

# Security and Accountability For Every Port Act or the SAFE Port Act

109th U.S. Congress (2005-2006) **H.R. 4954:**

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5/4/2006--Passed House, amended. (There is 1 other summary)  
Security and Accountability For Every Port Act or the SAFE Port Act -

## **Title I - Security of United States Seaports**

### **Subtitle A - General Provisions**

#### **Section 101 -**

Amends federal shipping law to revise the definition of a "transportation security incident" to exclude from such definition non-terrorist acts that are committed during a labor strike, demonstration, or other type of labor unrest.

#### **Section 102 -**

Directs the Secretary of Homeland Security (Secretary) to develop protocols for the resumption of trade in the event of a transportation security incident that necessitates the suspension of trade.

#### **Section 103 -**

Revises maritime facility security plan requirements to require such plan to be resubmitted to the Secretary for approval upon each change in the ownership or operator of the facility that may substantially affect the security of the facility. Requires an individual qualified to implement security actions for a maritime facility that the Secretary believes may be involved in a transportation security incident (other than a Department of Defense facility) to be a U.S. citizen. Permits the waiver of such requirement if there is a complete background check of the individual and such individual is not identified on any terrorist watchlists.

Requires maritime facility security plans to include, among other things, provisions for controlling access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility.

#### **Section 104 -**

Requires the Secretary to verify, at least twice annually, the effectiveness of a maritime facility security plan, with at least one of the inspections to be unannounced.

#### **Section 105 -**

Requires the phased-in issuance of biometric transportation security cards to individuals with access to secure areas of seaport facilities, starting with the first 25 facilities on the facility vulnerability assessment list.

Requires the Secretary to: (1) compare each individual with unescorted access to a secure area of a seaport facility against terrorist watch lists to determine if the individual poses a threat; and (2) determine whether such individual may be denied admission to, or removed from, the United States. Requires the Secretary to report to Congress on individuals found to be on the terrorist watchlist or unlawfully present in the United

States and actions taken.

**Section 107 -**

Directs the Secretary, no later than May 15, 2007, to require crewmembers on vessels that call on U.S. ports to carry and present on demand any identification the Secretary decides is necessary.

**Section 108 -**

Requires the Secretary to issue regulations that establish and implement a long-range vessel tracking system by not later than April 1, 2007.

**Section 109 -**

Establishes an integrated network of maritime security command centers at U.S. seaports and maritime regions to facilitate federal and state incident management and response to transportation security incidents. Authorizes appropriations for FY2007-FY2012.

**Subtitle B - Grant and Training Programs**

**Section 111 -**

Amends the Homeland Security Act of 2002 to establish a port security grant program to allocate federal assistance to U.S. seaports based on an assessment of risk and need. Sets forth grant requirements. Authorizes appropriations for FY2007-FY2012.

**Section 112 -**

Establishes a Port Security Training Program and a Port Security Exercise Program to provide training to, and test and evaluate the capabilities of, federal, state, and local government officials, commercial seaport personnel and management, emergency response providers, populations of at-risk neighborhoods around seaports, and others to prevent and respond to threatened or actual acts of terrorism, natural disasters, and other emergencies at commercial seaports. Directs the Secretary to: (1) develop and promulgate national voluntary consensus standards for port security training under the Port Security Training Program; and (2) ensure that the Port Security Exercise Program consolidates all Department of Homeland Security (DHS) port security exercise programs, conducts periodic port security exercises at commercial seaports, and assists state and local governments and commercial seaports in designing, implementing, and evaluating such exercises.

Requires maritime vessel and facility security plans to provide, among other things, a strategy and timeline for conducting training and periodic unannounced drills for persons on a vessel or at a facility to deter a transportation security incident or a substantial threat of such incident.

**Subtitle C - Miscellaneous Provisions**

**Section 121 -**

Directs the Secretary to increase, by not less than 200, the number of positions for full-time active duty DHS port of entry inspection officers for FY2007-FY2012. Authorizes appropriations for FY2007-FY2012.

**Section 123 -**

Directs the Secretary to establish at least one Border Patrol unit for the U.S. Virgin Islands.

**Section 124 -**

Directs the Secretary to report to Congress on ownership and operation of U.S. seaports.

**Section 125 -**

Directs the Secretary to conduct a study, and report to Congress on, the adequacy of security operations at the 10 U.S. seaports that load and unload the largest amount of containers.

**Section 126 -**

Directs the Secretary to report to Congress on the impact of implementing certain requirements under the Immigration and Nationality Act (relating to providing U.S. border officers with arrival and departure manifests) with respect to commercial vessels that are less than 300 gross tons that operate exclusively between the territorial waters of the U.S. Virgin Islands and the British Virgin Islands.

**Section 127 -**

Directs the Secretary to establish a university-based Center for Excellence for Maritime Domain Awareness. Requires the Center to, among other things: (1) prioritize its activities based on the "National Plan to Improve Maritime Domain Awareness" published by the DHS in October 2005; and (2) provide educational, technical, and analytical assistance to federal agencies with responsibilities for maritime domain awareness (including the Coast Guard).

**Section 128 -**

Directs the Secretary to conduct a study, and report to Congress on, challenges to balancing the need for greater security while maintaining the efficient flow of trade at U.S. land ports.

**Title II - Security of the International Supply Chain****Section 201 -**

Directs the Secretary to develop and implement: (1) a strategic plan to enhance the security of the international supply chain; and (2) a plan for improving the Automated Targeting System for identifying high-risk containers moving through such supply chain. Authorizes appropriations for FY2007-FY2012.

Directs the Secretary to establish minimum standards and verification procedures for securing containers in transit to the United States. Requires all containers bound for U.S. ports to meet such standards and procedures not later than two years after the establishment of such standards. Urges the Secretary to promote and establish international standards for the security of containers moving through the international supply chain.

Authorizes the Secretary to establish and implement the Container Security Initiative (CSI) to identify and examine maritime containers that pose a risk for terrorism at foreign ports before they are shipped to the United States. Requires the Secretary to conduct an assessment, and notify Congress, before designating a foreign port under CSI. Requires the Secretary to report annually to Congress on the status of CSI. Authorizes appropriations for FY2007-FY2012.

Directs the Secretary to develop a secure electronic data interchange system to collect from and share appropriate risk information related to securing the supply chain with private sector entities.

Authorizes the Secretary to establish the voluntary Customs-Trade Partnership Against Terrorism (C-TPAT) to strengthen and improve the overall security of the international supply chain and U.S. border security. Makes importers, brokers, forwarders, carriers, and other entities in the international supply chain and intermodal transportation system meeting specified minimum requirements eligible for partnerships with the Department of Homeland Security under C-TPAT. Establishes three tiers of benefits for C-TPAT participants, with limited benefits provided to tier one participants and the most benefits provided to tier three participants. Outlines benefits. Authorizes the Secretary to consider participation of importers of non-containerized cargoes in C-TPAT. Authorizes appropriations for FY2007-2012.

Directs the Secretary to: (1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security, encourage the ingenuity of the private