SAFE Ports Act of 2006

The final language of the underlying port security bill is similar to the original GreenLane bill. The legislation will:

- Increase security standards for all cargo entering the United States;
- Create a system to resume trade after an incident at our ports;
- "Push out the borders" by strengthening CSI and C-TPAT;
- Create the GreenLane – the highest tier of the Customs-Trade Partnership Against Terrorism (C-TPAT) that requires a higher level of security but provides additional benefits to importers; and
- Authorize $400 million in port security grants.

While the port security provisions are similar, the conference report differs from the Senate-passed bill in that it does not include any provisions on mass transit, rail, trucking, or pipeline security.

Outline of the SAFE Ports Act

Title I: Security of United States Seaports
This title contains provisions intended to protect the security at the seaports in the United States. Some of the key provisions in this title are:

- *Transportation Worker Identification Card*: instructs the Secretary to implement the TWIC program and distribute cards at the 10 top priority ports by July 1, 2007. The Secretary shall also implement a pilot program to test card readers at 5 different ports. If the cards and the readers do not work together, then employees are not required to pay to purchase another card.
- *Interagency Operational Centers at all high priority ports*: these centers are under the command of the Coast Guard, but will bring together federal, state and local government, as well as private industry to coordinate security procedures. In Seattle, this center will be located at the Coast Guard Joint Operation Center.
- *Port security training and exercise program*: requires the Secretary to establish a training and exercise program to include and coordinate all of the relevant governmental and private stakeholders.
- *Radiation scanning*: requires the Secretary to deploy radiation detectors at the top 22 ports by the end of 2007, which represents 98% of all cargo entering the United States. The Port of Seattle already has these radiation detectors at most of its terminals. For the Port of Tacoma, the conference report authorizes a test center to study the problems associated with ship-to-rail detection.

Title II: Security of the International Supply Chain
This section "pushes out the borders" by requiring importers and foreign ports to secure their supply chain before cargo can be loaded onto a ship bound for the United States. Some of the key provisions in this title are:

- *Strategic plan*: instructs the Secretary of DHS to develop and implement a strategic plan to enhance the security of the international supply chain.
- *Post incident resumption of trade*: instructs the Secretary to develop the protocols necessary for the resumption of trade following an incident. This plan will instruct the order by which cargo or vessels are allowed to enter the United States.
- *Container security standards*: instructs the Secretary to implement a rule-making process to establish minimum container security standards and procedures for security in-transit containers.
- *Container Security Initiative (CSI)*: authorizes the CSI program at foreign ports to identify, examine or search cargo containers that pose a security risk. Cargo that is identified as "high-risk" cannot be loaded onto a U.S.-bound ship unless it has been further inspected.
- *C-TPAT*: authorizes the Customs-Trade Partnership Against Terrorism. There are 3 tiers to the C-TPAT program. Importers achieve Tier 1 status when they certify their security procedures. They achieve Tier 2 after Customs officials verify and validate their procedures. Tier 3 is the GreenLane.
- *GreenLane*: establishes the GreenLane to require additional security standards. In exchange, importers get preferential treatment for their cargo, including reduced examinations and expedited release of their cargo following a security incident.
- *100% Scanning*: 100% scanning is not practical using existing technology. A RAND report concluded that 100% scanning would delay each container by 5.5 hours. This provision establishes a pilot program at 3 foreign ports to couple non-intrusive detection equipment and radiation detectors to study the possibility of 100% scanning.

Title III: Administration
This section establishes the Office of Cargo Security Policy in DHS to coordinate all DHS policies and R&D relating to cargo security.

Title IV: Agency Resources and Oversight
This section was not included in the original GreenLane bill but was added by the Finance Committee before Senate consideration. This title is intended to preserve some of Customs' trade and revenue functions from the increased security role required by the rest of the conference report.

- *Office of International Trade*: this office, in the Bureau of Customs and Border Protection, is charged with monitoring and coordinating Customs revenue functions.
- *1,000 Customs officers*: Customs is authorized to hire an additional 1,000 officers who are responsible for enhancing trade and revenue functions.

Title V: Domestic Nuclear Detection Office
This title establishes the Domestic Nuclear Detection Office (DNDO) in the Department of Homeland Security. DNDO is responsible for coordinating federal efforts to detect and protect against unauthorized importation of nuclear or radiological materials.

Title VI: Commercial Mobile Service Alerts (WARN Act)

This title instructs the FCC to create a process through which commercial mobile service providers (cell phones, Blackberry, etc) can transmit emergency alerts.

Title VII: Other Matters
This title includes a number of amendments that were added on the Senate floor.

Title VIII: Unlawful Internet Gambling Enforcement
This title prohibits the use of financial instruments (e.g., credit cards, bank accounts) for unlawful Internet gambling.

Issues of Importance for Washington State

Car ferries: instructs Customs to develop a plan to inspect passengers and vehicles before they are loaded onto a ferry bound for the United States.

Interagency Operational Center to be housed at the Coast Guard Shore Operations Building.

Tacoma Radiation Test Center: most of the cargo in Tacoma is loaded directly from the ship to a railroad car. Most radiation detectors, however, contemplate a truck driving through sensors and pulling over if there is a positive hit. This is not possible with an 8-mile long train, which would block all tracks going into and out of the port. This test center will study the feasibility of installing detection monitors on the cranes, before they are loaded on to a train.

Radiation Detectors: as two of the 22 largest ports in the United States, the Ports of Seattle and Tacoma will be required to install radiation detection equipment by the end of 2007.

Labor Issues:

- *TWIC felonies*: people who have been convicted of 4 crimes (espionage, terrorism, sedition, or treason) are ineligible for a TWIC card.
- *Terrorist checklist of truck drivers*: DHS is required to check truck drivers against a terrorism watch list.
- *Radiation*: this provision would have given port operators immunity for any illness associated with the radiation detectors. It was removed. Ports with radiation detectors will need to comply with all safety measures and may be held responsible for serious illness.
- *Firefighter monitoring*: this was a Voinovich/Clinton amendment to monitor first responders working in a disaster area. It was a priority for Washington State's firefighters' union and is included in the final bill.