



Port Security Council
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Comparison of GreenLane Bill S2008 and SAFE Port Act HR4954

Sens. Susan Collins (R-ME) and Patty Murray (D-WA) introduced the GreenLane Maritime Security Act (S. 2008) in the Senate on November 15th. Collins said that the bill will improve security at America's ports by establishing a "GreenLane" comprised of supply chain participants who voluntarily meet the highest level of security, thereby allowing U.S. security services to better identify and respond to potential threats and providing real incentives to importers to enhance their supply chain security measures.

On March 14th, 2006, Congressman Dan Lungren (R-CA) introduced the Security and Accountability For Every Port Act (HR 4954) in the House. It is also known as the SAFE Port Act. The Act strives to improve maritime and cargo security through enhanced layered defenses.

The two bills, GreenLane (S2008) and SAFE Port (HR4954) are companion bills. For the most part, the two are identical. Both bills begin by clarifying some facts and statistics about the maritime industry. According to both bills, "Maritime vessels are the primary mode of transportation for international trade." Approximately 9,700,000 shipping containers entered the United States through the ports in 2004. The impact on our economy due to port closures is in the billions of dollars. The temporary west coast port closures in 2002 cost the American economy approximately \$1 billion per day for the first five days.

The GreenLane bill stressed that in March 2005, the Government Accountability Office raised concerns about the possible use of cargo containers to move weapons of mass destruction. A layered approach to supply chain security could make significant improvements possible. Concerns were raised regarding the Department of Homeland Security's current supply chain security programs. For example, only 17.5 percent of the cargo identified as high-risk is inspected overseas. Furthermore, the equipment used at foreign ports for inspection is untested.

Strategic Plan

Both then continue by laying out many technical definitions for a better understanding of the terms used in regards to port security. This section is followed by strategies to

improve cargo security. According to the GreenLane Act, within 180 days after the enactment of the Act, the Secretary shall submit a strategic plan to enhance international supply chain security for all modes of transportation by which containers move through US ports.

This plan will clarify the roles of Federal, State, and local agencies, as well as provide measurable goals, increase available resources, and identify minimum container security standards. It will also provide incentives for voluntary measures to raise cargo security and include a process for information and intelligence sharing with private sector stakeholders. Furthermore, it will provide a plan for the quick resumption of trade should an incident occur.

Should an incident occur, the Secretary will give preference to vessels which have an approved vessel security plan, are entering a port directly from a foreign port designated under the Container Security Initiative (CSI), are operated by validated C-TPAT participants, or are carrying GreenLane designated cargo. Within 3 years after submitting the strategic plan, the Secretary will submit an update of the strategic plan to the appropriate Committees in both Houses. The Secretary is encouraged to utilize Federal Advisory Committees to review the draft strategic plan and any updates to the plan.

Automated Targeting System

Within 90 days after enactment of either Act, the Secretary shall develop and implement a plan for improving the Automated Targeting System. This system assesses imports and targets those imports which pose a high risk of containing contraband. The plan will include a schedule for completing all corrective actions recommended regarding the operation of the Automated Targeting System.

The Secretary will consider requiring additional non-manifest documentation for each container, reducing the time period allowed for revisions to the cargo manifest and for submission of entry data for vessel or cargo. Furthermore, an independent panel will conduct a review of the System and their results will be included in the strategic plan submitted by the Secretary.

Uniform Data System

According to both bills, all information required by DHS will be submitted in a secure fashion. A “single, uniform data system for the electronic collection, dissemination, and sharing of import and export information” will be established to increase data submission efficiency and security.

While both bills incorporate the use of private sector consultations, the GreenLane Act takes this a step further. According to the GreenLane Act, the Deputy Director for Management of the Office of Management and Budget is to establish an executive level interdepartmental steering group. This group will be comprised of representatives from

many different departments and will be responsible for coordinating the establishment and implementation of the International Trade Data System.

Within 1 year of the enactment of this Act, the steering group shall complete “the development of the harmonized data set of import and export information submitted to agencies with a presence at the international border of the United States.” The steering group is to consult with private sector stake holders when developing the uniform data submission requirements as well as develop long term uses for the data system.

Employee Verification

The SAFE Port Act includes language concerning the Transportation Worker Identification Card (TWIC) program which the GreenLane Act left out. According to the SAFE Port Act, the Secretary of the Department of Homeland Security will work with the Commandant of the Coast Guard to determine which areas are to be seen as “secure.” Furthermore, within 30 days of the enactment of this Act, the Secretary is to issue a security directive requiring States to “submit biographic information on each individual employed...in a position in which the individual has access to a secure area of a seaport in the United States.” This biographic information received on each individual will then be compared against terrorist watch lists.

Office of Cargo Security Policy

According to the GreenLane Act, an Office of Cargo Security Policy is to be created within the Department of Homeland Security. This Office will coordinate all cargo security related Department policies and programs while also consulting with private stakeholders and other Federal agencies to create new standards and regulations.

A Director will be appointed to head this new office by the Secretary of Homeland Security and will report to the Assistant Secretary for Policy. The Director will advise the Secretary on all Department programs which relate to cargo security and will also develop and coordinate cargo security policies and programs. The House version, SAFE Port, does not create an Office of Cargo Security Policy; Rather, it simply creates a Director of Cargo Security Policy.

Standards and Procedures for Secure Containers

Within 180 days after the enactment of either Act, the Secretary is to establish standards and procedures for securing containers in transit to the United States. These standards will address operation, use, and performance. All containers bound for ports in the United States are to meet these standards no later than 2 years after they have been established. The Secretary is responsible for reviewing and enhancing these security standards.

According to the GreenLane Act, within 1 year of being enacted, all containers that enter the United States are to be examined for radiation. The Secretary has 90 days to submit a

strategy to Congress for the deployment of radiation detection equipment at all ports of entry. This strategy will include the type of equipment, standard operating procedures, health and safety impacts, and a classified annex which details plans for covert testing. On the other hand, the SAFE Port Act does give a more specific definition to the strategy for Radiation Detection and Safety. For example, under the SAFE Port Act, the strategy will include a timeline of when radiation detection equipment will be deployed at each of the maritime ports of entry.

Container Security Initiative (CSI)

In regards to the Container Security Initiative (CSI), both bills are essentially the same. The Secretary is authorized to establish a program to “identify and examine maritime containers that pose a risk for terrorism at foreign ports before the containers are shipped to the United States.” This program will be known as the Container Security Initiative (CSI). Before a foreign port is designated under CSI, the Secretary is to assess the costs, benefits, and any other factors deemed important. Each year by March 1, the Secretary is to submit a report to the appropriate Committees in Congress which details the assessment of each port being considered under CSI. This report shall also include an annual assessment justifying the continuation of each port designated under CSI. No foreign port may be designated under CSI until the Secretary completes the required assessment.

The Secretary of State shall enter into trade negotiations with the government of each foreign country with a port designated under CSI. It is the duty of the Secretary of Homeland Security to establish technical capability requirements and standard operating procedures and to require each port to work within accordance of such requirements.

The technologies, processes and techniques used by foreign CSI ports are to be continually monitored by the Secretary. Foreign assistance programs which can aid in the implementation of antiterrorism cargo security measures are to be identified by the Secretary and offered to both ports designated under CSI as well as other foreign ports that lack effective antiterrorism measures.

Non-intrusive inspection and radiation detection equipment may be leased or loaned to foreign ports participating in CSI. The Secretary may also provide training on the use of equipment to foreign CSI ports. Annually, the Secretary is to assess the personnel needs at each port designated under CSI.

C-TPAT

The Secretary is given the authorization to establish a voluntary program to strengthen and improve the security of the international supply chain known as the Customs-Trade Partnership Against Terrorism (C-TPAT). All deficiencies found in the C-TPAT program by the Government Accountability Office are to be corrected by the Secretary.

According to the Act, “Importers, brokers, air, sea, land carriers, and other entities in the international supply chain...are eligible to apply to voluntarily enter into partnerships with the Department.” All applicants have to demonstrate a history of moving commerce through the supply chain, conduct assessments of its supply chains, as well as implement and maintain security measures that meet security requirements.

The Secretary is to update the guidelines for certifying a participant’s security measures and supply chain security practices within 180 days after the enactment of this Act. Should a C-TPAT participant’s practices fail to meet validation requirements, they may not receive the benefits of participation. The participant has the option of appealing to the Secretary of the Commissioner and requesting revalidation. C-TPAT participants are to be revalidated at least once every three year period according to a process established by the Secretary

GreenLane

A third tier, known as GreenLane, will offer additional benefits to C-TPAT participants. The list of basic requirements for participation in the GreenLane program is more detailed in the GreenLane Act. According to the bill, GreenLane participants shall ensure that entry data is submitted on shipments before loading, cargo is loaded at a port designated under CSI onto a vessel with an approved vessel security plan.

Cargo is also to be made available for screening before loading onto a vessel. Supply chain visibility procedures and container security devices are to be utilized. Containers entering the United States through Canada or Mexico will undergo the equivalent level of inspection as a container arriving from any other foreign port.

The Secretary is to submit a strategy for screening and examining GreenLane containers overseas within 180 days of enactment of this Act. It is also the duty of the Secretary to promulgate regulations that establish requirements for supply chain visibility procedures, performance standards for container security devices, and procedures for overseas screening within 1 year of enactment of this Act.

Furthermore, the Secretary is to promulgate regulations providing benefits for participation in the GreenLane program. These benefits may include the expedited release of GreenLane cargo, reduced bonding requirements, preference to vessels, reduced searches, priority processing, reduced scores in the Automated Targeting System, and streamlined billing of any customs duties.

Joint Operation Centers

Joint Operations Centers for maritime and cargo security are to be established within 3 years of the enactment of either Act. These centers shall enhance information sharing, facilitate day-to-day operational coordination, and facilitate incident management and response.

According to the GreenLane Act, a joint operation center will be co-located with the command center for each Coast Guard sector. Participation within each joint operation center shall come from the US Coast Guard, Bureau of Customs and Border Protection, ICE, DoD, FBI, other Federal agencies, State, Local and international law enforcement, as well as port authority representatives.

Each center will assist in the implementation of maritime transportation security plans, transportation security incident response plans, information sharing activities, and both short and long range vessel tracking. According to the GreenLane Act, “The Secretary shall sponsor and expedite individuals participating in the joint operations centers in gaining or maintaining their security clearances.”

The Captain of the Port may identify key individuals who should participate in the joint operation centers. The port or other entities may appeal to the Captain for sponsorship. Should an incident involve a port, the Coast Guard Captain of the Port shall act as the incident commander. Within 180 days after the enactment of this Act, the Secretary shall submit a plan to implement this section including the location of the center, the participating entities, implementation costs, and the necessary resources for operation and maintenance.

Research and Development

The Secretary is also instructed to direct research and development to further maritime and cargo security, as well encourage the private sector to aid in the development of these objectives. It is the duty of the Secretary to avoid duplication of these efforts and to share the results of these efforts throughout the Department.

Within 1 year after enactment, the Secretary shall “initiate grant projects, as part of Operation Safe Commerce.” These projects shall integrate non-intrusive inspection and radiation detection equipment with automatic identification methods, test physical access control protocols and technologies, and create a data sharing network. By March 1 of each year, the Secretary is to submit a report to Congress detailing the results of Operation Safe Commerce. At least once every two years the Secretary must review the requirements and standards established under the GreenLane program and test future supply chain visibility procedures, container security devices, and other systems as they become available.

Port Security Grant Program

By far, the largest difference between the two proposed bills falls under the Port Security Grant Program. While most of the amounts are the same for both bills, they do differ in some ways. Under both Acts, the Secretary of Homeland Security will establish a grant program to allocate Federal assistance to aid in implementing Area Maritime Transportation Security Plans, correcting port security vulnerabilities, and non-federal projects which contribute to the overall security of a port. When awarding grants, the

Secretary shall consider national economic and strategic defense considerations and encourage efforts to promote the integration of port-wide security, information and intelligence sharing, and joint efforts among all port stakeholders.

“Any entity subject to the Area Maritime Transportation Security Plan may submit an application” containing such information as the Secretary deems necessary. Each application shall include a description of the need for the project, coordination of the project, any existing cooperation agreements, and the applicability of the project towards the Area Maritime Transportation Security Plan. The Secretary shall issue guidelines to establish accounting, reporting and review procedures to ensure funds are used for the purposes they were distributed. The Secretary will also ensure that projects are coordinated with other projects and “may require cooperative agreements among users of the ports and port facilities.”

According to the GreenLane Act, “Amounts authorized to be appropriated...shall originate from duties collected by the Bureau of Customs and Border Protection.” A total of \$400 million is authorized to be appropriated for each of the fiscal years 2007 through 2012 to carry out the Port Security Grant program outlined in both Acts. The GreenLane Act outlines a distribution of grant funds that includes: \$175 million to carry out the Container Security Initiative, \$75 million to aid in the Customs-Trade Partnership Against Terrorism, \$50 million to carry out the provisions of this Act related to the GreenLane program, \$100 million to aid in the creation of the Joint Operation Centers, and \$25 million is authorized to carry out Operation Safe Commerce.

There are a few differences in the amounts authorized in the SAFE Port Act. For example, \$196 million is authorized for CSI under this Act. This is \$20 million more than is authorized by the GreenLane Act. SAFE Port does not specify amounts for either the Director of Cargo Security Policy or the GreenLane program.

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