to nuclear and radiological detection research, development, testing, and evaluation, and nuclear and radiological detection system acquisition 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 2010(c).

**“SEC. 2003. GLOBAL NUCLEAR DETECTION ARCHITECTURE.**

“(a) IN GENERAL.—The Director shall coordinate 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 deployment of the global nuclear detection architecture;

“(2) implement the strategy in the United States; and

“(3) coordinate Department and Federal interagency 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 any other 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 department or agency.

**“SEC. 2004. RESEARCH AND DEVELOPMENT.**

“(a) IN GENERAL.—The Director shall carry out a research and development program to achieve transformational and evolutionary improvements 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 reflect a long-term commitment to the development of more effective detection technologies, the program shall include the provision of funding for projects having a duration of more than 3 years, as appropriate.

“(d) COORDINATION WITH OTHER FEDERAL PROGRAMS.—The Director shall coordinate implementation of the program with other Federal

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 the interagency coordination council established under section 2013.

**“SEC. 2005. SYSTEM ASSESSMENTS.**

“(a) **IN GENERAL.**—The Director shall carry out a program to test and evaluate 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 detection systems in detecting nuclear explosive devices or fissile or radiological material—

“(1) under realistic operational and environmental conditions; and

“(2) against realistic adversary tactics and countermeasures.

“(c) **PROVISION OF TESTING SERVICES.**—

“(1) **IN GENERAL.**—The Director may, under the program, make available testing services to commercial developers of detection devices.

“(2) **FEES.**—The Director may charge fees, as appropriate, for performance of services under this subsection.

“(d) **SYSTEM ASSESSMENTS.**—

“(1) **IN GENERAL.**—The Director shall periodically perform system-wide assessments of the global nuclear detection architecture to identify vulnerabilities and to gauge overall system performance against nuclear and radiological threats.

“(2) **INCLUDED ACTIVITIES.**—The assessments shall include—

“(A) red teaming activities to identify vulnerabilities and possible modes of attack and concealment methods; and

“(B) net assessments to determine architecture performance against adversary tactics and concealment methods.

“(3) **USE.**—The Director shall use the assessments to guide deployment of the global nuclear detection architecture and the research and development activities of the Office.

**“SEC. 2006. TECHNOLOGY ACQUISITION, DEPLOYMENT, SUPPORT, AND TRAINING.**

“(a) **ACQUISITION STRATEGY.**—

“(1) **IN GENERAL.**—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 Department components of the global nuclear detection architecture developed under section 2003.

“(2) **USE OF AVAILABLE CONTRACTING PROCEDURES.**—The Director shall make use of all contracting procedures available to the Secretary to implement the acquisition strategy.

“(3) **DETERMINATION OF QUALIFIED ANTI-TERRORISM TECHNOLOGY.**—The Director shall make recommendations based on the criteria included in section 862(b) as to whether the detection systems acquired pursuant to this subsection shall be designated by the Secretary as anti-terrorism technologies that qualify for protection under the system of risk management set forth in subtitle G of title VIII. The Undersecretary for Science and Technology shall consider the Director’s recommendations and expedite the process of determining whether such detection systems shall be designated as anti-terrorism technologies that qualify for such protection.

“(b) **DEPLOYMENT.**—The Director shall deploy detection systems for use by Department operational units and other end-users in implementing the global nuclear detection architecture.

“(c) **OPERATIONAL SUPPORT AND PROTOCOLS.**—

“(1) **OPERATIONAL SUPPORT.**—The Director shall provide operational support for all systems acquired to implement the acquisition strategy developed under subsection (a).

“(2) **OPERATIONAL PROTOCOLS.**—The Director shall develop operational protocols for detection

technology acquired and deployed to implement the acquisition strategy, including procedures for alarm resolution and notification of appropriate response agencies in the event that illicit nuclear, radioactive, or fissile materials are detected by such a product or service.

“(3) **TECHNICAL REACHBACK.**—The Director will ensure that the expertise necessary to accurately interpret detection data is made available in a timely manner for all technology deployed to implement the global nuclear detection architecture.

“(d) **TRAINING.**—The Director shall develop and distribute training materials and provide training to all end-users of technology acquired by the Director under the acquisition strategy.

“(e) **SOLICITATION OF END-USER INPUT.**—In developing requirements for the research and development program of section 2004 and requirements for the acquisition of detection systems to implement the strategy in subsection (a), the Director shall solicit input from end-users of such systems.

“(f) **STATE AND LOCAL SUPPORT.**—Upon request, the Director shall provide guidance regarding radiation detection technology acquisitions to be made by State, territorial, tribal and local governments and emergency response providers.

**“SEC. 2007. SITUATIONAL AWARENESS.**

“(a) **DETECTION INFORMATION.**—The Director—

“(1) shall continuously monitor detection information received from foreign and domestic detection systems to maintain for the Department a situational awareness of all nuclear threats;

“(2) shall gather and archive—

“(A) detection data measurements taken of benign activities in the normal flows of commerce; and

“(B) alarm data, including false alarms and nuisance alarms.

“(b) **INFORMATION SHARING.**—The Director shall coordinate with other governmental agencies to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to all appropriate Federal response agencies including the Attorney General, the Director of the Federal Bureau of Investigation, the Secretary of Defense, and the Secretary of Energy.

“(c) **INCIDENT RESOLUTION.**—The Director shall assess nuclear threats communicated by Federal, State, tribal, or local officials and provide adequate technical reachback capability for swift and effective incident resolution.

“(d) **SECURITY.**—The Director shall—

“(1) develop and implement security standards and protocols for the control and protection of all classified or sensitive information in possession of the Office; and

“(2) ensure that relevant personnel of the Office have the required security clearances to properly handle such information.

**“SEC. 2008. FORENSIC ANALYSIS.**

“The Director shall perform all research, development, and acquisition activities of the Department pertaining to forensic analysis and attribution of nuclear and radiological attacks.

**“SEC. 2009. THREAT INFORMATION.**

“(a) **THREAT ASSESSMENTS.**—The Director shall utilize classified and unclassified nuclear and radiological threat assessments in designing the global nuclear detection architecture under section 2003, prioritizing detection system deployments, and testing and optimizing system performance of that architecture, including assessments of—

“(1) smuggling routes;

“(2) locations of relevant nuclear and radiological material throughout the world;

“(3) relevant terrorist tradecraft and concealment methods;

“(4) relevant nuclear and radiological threat objects in terms of possible detection signatures.

“(b) **ACCESS TO INFORMATION.**—The Secretary shall provide the Director access to all informa-

tion relating to nuclear and radiological threats, including reports, assessments, analyses, and unevaluated intelligence, that is necessary to successfully design, deploy, and support the operation of an effective global detection architecture under section 1903.

“(c) **ANALYTICAL SUPPORT.**—The Director shall request that the Secretary provide to the Director, pursuant to section 201(d)(18), the requisite intelligence and information analysis support necessary to effectively discharge the Director’s responsibilities.

“(d) **ANALYTICAL EXPERTISE.**—For the purposes of performing any of the assessments required under subsection (a), the Director, subject to the availability of appropriations, may hire professional personnel who are analysts with experience in performing nuclear and radiological threat assessments.

“(e) **COLLECTION REQUESTS.**—The Director shall recommend to the Secretary consultation that should occur pursuant to section 201(d)(10) regarding intelligence collection to design, deploy, and support the operation of the global detection architecture under section 2003.

**“SEC. 2010. ADMINISTRATIVE AUTHORITIES.**

“(a) **HIRING.**—In hiring personnel for the Office, the Secretary shall have hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261). The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before granting any extension under subsection (c)(2) of that section.

“(b) **DETAIL OF PERSONNEL.**—In order to assist the Director in discharging the Director’s responsibilities, personnel of other Federal agencies may be detailed to the Office for the performance of analytic functions and related duties.

“(c) **TRANSFER OF SCIENCE AND TECHNOLOGY FUNCTIONS, PERSONNEL, AND ASSETS.**—

“(1) **TRANSFER REQUIRED.**—Except as provided in paragraph (2), the Secretary shall transfer to the Director the functions, assets, and personnel of the Department relating to radiological and nuclear countermeasures, including forensics of contaminated evidence and attack attribution.

“(2) **EXCEPTIONS.**—The Secretary shall not transfer under paragraph (1) functions, assets, and personnel relating to consequence management and recovery.

“(3) **ELIMINATION OF DUPLICATION OF EFFORT.**—The Secretary shall ensure that to the extent there are complementary functions vested in the Directorate of Science and Technology and the Office with respect to radiological and nuclear countermeasures, the Under Secretary for Science and Technology and the Director coordinate the programs they administer to eliminate duplication and increase integration opportunities, particularly with respect to technology development and test and evaluation.

**“SEC. 2011. REPORT REQUIREMENT.**

“The Director shall submit to the appropriate congressional committees an annual report on the following:

“(1) The global detection strategy developed under section 2003.

“(2) The status of implementation of such architecture.

“(3) The schedule for future detection system deployments 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. 2012. ADVISORY COUNCIL ON NUCLEAR DETECTION.**

“(a) **ESTABLISHMENT.**—Pursuant to section 871 of this Act, the Secretary shall establish within the Office an Advisory Council on Nuclear Detection, which shall report to the Director (in this section referred to as the ‘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);

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

“(3) and have such additional responsibilities as the Director may assign in furtherance of the Department’s homeland security mission with respect to enhancing domestic and international nuclear and radiological detection capabilities.

“(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.**

“The President—

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

“(2) shall appoint the Secretary to chair the interagency coordination council; and

“(3) may 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.

“**SEC. 2014. AUTHORIZATION OF APPROPRIATIONS.**

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

“(1) \$536,000,000 for fiscal year 2007; and

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

“**SEC. 2015. DEFINITIONS.**

“In this title:

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

“(2) The term ‘fissile materials’ means materials capable of sustaining a nuclear chain reaction.

“(3) The term ‘global nuclear detection architecture’ means a multi-layered system of detectors deployed internationally and domestically to detect and interdict nuclear and radiological materials intended for illicit use.

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

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

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

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

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

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

(b) **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:

“(5) 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”.

(c) **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 XX—OFFICE OF DOMESTIC NUCLEAR DETECTION**

“Sec. 2001. Domestic Nuclear Detection Office.

“Sec. 2002. Functions of Director of the Domestic Nuclear Detection Office, generally.

“Sec. 2003. Global nuclear detection architecture.

“Sec. 2004. Research and development.

“Sec. 2005. System assessments.

“Sec. 2006. Technology acquisition, deployment, support, and training.

“Sec. 2007. Situational awareness.

“Sec. 2008. Forensic analysis.

“Sec. 2009. Threat information.

“Sec. 2010. Administrative authorities.

“Sec. 2011. Report requirement.

“Sec. 2012. Advisory Council on Nuclear Detection.

“Sec. 2013. Interagency coordination council.

“Sec. 2014. Authorization of appropriations.

“Sec. 2015. Definitions.”

**SEC. 402. NUCLEAR AND RADIOLOGICAL DETECTION SYSTEMS.**

(a) **DEPLOYMENT.**—Not later than September 30, 2007, the Secretary of Homeland Security shall deploy nuclear and radiological detection systems at 22 United States seaports. To the extent feasible, the Secretary shall deploy the next-generation radiation portal monitors tested in the pilot program under subsection (d) at such United States seaports.

(b) **STRATEGY.**—Not later than 90 days after the date of the enactment of this Act, the Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, shall submit to the appropriate congressional committees a strategy for the deployment of nuclear and radiological detection systems at all remaining United States seaports.

(c) **CONTENTS.**—The strategy submitted under subsection (b) shall include—

(1) a risk-based prioritization of United States seaports at which nuclear and radiological detection systems will be deployed;

(2) a proposed timeline of when nuclear and radiological detection systems will be deployed at each of the seaports identified under paragraph (1);

(3) the type of systems to be used at each of the seaports identified under paragraph (1);

(4) standard operating procedures for examining containers with such systems;

(5) the Department policy for using nuclear and radiological detection systems;

(6) a classified annex that details plans for covert testing; and

(7) a classified annex that outlines the risk-based prioritization of seaports used under paragraph (1).

(d) **SAFETY PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan that—

(1) details the health and safety impacts of nuclear and radiological detection systems; and

(2) describes the policy of U.S. Customs and Border Protection for using nuclear and radiological detection systems.

(e) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—Not later than January 1, 2007, the Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, shall initiate a pilot program to deploy and test the operational performance of next-generation radiation portal monitors at one or more United States seaports with a high-volume of containerized cargo.

(2) **REPORT.**—Not later than March 31, 2007, 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;

(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 evaluation.

(f) **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 subsection (e) has met the standards described in subsection (e)(2)(C), the Secretary shall deploy next-generation radiation portal monitors, in fixed or other configurations, at all United States seaports with a high-volume of containerized cargo to improve cargo screening capabilities at such seaports not later than September 30, 2007.

(2) **CONGRESSIONAL NOTIFICATION.**—If any deployment of next-generation radiation portal monitors is deemed by the Secretary to be operationally infeasible or would result in ineffective, inefficient, or otherwise wasteful use of resources, the Secretary shall notify the appropriate congressional committees and recommend alternative actions.

(g) **ENHANCING OVERSEAS DETECTION CAPABILITIES.**—The Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, shall work with appropriate Federal departments and agencies to coordinate the installation of nuclear and radiological detection systems at foreign seaports.

(h) **DEFINITIONS.**—In this section:

(1) **NEXT-GENERATION RADIATION PORTAL MONITORS.**—The term “next-generation radiation portal monitors” means non-intrusive, containerized cargo examination technologies that possess radionuclide isotope identification capabilities.

(2) **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.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-450. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KING OF NEW YORK

Mr. KING of New York. 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. 1 printed in House Report 109-450 offered by Mr. KING of New York:

Page 6, after line 23, insert the following new paragraphs:

(12) International trade is vital to the Nation's economy and the well-being and livelihood of United States citizens.

(13) The Department of Homeland Security's missions, including those related to United States and international borders, involve both building security for United States citizens and facilitating legitimate trade that is critical to the Nation.

(14) In creating the Department of Homeland Security, Congress clearly mandated in section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) that the customs revenue functions described in paragraph (2) of such section shall not be diminished.

Page 9, strike line 11 and all that follows through line 5 on page 10 and insert the following new subsections:

(a) FACILITY SECURITY PLANS.—Section 70103(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (F), by striking “and” at the end;

(2) in subparagraph (G), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility.”

(b) FACILITY SECURITY OFFICERS.—Section 70103(c) of title 46, United States Code, is amended by adding at the end the following:

“(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

“(B) The Secretary may waive the requirement of subparagraph (A) 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 watchlists to ensure that the individual is not identified on any such terrorist watchlist.”

Page 16, after line 19, insert the following new section (and redesignate subsequent sections of subtitle A of title I of the bill, and conform the table of contents of the bill, accordingly):

**SEC. 107. ENHANCED CREWMEMBER IDENTIFICATION.**

Section 70111 of title 46, United States Code, is amended—

(1) in subsection (a) by striking “The” and inserting “Not later than May 15, 2007, the”; and

(2) in subsection (b) by striking “The” and inserting “Not later than May 15, 2007, the”.

Page 18, strike line 13 and all that follows through line 21 and insert the following new subsection:

“(c) PARTICIPATION.—

“(1) FEDERAL PARTICIPATION.—The following entities shall participate in the integrated network of maritime security command centers described in subsection (a):

“(A) The Coast Guard.

“(B) U.S. Customs and Border Protection.

“(C) U.S. Immigration and Customs Enforcement.

“(D) Other appropriate Federal agencies.

“(2) STATE AND LOCAL PARTICIPATION.—Appropriate State and local law enforcement agencies may participate in the integrated

network of maritime security command centers described in subsection (a).”

Page 24, 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 39, strike line 1 and all that follows through line 14 on page 41.

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 processes 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;

(2) recognize the extensive previous and ongoing work and existing competence in the field of maritime domain awareness at numerous academic and research institutions, such as the Naval Postgraduate School;

(3) leverage existing knowledge and continue development of a broad base of expertise within academia and industry in maritime domain awareness; and

(4) provide educational, technical, and analytical assistance to Federal agencies with responsibilities for maritime domain awareness, including the Coast Guard, to focus on the need for interoperability, information sharing, and common information technology standards and architecture.

Page 51, beginning on line 4, strike “appropriate confidentiality requirements” and insert “provide safeguards that ensure confidentiality”.

Page 51, line 6, insert “identify” before “appropriate timing”.

Page 52, line 23, strike “to” and insert “and”.

Page 62, line 2, after “carriers,” insert “contract logistics providers.”

Page 65, beginning on line 5, strike “and related policies and” and insert “, policies, or”.

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:

“(H) To provide for the coordination and maintenance of the trade and customs revenue functions of the Department.”

Page 93, after line 17, insert the following new paragraph:

“(5) TRADE AND CUSTOMS REVENUE FUNCTIONS.—The Under Secretary for Policy shall—

“(A) ensure that the trade and customs revenue functions of the Department are coordinated within the Department and with other Federal departments and agencies, and that the impact on legitimate trade is taken into account in any action impacting these functions; and

“(B) monitor and report to Congress on the Department's mandate to ensure that the trade and customs revenue functions of the Department are not diminished, including how spending, operations, and personnel related to these functions have kept pace with the level of trade entering the United States.”

Page 95, line 25, strike “section” and insert “subsection”.

Page 96, after line 15, insert the following new subsection:

“(c) DIRECTOR OF TRADE POLICY.—

“(1) IN GENERAL.—There shall be in the Directorate 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—

“(A) advise the Assistant Secretary for Policy regarding all aspects of Department programs relating to the trade and customs revenue functions of the Department;

“(B) develop Department-wide policies regarding trade and customs revenue functions and trade facilitation; and

“(C) coordinate the trade and customs revenue-related programs of the Department with other Federal departments and agencies.”

Page 96, after line 15, insert the following new section:

**“SEC. 604. CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS.**

“(a) IN GENERAL.—The Secretary and the Under Secretary for Policy shall consult with representatives of the business community involved in international trade, including seeking the advice and recommendations of the Commercial Operations Advisory Committee (COAC), on Department policies and actions that have a significant impact on international 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 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.

“(2) EXCEPTION.—If the Secretary determines that it is important to the national security interest of the United States to finalize any proposed Department policies, initiatives, actions, or organizational reforms prior to the provision of advice and recommendations described in paragraph (1), the Secretary shall—

“(A) seek the advice and recommendations of COAC on the policies, initiatives, actions, or organizational reforms not later than 30 days after the 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 advice and recommendations of COAC.

“(c) CONGRESSIONAL CONSULTATION AND NOTIFICATION.—

“(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 prior to the finalization of any Department policies, initiatives, actions, or organizational reforms that will have a major impact on trade and customs revenue functions.

“(2) EXCEPTION.—If the Secretary determines that it is important to the national security interest of the United States to finalize any Department policies, initiatives, actions, or organizational reforms prior to the consultation described in paragraph (1), the Secretary shall—

“(A) consult with and provide any recommendations of COAC received under subsection (b) to the appropriate congressional committees not later than 45 days after the

date on which the policies, initiative, 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 is meeting its obligations under section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) with respect to the maintenance of customs revenue functions.

(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 collection), discontinued, or diminished following the transfer of the U.S. Customs Service to the Department;

(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”.

Page 101, beginning on line 12, strike “commercial”.

Page 101, line 13, strike “devices” and insert “technologies”.

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, clarifies that port security funds can be used to address vulnerabilities in vessel and facility plans in addition to maritime security plans, and clarifies

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 and, two, 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, bailing wire, 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 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 failing, as has been noted, under intense operation tempos. 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 in 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 see Deepwater accelerated.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman from Mississippi, the ranking member, 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 to me.

While I am pleased 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.

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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 that 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 at a subcommittee hearing that, based on this very comprehensive report to the Congress of the feasibility of accelerating the integrated Deep-

water 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 Markey 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 crafting 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 1½ 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, the 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 Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KING).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR.

RUPPERSBERGER

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. 2 printed in House Report 109-450 offered by Mr. RUPPERSBERGER:

Page 87, after line 12, insert the following new section:

**SEC. 207. REPORT ON NATIONAL TARGETING CENTER.**

(a) STUDY.—The Secretary of Homeland Security shall conduct a study to assess the activities of U.S. Customs and Border Protection's National Targeting Center (NTC).

(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 that contains—

(1) the results of the study conducted under subsection (a); and

(2) recommendations to improve and strengthen the activities of NTC.

The Acting CHAIRMAN. Pursuant to House Resolution 783, 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 as much time as I may consume.

Mr. Chairman, I commend Chairman KING, Ranking Member THOMPSON, Congressman LUNGREN, and Congresswoman HARMAN for their hard work on this legislation. Their work has brought this very important issue to the forefront here in Congress.

This amendment requires the Department of Homeland Security to conduct a study and to provide recommendations to make sure that the National Targeting Center is doing all it can to protect our country. I am a co-chair of the Congressional Port Security Caucus and represent the Second District of Maryland that includes the Port of Baltimore. The Baltimore Port is one of the biggest economic engines in the State of Maryland. It employs more than 30,000 and generates more than \$1.5 billion in revenue each year.

There are 539 ports in this country, and I believe Congress must work to keep our Nation's ports safe while keeping commerce flowing.

In November, 2001, Congress created the National Targeting Center. The NTC has been operating around the clock collecting and analyzing intelligence information, everything from Customs logs to crew manifests to preventing a terrorist attack. The NTC conducts counterterrorism, it collects targets and identifies potentially dangerous cargo at the ports of embarkation. The Center flags high-threat cargo for further examination and physical inspection.

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. 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 is working 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 provide 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 help us 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 want to thank the gentleman from Maryland for proposing a study of an important Customs and Border Protection initiative. The study of the NTC will assist Congress in determining whether the NTC in its current form is accomplishing its mission of better coordinating CBP field operations and communications.

Improving ATS is essential for a robust container security regime. As the home to ATS, the National Targeting Center must have appropriate resources and management to sufficiently operate the system. As stated, I thank the gentleman for offering his amendment, and I am willing to accept it.

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

Mr. RUPPERSBERGER. Mr. Chairman, I would urge my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR.  
RUPPERSBERGER

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. Ruppertsberger) 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 their 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 gentleman 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.

□ 1200

That is why I am standing today in support of the Ruppertsberger 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 to help us get closer to that goal.

I urge my colleagues to support the Ruppertsberger 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.

Mr. KING of New York. 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 Clerk 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 8, 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 the port. Congress should do everything possible to prevent an incident from occurring at our seaports.

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, \$60 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 communication between government agencies and 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 players who know their ports best, 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 livelihoods 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 a 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 request of the gentleman from New York?

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).

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), 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 the 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 Clerk 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, after 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 while 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 and Mexico totaled over \$635 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 in opposition even though I am not opposed to the amendment.

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.

Mr. Chairman, at the outset let me thank the gentleman from Texas for introducing this amendment and doing it in such a spirit of bipartisanship. To me, it typifies what this issue should be about: good people from both parties working together to resolve one of the most serious issues facing our country today.

I agree that such a study is necessary primarily because of the sharp increase of trade that the United States has experienced through its ports in recent years. All forecasts seem to indicate this trend will continue.

While this debate largely focuses on seaports, our land ports play a vital role in our economy. Therefore, a comprehensive strategy is needed to address the challenges of efficient trade and land port security. The balance between trade efficiency and adequate security is central to the future success of the United States economy. I urge adoption of the amendment.

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

Mr. CUELLAR. Again, Mr. Chairman, I want to thank Chairman KING and Mr. THOMPSON, also, for working in a bipartisan approach. I ask for approval of my amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. RYUN OF KANSAS

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 de-

tection 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 it 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 try at some point in the future to send nuclear materials to our shores. In fact, Iran's pursuit of nuclear materials makes the need to secure our shipping containers even more urgent.

This is a simple amendment that only asks the Secretary of Homeland Security to examine portable nuclear detection devices when he evaluates emerging technology. I ask my colleagues to support this amendment.

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

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. 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.

Including mobile detection capabilities in the evaluation process is vital and will aid search capabilities. Also, these potentially cheap sensors 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.

□ 1215

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

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. Such devices shall have false alarm rates that have been demonstrated to be below one percent."

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. HOOLEY. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman of the committee and the ranking member.

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; that it detect and record 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 pro-

grams, 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 COLLINS and Senator MURRAY of the Senate Committee on Homeland Security on the GreenLane Maritime Cargo Security Act, the companion 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 shall 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.

My concern is whether we are strait-jacketing the Secretary into accepting a device, if, in fact, it reached that 1 percent false alarm rate, or whether it

would be at least 1 percent false alarm rate that is the intention of the author.

Secondly, the question is whether or not the gentlewoman's language requiring this to be a, "device that positively identifies containers," whether that would restrict this to RFID, or Radio Frequency Identification, systems and not allow, for instance, optical character recognition or similar systems.

If that is the gentlewoman's intent and if that is, in fact, the impact of this amendment, I would have to oppose it, because it seems to me it would restrict us to one particular type of device. And I don't have the technology background to understand whether that one device is the silver bullet in this area.

I understand that one manufacturer, GE, uses it. They think it works well. But, 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 gentleman'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 to have a standard 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 may 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 10, 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 semicolon the following: "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 Preparedness, 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 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.

□ 1230

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 or upgrade 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 interoperability contributed to the death of 121 firefighters on September 11th. It contributed to the chaos after Hurricane Katrina.

Our ports are vulnerable targets for attack. As we work to give our ports the tools they need to prevent and respond to attacks, we must ensure that port systems are interoperable with the federal, state, and local agencies that work everyday with these ports.

Adding an interoperable standard to the equipment and threat information systems authorized under these grants is consistent with efforts by the Administration and Congress.

An interoperable communications standard is already required under the Urban Area Securities 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 that 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 87, 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, the second busiest port in the world behind Singapore, the ICIS program scans every container of cargo at the two terminals of the facility with advanced radiation and gamma-ray screening.

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 1.4 million 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 ask unanimous consent to control the time in opposition even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I thank Mr. SHAYS for offering his amendment, and I support his efforts to enhance our Nation's ability to detect the movement of illicit nuclear material at foreign ports before it reaches the United States.

Also, like the gentleman, I believe in testing and validating a detection system's performance before we fund a large-scale deployment, as a great deal of money can be wasted on systems that do not work as advertised.

I believe the gentleman's amendment could be improved if we stipulate that the technology tested in the pilot program goes beyond that which has been

used in the ICIS program in Hong Kong. We should look to validate the performance of other more advanced systems, which I should note is the goal of the language for a radiation detection pilot program for high-volume domestic ports, which is already in this bill.

My hope is that the foreign pilot program in this amendment will be strengthened by incorporating next-generation technology and that coordination of this amendment with the domestic pilot program will be considered during conference. This approach would, I believe, build confidence among our foreign partners in the technology and help us expand our detection capabilities around the globe.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I would just like to thank him for his keen work on the subcommittee that oversees 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 would 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 energies and abilities to bring that about.

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.

So 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 disagreements. 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 bill 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.

This is an excellent bill, and I think Congress should be proud of it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BASS

Mr. BASS. 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. 10 printed in House Report 109-450 offered by Mr. BASS:

Page 26, after line 9, insert the following new subsection:

“(e) REIMBURSEMENT OF COSTS.—An applicant for a grant under this section may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.”.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from New Hampshire (Mr. BASS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BASS. Mr. Chairman, I yield myself such time as I may consume.

I thank Chairman KING and his staff of 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 for port 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, responsiveness, 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 Port of Miami apparently 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 opposition.

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 chairman 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 9, 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 ports, States, and local governments to enable seaport and highway security around 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 provide grants for activities described in subsection (d)(13)."

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-chain security at truck inspection stations in or near high volume seaports in coordination with States and local government.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Ms. MILLENDER-MCDONALD. Mr. Chairman, at this time let me thank Chairman LUNGREN, the subcommittee Chair, as well as the full committee Chair, Chairman KING, 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.

□ 1245

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 country and the third largest in the world, and it is important that we enhance truck inspection facilities 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 in our efforts to secure these ports, our trade corridors and our communities. It is another layer of security. It is about securing the entire supply chain.

In our ongoing 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 uncertainty in the minds of would-be terrorists. One 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, it is great 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 commissioner is 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 representatives are all in favor of this. I am very pleased about this important amendment. I thank all of those, the chairmen 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 Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 printed in House Report 109-450 offered by Ms. JACKSON-LEE of Texas: Page 32, line 11, strike "and".

Page 32, line 13, strike the period and insert "; and".

Page 32, after line 13, insert the following new paragraph:

"(8) educates, trains, and involves populations of at-risk neighborhoods around

ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a 'citizen corps', if necessary."

The Acting CHAIRMAN. Pursuant to House Resolution 789, 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 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, can be 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 my colleagues to 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 prevent, prepare 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 the seaports by educating, training and involving populations at risk, neighborhoods around the ports, including training on an an-

nual 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 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 time of need. They need 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 ship 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 management 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 divert funds 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 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 and 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 gentlewoman, 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.

□ 1300

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.

The Port Security Training Program is designed 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.

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 are 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 make 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 gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. WEINER

Mr. WEINER. 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 by the recipient using grant funds.

“(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.

The Chair recognizes the gentleman from New York.

Mr. WEINER. Mr. Chairman, I won't take the full balance of my time.

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 of knowing how the moneys are being spent. We have learned through grant programs 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 bullet-proof 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 trailer truck that he was using as a commuter 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.

Madam Chairman, I reserve the balance of my time.

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 nonthreatening.

Mr. KING of New York. Madam Chairman, I yield back the balance of our 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 under 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.

We chose not to do it. We made 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 fissionable 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.

AMENDMENT NO. 14 OFFERED BY MR. FLAKE

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 29, line 16, redesignate paragraph (1) as subsection (a).

Page 29, line 18, redesignate paragraph (2) as subsection (b).

Page 37, strike line 23 and all that follows through line 2 on page 38.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman 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 \$24.2 million alone 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 Peoria 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 traf-

fic 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 it is the Federal Government’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 ahold 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 just restate. All 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 rise to claim the time in opposition to the amendment, and 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 about \$2 billion 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 \$24.2 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.

□ 1315

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

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 at-risk, that is a risk-based, assessment for grant programs. Not everybody gets something.

Secondly, 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 particular area of national security.

Mr. FLAKE. Madam Chairman, I like sunsets, everybody in Arizona likes sunsets; but if we truly believe that this is really going to be sunsetted,

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 gentlewoman 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 he knows, 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. A nuclear attack 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 matching money required from the ports.

The fact is we are at war, and we cannot be applying the same green eyeshade 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 leg-

islation 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 the gentlewoman 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 was rejected.

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:

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 House Resolution 789, the gentlewoman from California (Ms. LORETTA SANCHEZ) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. Madam Chairman, my amendment is 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 are 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 do not 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 members should receive a benefit for just turning in a plan and that taking away the reduced risk score for this 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 there is the fast track. What is the incentive? You would definitely decide to purchase if you are going to do this all the time every day, to take that lane. So you would sign up for that program and put your money in the bank so you can whiz by. It is 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 I 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 trust C-TPAT companies; 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 we allow for 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, 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 corrective action plan, admission to the program and no benefits whatsoever are obtained unless those deficiencies are addressed to the satisfaction of the Department.

Third, with the security self-assessment completed, and initially identified deficiencies addressed, the Department again reviews for sufficiency with the minimum security criteria and also vets the importer through the law enforcement and trade databases, as well as through the El Paso Intelligence Center, EPIC, for linkage to DEA and other law enforcement databases. If the importer's security profile demonstrates that the company is meeting the criteria, has positively passed vetting, and has a successful importing record, only then will the importer be certified as tier 1 and given a limited ATS score reduction.

In response to the concerns raised by the gentlewoman from California, we have incorporated into this bill penalties if, in fact, it is shown that they did not participate in the process completely and honestly; and, in fact, if they have had any misleading or false information in their application, they are mandatorily barred from participation in the program for 5 years. The reason why they get a small benefit in terms of the rating by beginning in the program with their application before they are fully certified is to give encouragement to get them into the program to begin with. It is more than just saying they are handing in a piece of paper. It is, in fact, a document that requires a good deal of work on their part; and we want to encourage participation in this program rather than discourage it.

C-TPAT is one of the layers, not the only one, but one of the layers that we have of security in our multi-layered approach, and so I would urge people to reject this amendment.

Madam Chairman, I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield myself such time as I may consume.

Aside from the risk reduction score that C-TPAT companies get without us

verifying what they do and what they said they would do, there are a whole lot of a series of other positives they get. They do not sit in line for secondary inspections. That means they are not idling and wasting their gas, et cetera. They get a lot, but the risk reduction to the score I believe is too much.

Yes, we have a layered approach. We do not have a 100 percent look at what is in those containers. So we should make sure that each layer is done to the best of our ability, and we can do that by making this small change.

As far as catching them afterwards, well, that is like telling my teenage son that if he gives me a plan about how he is going to take the driver's written test and a plan about how he is going to then after he does that take the driving test, but he does not get around to that for 2 years for the company to check, meanwhile he is on the highway driving without ever having taken a test.

□ 1330

It is the same thing. We haven't verified what we are doing, and this terrorism issue is too important for us to ignore. I hope that my colleagues will vote for the Sanchez amendment.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, again I would suggest that it is important for us to retain the program as it exists, for the Department to retain the discretion reward a small benefit to the Tier 1 members by reducing their ATS score. They do not move to the head of the line; they get to move up just a little bit. It is an encouragement to participate in the program.

The only way I can help the gentlewoman by suggesting that penalties do work is to suggest that deterrence does work. It is recognized in just about every other aspect of our lives, including the criminal justice system; and I don't know why she does not believe it will not work here.

As a matter of fact, in response to the GAO report that she referred to, the Department did reduce the amount of the ATS score reduction for Tier 1 members, so they have responded to some concerns that they were moving too far up the line. Not in front of the line, but too far up the line.

They get a small, small benefit at the present time. It is an incentive to participate in a voluntary program, which ultimately gives us more information, has more people working with greater security than they had before, and it helps us our a multi-layered approach.

The Acting CHAIRMAN. 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.

RECORDED VOTE

Ms. LORETTA SANCHEZ of California. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 7, as follows:

[Roll No. 125]

AYES—195

Abercrombie	Grijalva	Obey
Ackerman	Gutierrez	Olver
Allen	Harman	Ortiz
Baca	Hastings (FL)	Owens
Baird	Herse	Pallone
Baldwin	Higgins	Pascarell
Barrow	Hinche	Pastor
Bean	Hinojosa	Payne
Becerra	Holden	Pelosi
Berkley	Holt	Peterson (MN)
Berman	Honda	Pomeroy
Berry	Hooley	Price (NC)
Bishop (GA)	Hoyer	Rahall
Bishop (NY)	Inslee	Rangel
Blumenauer	Israel	Reyes
Boswell	Jackson (IL)	Ross
Boucher	Jackson-Lee	Rothman
Boyd	(TX)	Roybal-Allard
Brady (PA)	Jefferson	Ruppersberger
Brown (OH)	Johnson, E. B.	Rush
Brown, Corrine	Jones (OH)	Ryan (OH)
Butterfield	Kanjorski	Sabo
Capps	Kaptur	Salazar
Capuano	Kennedy (RI)	Sanchez, Linda
Cardin	Kildee	T.
Cardoza	Kilpatrick (MI)	Sanchez, Loretta
Carnahan	Kind	Sanders
Carson	Kucinich	Schakowsky
Case	Langevin	Schiff
Chandler	Lantos	Schwartz (PA)
Clay	Larsen (WA)	Scott (GA)
Cleaver	Larson (CT)	Scott (VA)
Clyburn	Lee	Serrano
Conyers	Levin	Sherman
Cooper	Lipinski	Skelton
Costa	Lofgren, Zoe	Smith (WA)
Costello	Lowey	Snyder
Cramer	Lynch	Solis
Crowley	Maloney	Spratt
Cuellar	Markey	Stark
Cummings	Marshall	Strickland
Davis (AL)	Matheson	Stupak
Davis (CA)	Matsui	Tanner
Davis (FL)	McCarthy	Tauscher
Davis (IL)	McCollum (MN)	Taylor (MS)
DeFazio	McDermott	Thompson (CA)
DeGette	McGovern	Thompson (MS)
Delahunt	McIntyre	Tierney
DeLauro	McKinney	Towns
Dicks	McNulty	Udall (CO)
Dingell	Meehan	Udall (NM)
Doggett	Meek (FL)	Van Hollen
Doyle	Meeks (NY)	Velázquez
Edwards	Melancon	Vislosky
Emanuel	Michaud	Wasserman
Engel	Millender	Schultz
Eshoo	McDonald	Waters
Etheridge	Miller (NC)	Watson
Farr	Mollohan	Watt
Fattah	Moore (KS)	Waxman
Filner	Moore (WI)	Weiner
Ford	Moran (VA)	Wexler
Gingrey	Murtha	Woolsey
Gonzalez	Nadler	Wu
Gordon	Napolitano	Wynn
Green, Al	Neal (MA)	
Green, Gene	Oberstar	

NOES—230

Aderholt	Boustany	Crenshaw
Akin	Bradley (NH)	Cubin
Alexander	Brady (TX)	Culberson
Bachus	Brown (SC)	Davis (KY)
Baker	Brown-Waite,	Davis (TN)
Barrett (SC)	Ginny	Davis, Jo Ann
Bartlett (MD)	Burgess	Davis, Tom
Barton (TX)	Burton (IN)	Deal (GA)
Bass	Buyer	DeLay
Beauprez	Calvert	Dent
Biggart	Camp (MI)	Diaz-Balart, L.
Billirakis	Campbell (CA)	Diaz-Balart, M.
Bishop (UT)	Cannon	Doolittle
Blackburn	Cantor	Drake
Blunt	Capito	Dreier
Boehlert	Carter	Duncan
Boehner	Castle	Ehlers
Bonilla	Chabot	Emerson
Bonner	Chocola	English (PA)
Bono	Coble	Everett
Boozman	Cole (OK)	Feeney
Boren	Conaway	Ferguson

Fitzpatrick (PA)	Kuhl (NY)	Reichert
Flake	LaHood	Renzi
Foley	Latham	Reynolds
Forbes	LaTourette	Rogers (AL)
Fortenberry	Lewis (CA)	Leach
Fossella	Lewis (KY)	Rogers (MI)
Fox	Linder	Rohrabacher
Franks (AZ)	LoBiondo	Ros-Lehtinen
Frelinghuysen	Lucas	Royce
Gallegly	Lungren, Daniel	Ryan (WI)
Garrett (NJ)	E.	Ryan (KS)
Gerlach	Mack	Saxton
Gibbons	Manzullo	Schmidt
Gilchrest	Marchant	Schwarz (MI)
Gillmor	McCaul (TX)	Sensenbrenner
Gohmert	McCotter	Sessions
Goode	McCrery	Shadegg
Goodlatte	McHenry	Shaw
Granger	McHugh	Shays
Graves	McKeon	Sherwood
Green (WI)	McMorris	Shimkus
Gutknecht	Mica	Shuster
Hall	Miller (FL)	Simmons
Harris	Miller (MI)	Simpson
Hart	Miller, Gary	Smith (NJ)
Hastings (WA)	Moran (KS)	Smith (TX)
Hayes	Murphy	Sodrel
Hayworth	Musgrave	Souder
Hefley	Myrick	Stearns
Hensarling	Neugebauer	Sullivan
Herger	Ney	Sweeney
Hobson	Northup	Tancredo
Hoekstra	Norwood	Taylor (NC)
Hostettler	Nunes	Terry
Hulshof	Nussle	Thomas
Hunter	Otter	Thornberry
Hyde	Oxley	Tiahrt
Inglis (SC)	Paul	Tiberi
Issa	Pearce	Turner
Istook	Pence	Upton
Jenkins	Peterson (PA)	Walden (OR)
Jindal	Petri	Walsh
Johnson (CT)	Pickering	Wamp
Johnson (IL)	Pitts	Weldon (FL)
Johnson, Sam	Platts	Weldon (PA)
Jones (NC)	Poe	Weller
Keller	Pombo	Westmoreland
Kelly	Porter	Whitfield
Kennedy (MN)	Price (GA)	Wicker
King (IA)	Pryce (OH)	Wilson (NM)
King (NY)	Putnam	Wilson (SC)
Kingston	Radanovich	Wolf
Kirk	Ramstad	Young (AK)
Kline	Regula	Young (FL)
Knollenberg	Rehberg	
Kolbe		

## NOT VOTING—7

Andrews	Lewis (GA)	Slaughter
Evans	Miller, George	
Frank (MA)	Osborne	

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1355

Messrs. BOREN, PICKERING and Otter changed their vote from “aye” to “no.”

Messrs. CUELLAR, BERMAN, OBERSTAR, RUPPERSBERGER and Ms. SCHWARTZ of Pennsylvania changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KLINE) having assumed the chair, Mrs. BIGGERT, Acting Chairman of the Committee of the Whole House on the State

of the Union, reported that that Committee, 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.

Is 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.

MOTION TO RECOMMIT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NADLER. Yes, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Nadler moves to recommit 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 line 14.

Redesignate sections 202 through 206 of the bill as sections 203 through 207, respectively.

Page 81, after line 23, insert the following new section:

**SEC. 202. REQUIREMENTS RELATING TO ENTRY OF CONTAINERS INTO THE UNITED STATES.**

(a) REQUIREMENTS.—Section 70116 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(c) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

“(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

“(A) the container is scanned with equipment that meets the standards established pursuant to paragraph (2)(A) and a copy of the scan is provided to the Secretary; and

“(B) the container is secured with a seal that meets the standards established pursuant to paragraph (2)(B), before the container is loaded on the vessel for shipment to the United States.

“(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

“(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

“(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including

technology to detect any breach into a container and identify the time of such breach.

“(C) REVIEW AND REVISION.—The Secretary shall—

“(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every two years; and

“(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available, to—

“(I) identify the place of a breach into a container;

“(II) notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

“(III) track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

“(D) DEFINITION.—In subparagraph (C), the term ‘Exclusive Economic Zone of the United States’ has the meaning given the term ‘Exclusive Economic Zone’ in section 2101(10a) of this title.”.

(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.

(c) 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, 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 for shipping to the United States in 2005; 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, in consultation with the Secretary of State, is encouraged to promote and establish international standards



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 70116(c) of title 46, 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. MARKEY), 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 ship is searched by hand because we don't have in place the means to scan every container.

□ 1400

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 a month ago. 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 in Indonesia. On the way 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. MARKEY.

Mr. MARKEY. I thank 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 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 a nuclear device, brings it 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 purchase a dog, never do the 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 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 have a nuclear weapon, knowing that these 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 that is posed to it. 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 each year. Of those, U.S. Customs and Border Protection personnel physically screen, that means inspect, only about 6 percent, or 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 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

Member THOMPSON, Chairman LUNGREN, Ranking Member SANCHEZ, Ms. HARMAN for the truly bipartisan job they did in putting this together.

Let me also commend our staff, Mandy Bowers, Mark Klaassen, Mike Power, Joe Vealencis, Coley O'Brien, Dr. Diane Berry for working together in a solid way to get a real port security bill.

I am proud of how bipartisan this was, right up till a few moments ago. Just this afternoon we adopted nine Democratic amendments on this bill.

The reality is, though, this is an outstanding port security bill. I came from a district which lost more than 150 friends, neighbors and constituents on September 11. Unlike Mr. MARKEY, I don't need visual aids to remind me of what happened on September 11.

Mr. MARKEY. Will the gentleman yield?

Mr. KING 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.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. KING of New York. Amazing how the truth hurts.

I don't need visual aids to remind me what happened on September 11. I can go to my district office and see a woman working at the front desk who lost two cousins. I can talk to another member of my staff who lost a son, or another member who lost two brothers on that day. I can go to church on Sunday and see 10, 15 families who lost people.

This is an issue where every Member on both sides of the aisle is committed to doing the right thing. And it is wrong when people on the other side say the Republicans are not trying to stop another nuclear attack. Do they really believe that? Do they so demean the process of debate in this House that they are willing to do anything to get elected, do anything to make points on evening news, the sound bites, the cable TV?

The fact is this bill is a real bill. It does not send a false or misleading hope. It is not a cruel hoax. It does what is real. It does what can be done, and that is why I am so proud of this bill.

We adopted amendments by Ms. GINNY BROWN-WAITE, by Mr. SHAYS. And, by the way, the language in our bill is far similar to the amendment adopted on a bipartisan basis sponsored by a member of the opposition party in the Senate yesterday than anything Mr. MARKEY or Mr. NADLER have introduced today.

So I say, do what is right. Stand for real port security, stand for a really strong America. Vote down the motion to recommit and vote for the underlying bill that will bring about real safe ports in this country and we can all be proud of it.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 202, nays 222, not voting 8, as follows:

[Roll No. 126]

YEAS—202

Abercrombie	Green, Gene	Oliver
Ackerman	Grijalva	Ortiz
Allen	Gutierrez	Owens
Baca	Harman	Pallone
Baird	Hastings (FL)	Pascrell
Baldwin	Hersteth	Pastor
Barrow	Higgins	Payne
Bean	Hinchey	Pelosi
Becerra	Hinojosa	Peterson (MN)
Berkley	Holden	Pomeroy
Berman	Holt	Price (NC)
Berry	Honda	Rahall
Bishop (GA)	Hooley	Rangel
Bishop (NY)	Hoyer	Ramstad
Blumenauer	Inslee	Rangel
Boren	Israel	Reyes
Boswell	Jackson (IL)	Ross
Boucher	Jackson-Lee	Rothman
Boyd	(TX)	Roybal-Allard
Brady (PA)	Jefferson	Ruppersberger
Brown (OH)	Johnson, E. B.	Rush
Brown, Corrine	Jones (NC)	Ryan (OH)
Butterfield	Jones (OH)	Sabo
Capps	Kanjorski	Salazar
Capuano	Kaptur	Sanchez, Linda
Cardin	Kennedy (RI)	T.
Cardoza	Kildee	Sanchez, Loretta
Carnahan	Kilpatrick (MI)	Sanders
Carson	Kind	Schakowsky
Case	Kucinich	Schiff
Chabot	Langevin	Schwartz (PA)
Chandler	Lantos	Scott (GA)
Clay	Larsen (WA)	Scott (VA)
Cleaver	Larson (CT)	Serrano
Clyburn	Lee	Shays
Coopers	Levin	Sherman
Cooper	Lipinski	Skelton
Costa	Loftgren, Zoe	Smith (WA)
Costello	Lowe	Snyder
Cramer	Lynch	Solis
Crowley	Maloney	Spratt
Cuellar	Markey	Stark
Cummings	Marshall	Strickland
Davis (AL)	Matheson	Stupak
Davis (CA)	Matsui	Tanner
Davis (FL)	McCarthy	Tauscher
Davis (IL)	McCollum (MN)	Taylor (MS)
Davis (TN)	McDermott	Thompson (CA)
DeFazio	McGovern	Thompson (MS)
DeGette	McIntyre	Tierney
Delahunt	McKinney	Towns
DeLauro	McNulty	Udall (CO)
Dicks	Meehan	Udall (NM)
Dingell	Meeke (FL)	Van Hollen
Doggett	Meeke (NY)	Velázquez
Doyle	Melancon	Visclosky
Edwards	Michaud	Wasserman
Emanuel	Millender	Schultz
Engel	McDonald	Walters
Eshoo	Miller (NC)	Watson
Etheridge	Mollohan	Watt
Farr	Moore (KS)	Waxman
Fattah	Moore (WI)	Weiner
Filner	Moran (VA)	Wexler
Ford	Murtha	Wilson (NM)
Gonzalez	Nadler	Woolsey
Goode	Napolitano	Wu
Gordon	Neal (MA)	Wynn
Green, Al	Oberstar	

NAYS—222

Aderholt	Gibbons	Northup
Akin	Gilchrest	Norwood
Alexander	Gillmor	Nunes
Bachus	Gingrey	Nussle
Baker	Gohmert	Otter
Barrett (SC)	Goodlatte	Paul
Bartlett (MD)	Granger	Pearce
Barton (TX)	Graves	Pence
Bass	Green (WI)	Peterson (PA)
Beauprez	Gutknecht	Petri
Biggart	Hall	Pickering
Bilirakis	Harris	Pitts
Bishop (UT)	Hart	Platts
Blackburn	Hastings (WA)	Poe
Blunt	Hayes	Pombo
Boehler	Hayworth	Porter
Boehner	Hefley	Price (GA)
Bonilla	Hensarling	Pryce (OH)
Bonner	Herger	Putnam
Bono	Hobson	Radanovich
Boozman	Hoekstra	Regula
Boustany	Hostettler	Rehberg
Bradley (NH)	Hulshof	Reichert
Brady (TX)	Hunter	Renzi
Brown (SC)	Hyde	Reynolds
Brown-Waite,	Inglis (SC)	Rogers (AL)
Ginny	Issa	Rogers (KY)
Burgess	Istook	Rogers (MI)
Burton (IN)	Jenkins	Rohrabacher
Buyer	Jindal	Ros-Lehtinen
Calvert	Johnson (CT)	Royce
Camp (MI)	Johnson (IL)	Ryan (WI)
Campbell (CA)	Johnson, Sam	Ryun (KS)
Cannon	Keller	Saxton
Cantor	Kelly	Schmidt
Capito	Kennedy (MN)	Schwarz (MI)
Carter	King (IA)	Sensenbrenner
Castle	King (NY)	Sessions
Choccola	Kingston	Shadegg
Coble	Kirk	Shaw
Cole (OK)	Kline	Sherwood
Conaway	Knollenberg	Shimkus
Crenshaw	Kolbe	Shuster
Cubin	Kuhl (NY)	Simmons
Culberson	LaHood	Simpson
Davis (KY)	Latham	Smith (NJ)
Davis, Jo Ann	LaTourette	Smith (TX)
Davis, Tom	Leach	Sodrel
Deal (GA)	Lewis (CA)	Souder
DeLay	Lewis (KY)	Stearns
Dent	Linder	Sullivan
Diaz-Balart, L.	LoBiondo	Sweeney
Diaz-Balart, M.	Lucas	Tancredi
Doolittle	Lungren, Daniel	Taylor (NC)
Drake	E.	Terry
Dreier	Mack	Thomas
Duncan	Manzullo	Thornberry
Ehlers	Marchant	Tiahrt
Emerson	McCaul (TX)	Tiberi
English (PA)	McCotter	Turner
Everett	McCrary	Upton
Feeney	McHenry	Walden (OR)
Ferguson	McHugh	Walsh
Fitzpatrick (PA)	McKeon	Wamp
Flake	McMorris	Weldon (FL)
Foley	Mica	Weldon (PA)
Forbes	Miller (FL)	Weller
Fortenberry	Miller (MI)	Westmoreland
Fossella	Miller, Gary	Whitfield
Fox	Moran (KS)	Wicker
Franks (AZ)	Murphy	Wilson (SC)
Frelinghuysen	Musgrave	Wolf
Gallely	Myrick	Young (AK)
Garrett (NJ)	Neugebauer	Young (FL)
Gerlach	Ney	

NOT VOTING—8

Andrews	Lewis (GA)	Oxley
Evans	Miller, George	Slaughter
Frank (MA)	Osborne	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1429

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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—ayes 421, noes 2, not voting 9, as follows:

[Roll No. 127]

AYES—421

Abercrombie	Costello	Hastings (WA)
Ackerman	Cramer	Hayes
Aderholt	Crenshaw	Hayworth
Akin	Crowley	Hefley
Alexander	Cubin	Hensarling
Allen	Cuellar	Henger
Baca	Culberson	Herseth
Bachus	Cummings	Higgins
Baird	Davis (AL)	Hinchee
Baker	Davis (CA)	Hinojosa
Baldwin	Davis (FL)	Hobson
Barrett (SC)	Davis (IL)	Hoekstra
Barrow	Davis (KY)	Holden
Bartlett (MD)	Davis (TN)	Holt
Barton (TX)	Davis, Jo Ann	Honda
Bass	Davis, Tom	Hooley
Bean	Deal (GA)	Hostettler
Beauprez	DeFazio	Hoyer
Becerra	DeGette	Hulshof
Berkley	Delahunt	Hunter
Berman	DeLauro	Hyde
Berry	DeLay	Inglis (SC)
Biggart	Dent	Inslee
Bilirakis	Diaz-Balart, L.	Israel
Bishop (GA)	Diaz-Balart, M.	Issa
Bishop (NY)	Dicks	Istook
Bishop (UT)	Dingell	Jackson (IL)
Blackburn	Doggett	Jackson-Lee
Blumenauer	Doolittle	(TX)
Blunt	Doyle	Jefferson
Boehlert	Drake	Jenkins
Boehner	Dreier	Jindal
Bonilla	Duncan	Johnson (CT)
Bonner	Edwards	Johnson (IL)
Bono	Ehlers	Johnson, E. B.
Boozman	Emanuel	Johnson, Sam
Boren	Emerson	Jones (NC)
Boswell	Engel	Jones (OH)
Boucher	English (PA)	Kanjorski
Boustany	Eshoo	Kaptur
Boyd	Etheridge	Keller
Bradley (NH)	Everett	Kelly
Brady (PA)	Farr	Kennedy (MN)
Brady (TX)	Fattah	Kennedy (RI)
Brown (OH)	Feeney	Kildee
Brown (SC)	Ferguson	Kilpatrick (MI)
Brown, Corrine	Filner	Kind
Brown-Waite,	Fitzpatrick (PA)	King (IA)
Ginny	Foley	King (NY)
Burgess	Forbes	Kingston
Burton (IN)	Ford	Kirk
Butterfield	Fortenberry	Kline
Buyer	Fossella	Knollenberg
Calvert	Fox	Kolbe
Camp (MI)	Franks (AZ)	Kucinich
Campbell (CA)	Frelinghuysen	Kuhl (NY)
Cannon	Gallegly	LaHood
Cantor	Garrett (NJ)	Langevin
Capito	Gerlach	Lantos
Capps	Gibbons	Larsen (WA)
Capuano	Gilchrest	Larson (CT)
Cardin	Gillmor	Latham
Cardoza	Gingrey	LaTourette
Carnahan	Gohmert	Leach
Carson	Gonzalez	Lee
Carter	Goode	Levin
Case	Goodlatte	Lewis (CA)
Castle	Gordon	Lewis (KY)
Chabot	Granger	Linder
Chandler	Graves	Lipinski
Chocola	Green (WI)	LoBiondo
Clay	Green, Al	Lofgren, Zoe
Cleaver	Green, Gene	Lowe
Clyburn	Grijalva	Lucas
Coble	Gutierrez	Lungren, Daniel
Cole (OK)	Hall	E.
Conaway	Harman	Lynch
Conyers	Harris	Mack
Cooper	Hart	Maloney
Costa	Hastings (FL)	Manzullo

Marchant	Peterson (PA)
Marshall	Petri
Matheson	Pickering
Matsui	Pitts
McCarthy	Platts
McCaul (TX)	Poe
McCollum (MN)	Pombo
McCotter	Pomeroy
McCrery	Porter
McDermott	Price (GA)
McGovern	Price (NC)
McHenry	Pryce (OH)
McHugh	Putnam
McIntyre	Radanovich
McKeon	Rahall
McKinney	Ramstad
McMorris	Rangel
McNulty	Regula
Meehan	Rehberg
Meek (FL)	Reichert
Meeks (NY)	Renzi
Melancon	Reyes
Mica	Reynolds
Michaud	Rogers (AL)
Millender	Rogers (KY)
Henger	Rogers (MI)
McDonald	Rohrabacher
Miller (FL)	Ros-Lehtinen
Miller (MI)	Ross
Miller (NC)	Rothman
Miller, Gary	Roybal-Allard
Mollohan	Royce
Moore (KS)	Ruppersberger
Moore (WI)	Rush
Moran (KS)	Ryan (OH)
Moran (VA)	Ryan (WI)
Murphy	Ryun (KS)
Murtha	Sabo
Musgrave	Salazar
Myrick	Sanchez, Linda
Nadler	T.
Napolitano	Sanchez, Loretta
Neal (MA)	Sanders
Neugebauer	Saxton
Ney	Schakowsky
Northup	Schiff
Norwood	Schmidt
Nunes	Schwartz (PA)
Nussle	Schwarz (MI)
Oberstar	Scott (GA)
Obey	Scott (VA)
Oliver	Sensenbrenner
Ortiz	Serrano
Otter	Sessions
Owens	Shadegg
Pallone	Shaw
Pascrell	Shays
Pastor	Sherman
Paul	Sherwood
Payne	Shimkus
Perce	Shuster
Peterson (MN)	Simmons
	Simpson

NOES—2

Flake	Markey
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NOT VOTING—9

Andrews	Gutknecht	Osborne
Evans	Lewis (GA)	Oxley
Frank (MA)	Miller, George	Slaughter

□ 1438

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 unavoidably detained and missed rollcall votes 125, 126, and 127. Had I been represent, 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 recommit on a bill and the Speaker asks the Member if they are opposed to the bill and the Member announces 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 recommit 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 recommit, the gentleman from Massachusetts, voted against the bill. The Member that offered the motion to recommit 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.

The SPEAKER pro tempore. The gentleman will state his 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 could be on the floor, if 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