

## 2. LEGISLATION AND EXECUTIVE ORDERS

### A. Climate Change Strategy and Technology Innovation Act (S.1008)

On June 8, 2001, Senator Robert C. Byrd and Senator Ted Stevens introduced S.1008, the Climate Change Strategy and Technology Innovation Act of 2001, in the U.S. Senate. This bill would amend the Energy Policy Act of 1992 to develop the U.S. Climate Change Response Strategy.

Among its findings, this bill indicates that much more progress could be made on the issue of climate change if the United States were to adopt a new approach for addressing climate change that included, as an ultimate long-term goal: (1) stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and (2) a response strategy with four key elements. The response strategy would consist of: (a) definition of interim emission mitigation targets coupled with specific mitigation approaches that cumulatively yield stabilized atmospheric greenhouse gas concentrations; (b) a national commitment to double energy research and development by the U.S. public and private sectors, and, in carrying out such research and development, to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States; (c) climate adaptation research that focuses on response actions necessary to adapt to climate change that may have occurred or may occur under any future climate change scenario; and (d) continued research that focuses on resolving the remaining scientific, technical, and economic uncertainties, to aid in the development of sound response strategies.

Inherent in each of the four key elements of the response strategy is consideration of the international nature of the challenge, which will require: (1) establishment of joint climate response strategies and joint research programs; (2) assistance to developing countries and countries in transition for building technical and institutional capacities and incentives for addressing the challenge; and (3) promotion of public awareness of the issue.

The purpose of this bill is to implement the new approach by developing a national focal point for climate change response through the establishment of the National Office of Climate Change Response within the Executive Office of the President to develop the U.S. Climate Change Response Strategy. The Strategy would: (1) incorporate the four key elements of the new approach; (2) be supportive of and integrated in the overall energy, transportation, industrial, agricultural, forestry, and environmental policies of the United States; (3) take into account the diversity of energy sources and technologies, supply-side and demand-side solutions, and national infrastructure, energy distribution, and transportation systems; (4) provide for the inclusion and equitable participation of federal, state, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties; (5) incorporate new models of federal-state cooperation; (6) define a comprehensive energy technology research and development program; (7) include consideration of other efforts to address critical environmental and health concerns, including clean air, clean

water, and responsible land use policies; and (8) incorporate initiatives to promote the deployment of clean energy technologies in the United States and abroad.

The bill would also establish: (1) an Interagency Task Force, chaired by the Director of the White House Office, to serve as the primary mechanism through which the heads of federal agencies work together to develop and implement the Strategy; (2) the Office of Carbon Management and the Center for Strategic Climate Change Response within the Department of Energy; (3) an independent review board; and (4) offices in the Department of Agriculture, the Department of Transportation, the Environmental Protection Agency, and other federal agencies as necessary to carry out the new approach to climate change.

For further information, contact the Office of Senator Robert C. Byrd, SH-311 Hart Senate Office Building, Washington, DC 20510-4801, (telephone: (202) 224-3954, electronic mail: senator\_byrd@byrd.senate.gov).

#### B. Port and Maritime Security Act (S.1214)

On July 20, 2001, Senator Ernest F. Hollings and Senator Bob Graham introduced S.1214, the Port and Maritime Security Act of 2001, in the U.S. Senate. This bill would amend the 1936 Merchant Marine Act, as amended, to establish a program to ensure greater security for U.S. seaports, and for other purposes. The bill would authorize the Coast Guard and the Maritime Administration (MARAD), both of the U.S. Department of Transportation, to develop a maritime transportation security program.

Among the many provisions of S.1214 are the following:

1. The Secretary of Transportation is to establish a Port Security Task Force to: (a) help implement this Act; (b) help coordinate programs to enhance the security and safety of U.S. seaports; (c) help provide long-term solutions for seaport security issues; (d) help coordinate the security operations of local seaport security committees; (e) help ensure that the public and local seaport security committees are kept informed about seaport security enhancement developments; (f) help provide guidance for the conditions under which loan guarantees and grants are made; and (g) consult with the Coast Guard and MARAD in establishing port security program guidance.
2. The Coast Guard is to establish seaport security committees to: (a) utilize the information made available under this Act; (b) define the physical boundaries within which to conduct vulnerability assessments in recognition of the unique characteristics of each port; (c) review port security vulnerability assessments; (d) implement voluntary port security guidance; (e) help coordinate planning and other necessary security activities and disseminate information that will facilitate law enforcement activities; and (f) conduct an exercise at least once every 3 years to verify the effectiveness of each port authority and marine terminal security plan.
3. The Coast Guard, in consultation with the Defense Threat Reduction Agency, the Center for Civil Force Protection, and other appropriate public and private sector organizations, is to

develop standards and procedures for conducting seaport security vulnerability assessments. The Coast Guard, in cooperation with local port authority committee officials, is to complete no fewer than 10 seaport security vulnerability assessments annually, until it has completed such assessments for the 50 ports determined to be the most strategic or economically strategic ports in the United States.

4. The Coast Guard and MARAD are to jointly initiate a rulemaking proceeding to prescribe regulations to protect the public from threats, e.g., crime or terrorism, originating from vessels in maritime transportation originating or terminating in a U.S. seaport. Consultations are to be conducted with the Secretary of the Treasury, the Attorney General, the heads of other U.S. government departments and agencies, state and local authorities, and the Task Force. Port authorities and marine terminal authorities at which port security vulnerability assessments have been conducted are to establish maritime security programs.
5. The Coast Guard and MARAD, in consultation with the Port Security Task Force, are to develop voluntary port security guidance that will serve as a benchmark for the review of security plans that: (a) are linked to the Captain-of-the-Port authorities for maritime trade; (b) include a set of recommended “best practices” guidelines for the use of maritime terminal operators; and (c) take into account the different nature and characteristics of U.S. seaports and the need to promote commerce.
6. The Coast Guard is to make every effort to have the port security guidance adopted by appropriate international organizations as an international standard and to seek to encourage the development and adoption of seaport security standards under international agreements in other countries where adoption of the same or similar standards might be appropriate. MARAD is to make every effort to have the port security guidance adopted by appropriate organizations as security standards and encourage the establishment of a program for the private sector accreditation of seaports that implement security standards that are consistent with the guidance.
7. The Secretary of Transportation is to establish a program, in consultation with the Federal Law Enforcement Center and others, for development of standards and procedures for training and certification of maritime security professionals. A Maritime Security Institute is to be established at the U.S. Merchant Marine Academy’s Global Maritime and Transportation School to train and certify maritime security professionals in accordance with internationally recognized law enforcement standards.
8. Title XI of the Merchant Marine Act of 1936 would be amended to provide for loan guarantees and grants for seaport security infrastructure improvements for eligible projects at any U.S. seaport involved in international trade. A project is eligible if it is for the construction or acquisition of: (a) equipment or facilities to be used for seaport security monitoring and recording; (b) security gates and fencing; (c) security-related lighting systems; (d) remote surveillance systems; (e) concealed video systems; or (f) other security infrastructure or equipment that contributes to the overall security of passengers, cargoes, or crewmembers.

9. Additional funds would be made available to the Commissioner of Customs without further appropriation for the purchase of non-intrusive screening and detection equipment for use at U.S. seaports. The Customs Service is to report annually to Congress on the expenditure of funds appropriated for this purpose.
10. The Secretary of Transportation, acting through MARAD and after consultation with the Coast Guard and the Task Force, is to publish a revised version of the document titled *Port Security: A National Planning Guide*, incorporating the port security guidance, and make the document available on the Internet.
11. The Secretary of Transportation is to coordinate the collection of port-related crime data.
12. The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Transportation, and the Attorney General are to work with each other, the Task Force, and the states to establish shared dockside inspection facilities at U.S. seaports.

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