


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: October 11, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations
Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst

C. F. No. 13-0002-S107
Assignment No. 13-08-0696

SUBJECT: Resolution (Buscaino-LaBonge) to SUPPORT H.R. 1535 (Hahn), "The Gauging
American Port Security (GAPS) Act"

CLA RECOMMENDATION: ADOPT Resolution (Buscaino-LaBonge) to include in the City's 2013-2014 Federal Legislative Program SUPPORT of H.R. 1535 (Hahn), "The Gauging American Port Security (GAPS) Act," which would direct the Department of Homeland Security Inspector General to conduct a study of gaps in U.S. port security and submit to Congress a report that includes a prioritization of such gaps and a plan for addressing them.

SUMMARY:

Resolution (Buscaino-LaBonge), introduced on August 2, 2013, notes that the terrorist attacks against America on September 11, 2011 clearly taught us that we must be better prepared and more vigilant to guard against terrorist attacks of any kind, whether in the air, on the ground, from the sea or in cyberspace. Indeed, we as a nation have undertaken many efforts to improve security at airports and at land border crossings with Canada and Mexico.

The Resolution further notes that we have been able to increase surveillance in various ways at many of our ports but advises that too many opportunities still remain for determined terrorists to attack our ports and our shores through relatively easy access to the tens of thousands of ships that make over 50,000 calls each year at U.S. ports. The Resolution argues that we must do more to protect our physical infrastructure, our local and regional communities, and our precious human lives.

The Resolution advises that H.R. 1535, "The Gauging American Port Security (GAPS) Act," introduced by Congresswoman Janice Hahn, would offer a cautionary step toward improving security at U.S. ports by requiring the U.S. Department of Homeland Security (1) to conduct a study of, and submit to the Congress a report on, remaining gaps in port security in the United States; and (2) to include in this report a prioritization of such gaps and a plan for addressing them. The Resolution therefore proposes that the City support H.R. 1535 and/or similar legislation.

BACKGROUND:

H.R. 1535, introduced on April 12, 2013 by Congresswoman Janice Hahn, would instruct the Inspector General of the Department of Homeland Security, within one year, to (1) conduct a study of, and submit to the Congress a report on, remaining gaps in port security in the United States; and (2) include in this report a prioritization of such gaps and a plan for addressing them.

The bill directs the Department to submit the report in classified form but with an unclassified annex. The bill further directs the Department to share, as appropriate, with designated points of contact from Federal agencies and State, local or tribal governments, and port system owners and operators, relevant information regarding gaps in port security of the United States, prioritization of such gaps, and a plan for addressing such gaps.

DEPARTMENT(S) NOTIFIED: Harbor

BILL STATUS:

Introduced on April 12, 2013.

Referred to the House Committee on Homeland Security on April 12, 2013.

Referred to the Subcommittee on Border and Maritime Security on April 24, 2013.



Christine Yee (Hollis)
Analyst

Attachments: Resolution (Buscaino-LaBonge), introduced on August 2, 2013
H.R. 1535 (Hahn), introduced on April 12, 2013

13-0002-S107

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, State or Federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, in the years following the attacks against America on September 11, 2001, we as a nation have learned that we must be better prepared and more vigilant to guard against terror attacks of any kind, whether in the air, on the ground, under the sea or in cyberspace; and

WHEREAS, we have undertaken many efforts to improve security at airports and at land border crossings with Canada and Mexico; and

WHEREAS, with the help of some federal grants, we have been able to heighten surveillance and take other measures to improve security at many U.S. seaports; and

WHEREAS, too many opportunities still remain for determined terrorists to attack our ports and our shores through relatively easy access to the tens of thousands of ships that make over 50,000 calls each year at U.S. ports, carrying approximately two billion tons of freight, three billion tons of oil, and 134 million passengers each year; and

WHEREAS, we must do more to protect our physical infrastructure, to utilize our technological knowledge and expertise, and to nurture our precious human lives, our future generations and local and regional communities that all contribute to our nation's greatness; and

WHEREAS, H.R. 1535, the "Gauging American Port Security Act" or the "GAPS Act" would allow us to take at least one cautionary step toward improving security at U.S. ports by requiring the U. S. Department of Homeland Security (1) to conduct a study of, and submit to the Congress a report on, remaining gaps in port security in the United States; and (2) to include in such report a prioritization of such gaps and a plan for addressing them;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 Federal Legislative Program SUPPORT for H.R. 1535 (Hahn-CA) and/or similar legislation or administrative actions, which would require the U.S. Department of Homeland Security to take stock of the remaining security gaps at U.S. ports, and to report to Congress on its findings, along with a prioritization of such security gaps and a plan for addressing them.

PRESENTED BY

Joe Buscaino

Joe Buscaino
Councilmember, 15th District

SECONDED BY

[Signature]

[Signature]

AUG 2 2013

ORIGINAL

113TH CONGRESS
1ST SESSION

H. R. 1535

To direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2013

Ms. HAHN (for herself and Mr. POE of Texas) introduced the following bill;
which was referred to the Committee on Homeland Security

A BILL

To direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gauging American
5 Port Security Act” or the “GAPS Act”.

1 **SEC. 2. STUDY, REPORT, AND PLAN TO ADDRESS GAPS IN**
2 **PORT SECURITY.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act the Inspector General of
5 the Department of Homeland Security shall—

6 (1) conduct a study of, and submit to the Con-
7 gress a report on, remaining gaps in port security in
8 the United States; and

9 (2) include in such report a prioritization of
10 such gaps and a plan for addressing them.

11 (b) FORM.—The report required under subsection (a)
12 shall be submitted in classified form but shall contain an
13 unclassified annex.

14 **SEC. 3. INFORMATION SHARING.**

15 The Secretary of Homeland Security shall, in accord-
16 ance with rules for the handling of classified information,
17 share, as appropriate, with designated points of contact
18 from Federal agencies and State, local, or tribal govern-
19 ments, and port system owners and operators, relevant in-
20 formation regarding remaining gaps in port security of the
21 United States, prioritization of such gaps, and a plan for
22 addressing such gaps. In the event that a designated point
23 of contact does not have the necessary security clearance
24 to receive such information, the Secretary shall help expe-
25 dite the clearance process, as appropriate.

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