

ASIS LEGISLATIVE ACTION

October 8, 2006

As of October 2, 2006, ASIS is currently monitoring the following seventeen (17) Senate and House Bills related to industrial security as they work their way through the Congress. Most are in committees presently. As indicated, two of the seventeen bills are currently supported by ASIS

S = Senate Bill

HR= House of Representatives Bill

CARGO & PORT SECURITY

1. #S 855 - Port Security Grant Act of 2005

Brief: This bill seeks to improve the security of the nation's ports by providing federal grants to support Area Maritime Transportation Security Plans and to address vulnerabilities in port areas identified in approved vulnerability assessments or by the Secretary of Homeland Security.

2. #H.R. 4954 SAFE Port Act

[ASIS – SUPPORTS]

Directs the Secretary of Homeland Security to designate a Director of Cargo Security Policy to coordinate DHS cargo security policies and programs with other executive agencies relating to cargo security; to develop and implement a strategic plan to enhance the security of the maritime transportation system; to develop protocols for the resumption of trade in the event of a transportation security incident that necessitates the suspension of trade, to develop and implement a plan for improving the Automated Targeting System for identifying high-risk containers moving through the international supply chain; to submit to the appropriate congressional committees a strategy for the deployment of radiation detection equipment at all ports of entry; to set minimum standards and verification procedures for securing containers in transit to an importer in the United States, including international standards for the security of containers moving through the system.

This bill was approved by the House Committee on Homeland Security on April 26, 2006, and passed by the full House on May 4, 2006, by a vote of 421-2. The Senate passed its version of HR 4954 on September 14, 2006, with several amendments. **Members of the House and Senate hope to meet in conference to finalize HR 4954 before adjourning in October.**

CHEMICAL SECURITY

3. #S 2145 - Chemical Facility Anti-terrorism Act of 2005

Brief: Establishes Area Security Committees for geographic areas designated by the Secretary, which shall prepare Area Security Plans for the Secretary's approval. Directs the Secretary to conduct drills and exercises periodically in each area for which an Area Security Plan is required and under the site security plan and emergency response plans of relevant chemical sources. Prescribes administrative, civil, and criminal penalties for failure to comply with an order or directive issued by the Secretary under this Act or with a site security plan. Allows a state to adopt and enforce more stringent standards unless they create a conflict with any provision of this Act. Awaiting full Senate for consideration.

4. **#H.R. – 5695 - Chemical Facility Anti –terrorism Act of 2006**

Brief: This bill seeks to set new federal regulations for chemical plants. It would create a system to rank plants according to risk, would require companies to create security plans to address vulnerabilities, and would establish a Chemical Security Office within the Department of Homeland Security (DHS). Allows DHS to require the use of inherently safer technology at facilities determined to be a high risk, as long as it would "significantly" reduce the consequences of a terrorist attack and would not impair the company financially.

CYBERSECURITY

5. **#S 1789 - Personal Data Privacy & Security Act of 2005**

Brief: The bill aims to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information. It awaits a floor vote.

6. **#H.R. 285 - DHS Cybersecurity Enhancement Act of 2005**

Brief: Bipartisan legislation to create the position of Assistant Secretary for Cybersecurity within the Department of Homeland Security's Information Analysis and Infrastructure Protection Directorate. This bill would allow for the Assistant Secretary to have primary authority within the Department for all Cybersecurity-related critical infrastructure protection programs of the Department, including policy formulation and program management. In committee.

INFORMATION SHARING

7. **#S 394 OPEN Government Act of 2005**

Brief: To strengthen the Freedom of Information Act (FOIA) and to promote greater public access to government records. Provide FOIA officials with the tools they need to ensure the openness and effectiveness of our government. Section 6 of the bill seeks to enforce time limits for agencies to act on requests [20-day time limit on responding to a FOIA request] Further, if the agency fails to respond within the 20-day limit, the agency may not then assert any FOIA exemption, except under limited circumstances such as endangerment to national security or disclosure of personal private information protected by the Privacy Act of 1974, unless the agency can demonstrate good cause for failure to comply with the time limits. In committee.

PRIVACY/IDENTITY THEFT

8. **#S 768 - Comprehensive Identity Theft Prevention Act**

Brief: The primary purposes of this bill are to strengthen protection guarantees, aid the prevention of identity theft, and to provide consumers with a uniform method to combat fraud. S. 768 would establish an "Office of Identity Theft" within the Federal Trade Commission (FTC), and would require data merchants to register with that office. In committee.

9. #S. 751 - Notification of Risk to Personal Data Act

Brief: Would require federal agencies and those "engaged in interstate commerce, in possession of data containing personal information" to notify any U.S. resident whose "unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person." Violators would face a civil penalty and possible legal action by state attorneys general. In committee.

10 #S.500 - Information Protection and Security Act

Brief: Intended to regulate information brokers and to protect individual rights with respect to personally identifiable information. It would require the Federal Trade Commission (FTC) to promulgate regulations governing the conduct of information brokers and the protection of personally identifiable information held by the brokers. The regulations promulgated by the FTC must include the following provisions:

- 1) Mandatory procedures for data accuracy, confidentiality, user authentication and tracking;
- 2) Means for the prevention and detection of illegal or unauthorized activity, and mitigation of potential harm to individuals;
- 3) Means by which individuals could obtain information pertaining to them by an information broker, including identification of each organization that produced such information; and
- 4) Means by which consumers could request and receive prompt correction of errors.

11. #S.29 - Social Security Number Misuse Prevention Act

Brief: Seeks to prohibit the display, sale, or purchase of social security numbers without the affirmatively expressed consent of the individual, except in specified circumstances. It would prohibit: (1) the use of social security numbers on government checks; (2) inmate access to social security account numbers; and (3) a commercial entity from requiring an individual to provide a social security number when purchasing a commercial good or service or denying an individual the good or service for refusing to provide that number. In committee.

12. #H.R.1263 - Consumer Privacy Protection Act of 2005

Brief: This Act is considered the most likely vehicle by which comprehensive data and privacy protections will be passed. The bill seeks to remedy the growing number of instances of identity theft that occur nationwide.

In the event of a data breach, it would require certain businesses and organizations to notify their customers that their personally identifiable information may be used for an unrelated purpose other than the principal transaction between the business and the customer.

Businesses would be required to:

- 1) Provide consumers, free of charge, the opportunity to preclude the sale or disclosure of their information to other organizations;
 - 2) Prepare and implement an information security policy that would prevent the unauthorized disclosure or release of a consumer's information; and
 - 3) Establish a privacy policy with respect to the collection, sale, disclosure, or use of the consumer's information.
- In committee.

13.#H.R.220 - Identity Theft Prevention Act of 2005

Brief: Would prohibit any federal agency from establishing a uniform standard for identification. Would prohibit the receipt of federal funding by states for the adoption of a uniform standard for identification. In committee.

SECURITY PROFESSION

14. #HR 875 - Public Safety & Protection Investment Act of 2005 [ASIS – **SUPPORTS**]

Brief: This bill would amend the Internal Revenue Code of 1986 to allow businesses to treat the cost of any qualifying security device as an expense which is not chargeable to capital account. The bill has not yet advanced beyond the House Committee on Ways and Means. ASIS sees the wisdom in lending its support to the measure, since the budgets of ASIS members and their employers clearly would benefit. Under the bill, qualifying security devices include: an electronic access control device or system; a biometric identification or verification device or system; closed-circuit television or other surveillance and security cameras and equipment; locks for doors and windows, including tumbler, key, and numerical or other coded devices; computers and software used to combat Cyberterrorism; electronic alarm systems to provide detection notification and off-premises transmission of an unauthorized entry, attack, or fire; and components, wiring, system displays, terminals, auxiliary power supplies, and other equipment necessary or incidental to the operation of any of the above named items.

TERRORISM PREPARDNESS GRANTS

15. #S 21 Homeland Security Grant Enhancement Act of 2005

Brief: Seeks to preserve specified Federal grant programs for additional first responder missions that existed prior to September 11, 2001. It would establish a threat-based Homeland Security Grant Program for States and local governments. Grant applications would be required to certify that the State has prepared and received the Secretary of Homeland Security's approval for a three-year State homeland security plan. The bill also requires the Director of the Office for Domestic Preparedness to allow any State to request approval to reallocate funds received under the State Homeland Security Grant Program. In committee.

16 #HR 1544 -. Faster and Smarter Funding for First Responders Act of 2005

Brief: This legislation requires that political formulas for the distribution of homeland security grant money give way to allocation based on risk. Any State applying for grant funds must submit to DHS a three-year State homeland security plan, to be developed in consultation with local governments and first responders. H.R. 1544 establishes a First Responder Grants Board and a Task Force on Terrorism Preparedness for First Responders. The Act also requires the establishment of measurable preparedness goals to guide homeland security grant awards and the way first responders apply them. In committee.

TRANSPORTATION & INFRASTRUCTURE

17 #S.1052 – Transportation Security Improvement Act of 2005

Brief: This bill is so complicated and far reaching, it requires several pages to brief. At a minimum: It directs the Secretary to promulgate a strategic plan for transportation R&D that ensures that the research needs for security of all modes of transportation, including aviation, maritime, rail, pipeline, and transit security, are addressed. Requires the Director to provide assistance to certain institutions of higher education for R&D projects that are related to rail security.

Title I -concerns Bill Authorization issues.

Title II – Improving Aviation security issues.

Title III- Improving Rail security issues (freight & passenger).

Title IV- Improving Motor-Carrier, Bus & Hazardous Material security issues.

Title V – Improving Maritime (port) security issues.

Do Contact your Congressman and Senator regarding a bill impacting your industry.

Legislative tip of the day. WANT TO MAKE YOUR INPUT or VOTE COUNT EIGHT TIMES?

How: 1) Call the Senator's local office to give your input on a bill,
2) call their Washington DC office,
3) fax your input to their local office, and
4) then fax it to their Washington DC office.

Then do the same thing to your Representative's office.

Your input(s) goes into a poll that tells the politician what his constituents think of a particular bill. Most people contact their Congressman once. You just did it eight times! Make your vote count.

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