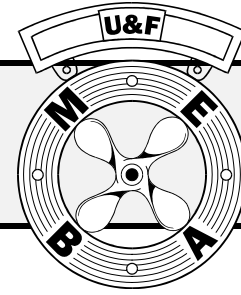


# LEGISLATIVE UPDATE



OCTOBER 2007

Congress returned to Washington, DC after Labor Day with a heavy workload of federal appropriations and the threat of Presidential vetoes of those appropriations. As expected the report on Iraq from General Patraeus presented on September 11<sup>th</sup> renewed debate over the future of the war in Iraq.

## **LOOMING BUDGET VETO SHOWDOWN**

The Senate and House have passed the Transportation and Housing bill providing funding for the Maritime Administration and Federal Maritime Commission as well as many other agencies. The Maritime Security Program will be fully funded at \$156 million. This represents a victory for M.E.B.A. and maritime labor which stayed engaged with Members of Congress to raise the funding level up from the lower dollar amount recommended by the President in his budget. Among other provisions, the bill also provides money for ship disposal, Title XI and the U.S. Merchant Marine Academy.

However while Democrats were joined by some Republicans in Congress to pass four spending bills – homeland security, military construction and veterans, state department and foreign operations, and transportation and housing – President Bush is threatening to veto those spending bills over a difference of \$22 billion more in these bills than what Bush requested (for a frame of reference the wars in Iraq and Afghanistan cost about \$10 billion a month). This impasse could result in a budget shutdown similar to the one seen in 1995 between President Clinton and the Republican controlled Congress.

## **AMENDED FINAL RULE ON TWIC PUBLISHED**

The Transportation Security Administration and U.S. Coast Guard have forwarded a final rule amending a previous final rule that will allow for greater participation in the Transportation Worker Identification Credential (TWIC) program and codify final fees to obtain a TWIC. The TWIC is a biometric credential that will be issued to transportation workers allowing them unescorted access to secure areas of vessels and terminal facilities.

This final rule amends Coast Guard regulations concerning vessel and facility security by requiring the use of the TWIC as an access control measure. Specifically, Coast Guard is adjusting its definition of secure areas, to take into account facilities in the Commonwealth of the Northern Mariana Islands, whose workers are not required to obtain work visas from the U.S before being allowed to work.

TSA regulations are amended with this filing to allow additional non-resident aliens to apply for a TWIC if they are working in a job that requires them to have unescorted access to a maritime facility. TSA also amends the scope provision of the rule to include additional non-resident aliens that may apply for a TWIC. TSA amends its regulations to clarify those credentialed merchant mariners who may receive a TWIC at a reduced fee. The agency adjusts the fee portion of the regulation, increasing

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the replacement credential fee from \$36 to \$60 and codifying the other fees that were announced in March. Finally, TSA announces a reduction in the fee charged by the FBI to conduct fingerprint-based criminal history record checks that are submitted to the FBI electronically. Therefore, under the amended rule that goes into effect as of today, the standard fee for a TWIC is \$132.50 and the reduced TWIC fee for applicants who have completed a comparable threat assessment is \$105.25.

### **GAO FINDS "SUBSTANTIAL" PROGRESS ON MARITIME SECURITY**

A report issued the Government Accountability Office (GAO) finds that although the Department of Homeland Security failed to meet half its performance expectations since the agency was established four years ago, it has made real progress in the area of maritime security. GAO Comptroller General David Walker testified before the Senate Homeland Security and Governmental Affairs Committee on Thursday and pointed out that, "There were 171 different performance expectations of which we judged that 78 were generally achieved, 83 generally not achieved, and 10 that we did not assess." The DHS has issued a lengthy statement disagreeing with the methods GAO used in conducting its probe. GAO found that the DHS was most lacking in areas of improving emergency preparedness and information sharing. However, maritime security was found to be a shining area of progress.

DHS responsibilities in this area concern port and vessel security, maritime intelligence, and maritime supply chain security. The GAO identified 23 maritime security performance expectations and found that DHS has "generally achieved" seventeen of them and has "generally not achieved" four others. There were two areas in which GAO was unable to make an assessment.