

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
KING OF NEW YORK, OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES:

#33

H.L.C.

2nd Revised

**AMENDMENT TO H.R. 4954, AS REPORTED
OFFERED BY MR. KING OF NEW YORK**

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

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

4 (13) The Department of Homeland Security's
5 missions, including those related to United States
6 and international borders, involve both building se-
7 curity for United States citizens and facilitating le-
8 gitimate trade that is critical to the Nation.

9 (14) In creating the Department of Homeland
10 Security, Congress clearly mandated in section
11 412(b) of the Homeland Security Act of 2002 (6
12 U.S.C. 212(b)) that the customs revenue functions
13 described in paragraph (2) of such section shall not
14 be diminished.

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



1 (a) FACILITY SECURITY PLANS.—Section
2 70103(c)(3) of title 46, United States Code, is amended—

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

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

7 (3) by adding at the end the following new sub-
8 paragraph:

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

13 (b) FACILITY SECURITY OFFICERS.—Section
14 70103(c) of title 46, United States Code, is amended by
15 adding at the end the following:

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

20 “(B) The Secretary may waive the requirement of
21 subparagraph (A) with respect to an individual if the Sec-
22 retary determines that it is appropriate to do so based on
23 a complete background check of the individual and a re-
24 view of all terrorist watchlists to ensure that the individual
25 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):

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

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

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

6 (2) in subsection (b) by striking “The” and in-
7 serting “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:

8 “(c) PARTICIPATION.—

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

13 “(A) The Coast Guard.

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

15 “(C) U.S. Immigration and Customs En-
16 forcement.

17 “(D) Other appropriate Federal agencies.

18 “(2) STATE AND LOCAL PARTICIPATION.—Ap-
19 propriate State and local law enforcement agencies



1 may participate in the integrated network of mari-
2 time security command centers described in sub-
3 section (a).”.

Page 24, line 8, insert at the end before the semi-
colon 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 sec-
tion:

4 **SEC. 127. CENTER OF EXCELLENCE FOR MARITIME DOMAIN**
5 **AWARENESS.**

6 (a) **ESTABLISHMENT.**—The Secretary of the Home-
7 land Security shall establish a university-based Center for
8 Excellence for Maritime Domain Awareness following the
9 merit-review processes and procedures that have been es-
10 tablished by the Secretary for selecting university program
11 centers of excellence.

12 (b) **DUTIES.**—The Center shall—

13 (1) prioritize its activities based on the “Na-
14 tional Plan to Improve Maritime Domain Aware-



1 ness” published by the Department of Homeland Se-
2 curity in October 2005;

3 (2) recognize the extensive previous and ongo-
4 ing work and existing competence in the field of
5 maritime domain awareness at numerous academic
6 and research institutions, such as the Naval Post-
7 graduate School;

8 (3) leverage existing knowledge and continue
9 development of a broad base of expertise within aca-
10 demia and industry in maritime domain awareness;
11 and

12 (4) provide educational, technical, and analyt-
13 ical assistance to Federal agencies with responsibil-
14 ities for maritime domain awareness, including the
15 Coast Guard, to focus on the need for interoper-
16 ability, information sharing, and common informa-
17 tion 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:

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

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

4 “(5) **TRADE AND CUSTOMS REVENUE FUNC-**
5 **TIONS.—**The Under Secretary for Policy shall—

6 “(A) ensure that the trade and customs
7 revenue functions of the Department are coordi-



1 nated within the Department and with other
2 Federal departments and agencies, and that the
3 impact on legitimate trade is taken into account
4 in any action impacting these functions; and

5 “(B) monitor and report to Congress on
6 the Department’s mandate to ensure that the
7 trade and customs revenue functions of the De-
8 partment are not diminished, including how
9 spending, operations, and personnel related to
10 these functions have kept pace with the level of
11 trade entering the United States.”.

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

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

12 “(c) DIRECTOR OF TRADE POLICY.—

13 “(1) IN GENERAL.—There shall be in the Di-
14 rectorate for Policy, Planning, and International Af-
15 fairs a Director of Trade Policy (hereinafter in this
16 subsection referred to as the ‘Director’), who shall
17 be subject to the direction and control of the Under
18 Secretary for Policy.

19 “(2) RESPONSIBILITIES.—The Director shall—

20 “(A) advise the Assistant Secretary for
21 Policy regarding all aspects of Department pro-



1 grams relating to the trade and customs rev-
2 enue functions of the Department;

3 “(B) develop Department-wide policies re-
4 garding trade and customs revenue functions
5 and trade facilitation; and

6 “(C) coordinate the trade and customs rev-
7 enue-related programs of the Department with
8 other Federal departments and agencies. ”.

Page 96, after line 15, insert the following new sec-
tion:

9 **“SEC. 604. CONSULTATION ON TRADE AND CUSTOMS REV-**
10 **ENUE FUNCTIONS.**

11 “(a) IN GENERAL.—The Secretary and the Under
12 Secretary for Policy shall consult with representatives of
13 the business community involved in international trade, in-
14 cluding seeking the advice and recommendations of the
15 Commercial Operations Advisory Committee (COAC), on
16 Department policies and actions that have a significant
17 impact on international trade and customs revenue func-
18 tions.

19 “(b) COAC CONSULTATION AND NOTIFICATION.—

20 “(1) IN GENERAL.—Subject to paragraph (2),
21 the Secretary shall seek the advice and recommenda-
22 tions of COAC on any proposed Department policies,
23 initiatives, actions, or organizational reforms that



1 will have a major impact on trade and customs revenue functions not later than 45 days prior to the
2 finalization of the policies, initiatives, actions, or organizational reforms.
3
4

5 “(2) EXCEPTION.—If the Secretary determines
6 that it is important to the national security interest
7 of the United States to finalize any proposed Department policies, initiatives, actions, or organizational reforms prior to the provision of advice and
8 recommendations described in paragraph (1), the
9 Secretary shall—
10
11

12 “(A) seek the advice and recommendations
13 of COAC on the policies, initiatives, actions, or
14 organizational reforms not later than 30 days
15 after the date on which the policies, initiatives,
16 actions, or organizational reforms are finalized;
17 and

18 “(B) to the extent appropriate, modify the
19 policies, initiatives, actions, or organizational
20 reforms based upon the advice and recommendations of COAC.
21

22 “(c) CONGRESSIONAL CONSULTATION AND NOTIFICATION.—
23

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 the Secretary shall consult with and provide any rec-



1 ommendations of COAC received under subsection
2 (b) to the appropriate congressional committees not
3 later than 30 days prior to the finalization of any
4 Department policies, initiatives, actions or organiza-
5 tional reforms that will have a major impact on
6 trade and customs revenue functions.

7 “(2) EXCEPTION.—If the Secretary determines
8 that it is important to the national security interest
9 of the United States to finalize any Department
10 policies, initiatives, actions, or organizational re-
11 forms prior to the consultation described in para-
12 graph (1), the Secretary shall—

13 “(A) consult with and provide any rec-
14 ommendations of COAC received under sub-
15 section (b) to the appropriate congressional
16 committees not later than 45 days after the
17 date on which the policies, initiative, actions, or
18 organizational reforms are finalized; and

19 “(B) to the extent appropriate, modify the
20 policies, initiatives, actions, or organizational
21 reforms based upon the consultations with the
22 appropriate congressional committees.”.

Page 97, after line 2, insert the following new sec-
tion:



1 **SEC. 302. STUDY AND REPORT ON CUSTOMS REVENUE**
2 **FUNCTIONS.**

3 (a) **STUDY.**—

4 (1) **IN GENERAL.**—The Comptroller General
5 shall conduct a study evaluating the extent to which
6 the Department of Homeland Security is meeting its
7 obligations under section 412(b) of the Homeland
8 Security Act of 2002 (6 U.S.C. 212(b)) with respect
9 to the maintenance of customs revenue functions.

10 (2) **ANALYSIS.**—The study shall include an
11 analysis of —

12 (A) the extent to which the customs rev-
13 enue functions carried out by the former U.S.
14 Customs Service have been consolidated with
15 other functions of the Department (including
16 the assignment of non-customs revenue func-
17 tions to personnel responsible for customs rev-
18 enue collection), discontinued, or diminished fol-
19 lowing the transfer of the U.S. Customs Service
20 to the Department;

21 (B) the extent to which staffing levels or
22 resources attributable to customs revenue func-
23 tions have decreased since the transfer of the
24 U.S. Customs Service to the Department; and

25 (C) the extent to which the management
26 structure created by the Department ensures



1 effective trade facilitation and customs revenue
2 collection.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Comptroller General shall
5 submit to the appropriate congressional committees a re-
6 port on the results of study conducted under subsection
7 (a).

8 (c) DEFINITION.—In this section, the term “customs
9 revenue functions” means the functions described in sec-
10 tion 412(b)(2) of the Homeland Security Act of 2002 (6
11 U.S.C. 212(b)(2)).

Page 99, line 11, after “implement” insert “Depart-
ment components of”.

Page 99, line 21, strike “outside the United States”.

Page 101, beginning on line 12, strike “commer-
cial”.

Page 101, line 13, strike “devices” and insert “tech-
nologies”.

Page 101, line 13, add at the end the following new
sentence: “The results of the tests performed with serv-
ices made available under this subsection shall be con-
fidential and may not be disclosed to individuals or enti-
ties outside of the Federal government without the con-
sent of the developer for whom the tests are performed.”.

