

## Calendar No. 664

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 4047**

To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 13, 2006

Mr. DEMINT (for himself and Mr. ENSIGN) introduced the following bill;  
which was read the first time

NOVEMBER 14, 2006

Read the second time and placed on the calendar

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**A BILL**

To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

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 “Secure Port Workforce  
5 Act”.

1 **SEC. 2. PROHIBITION OF ISSUANCE OF TRANSPORTATION**  
2 **SECURITY CARDS TO CONVICTED FELONS.**

3 Section 70105 of title 46, United States Code, is  
4 amended—

5 (1) in subsection (b)(1), by striking “decides  
6 that the individual poses a security risk under sub-  
7 section (e)” and inserting “determines under sub-  
8 section (c) that the individual poses a security risk”;  
9 and

10 (2) in subsection (c), by amending paragraph  
11 (1) to read as follows:

12 “(1) DISQUALIFICATIONS.—

13 “(A) PERMANENT DISQUALIFYING CRIMI-  
14 NAL OFFENSES.—Except as provided under  
15 paragraph (2), an individual is permanently dis-  
16 qualified from being issued a transportation se-  
17 curity card under subsection (b) if the indi-  
18 vidual has been convicted, or found not guilty  
19 by reason of insanity, in a civilian or military  
20 jurisdiction of any of the following felonies:

21 “(i) Espionage or conspiracy to com-  
22 mit espionage.

23 “(ii) Sedition or conspiracy to commit  
24 sedition.

25 “(iii) Treason or conspiracy to commit  
26 treason.

1           “(iv) A crime listed in chapter 113B  
2 of title 18, a comparable State law, or con-  
3 spiracy to commit such crime.

4           “(v) A crime involving a transpor-  
5 tation security incident. In this clause, a  
6 transportation security incident—

7                   “(I) is a security incident result-  
8 ing in a significant loss of life, envi-  
9 ronmental damage, transportation  
10 system disruption, or economic disrupt-  
11 tion in a particular area (as defined in  
12 section 70101 of title 46); and

13                   “(II) does not include a work  
14 stoppage or other nonviolent em-  
15 ployee-related action, resulting from  
16 an employer-employee dispute.

17           “(vi) Improper transportation of a  
18 hazardous material under section 5124 of  
19 title 49, or a comparable State law;.

20           “(vii) Unlawful possession, use, sale,  
21 distribution, manufacture, purchase, re-  
22 ceipt, transfer, shipping, transporting, im-  
23 port, export, storage of, or dealing in an  
24 explosive or incendiary device (as defined  
25 in section 232(5) of title 18, explosive ma-

1 materials (as defined in section 841(c) of title  
2 18), or a destructive device (as defined in  
3 921(a)(4) of title 18).

4 “(viii) Murder.

5 “(ix) Conspiracy or attempt to commit  
6 any of the crimes described in clauses (v)  
7 through (viii).

8 “(x) A violation of the Racketeer In-  
9 fluenced and Corrupt Organizations Act  
10 (18 U.S.C. 1961 et seq.), or a comparable  
11 State law, if 1 of the predicate acts found  
12 by a jury or admitted by the defendant  
13 consists of 1 of the offenses listed in  
14 clauses (iv) and (viii).

15 “(xi) Any other felony that the Sec-  
16 retary determines to be a permanently dis-  
17 qualifying criminal offense.

18 “(B) INTERIM DISQUALIFYING CRIMINAL  
19 OFFENSES.—Except as provided under para-  
20 graph (2), an individual is disqualified from  
21 being issued a biometric transportation security  
22 card under subsection (b) if the individual has  
23 been convicted, or found not guilty by reason of  
24 insanity, during the 7-year period ending on the  
25 date on which the individual applies for such or

1 card, or was released from incarceration during  
2 the 5-year period ending on the date on which  
3 the individual applies for such a card, of any of  
4 the following felonies:

5 “(i) Assault with intent to murder.

6 “(ii) Kidnapping or hostage taking.

7 “(iii) Rape or aggravated sexual  
8 abuse.

9 “(iv) Unlawful possession, use, sale,  
10 manufacture, purchase, distribution, re-  
11 ceipt, transfer, shipping, transporting, de-  
12 livery, import, export of, or dealing in a  
13 firearm or other weapon. In this clause, a  
14 firearm or other weapon includes, but is  
15 not limited to—

16 “(I) firearms (as defined in sec-  
17 tion 921(a)(3) of title 18); and

18 “(II) items contained on the  
19 United States Munitions Import List  
20 under 447.21 of title 27 Code of Fed-  
21 eral Regulations.

22 “(v) Extortion.

23 “(vi) Dishonesty, fraud, or misrepre-  
24 sentation, including identity fraud.

25 “(vii) Bribery.

1 “(viii) Smuggling.

2 “(ix) Immigration violations.

3 “(x) A violation of the Racketeer In-  
4 fluenced and Corrupt Organizations Act  
5 (18 U.S.C. 1961, et seq.) or a comparable  
6 State law, other than a violation listed in  
7 subparagraph (A)(x).

8 “(xi) Robbery.

9 “(xii) Distribution of, possession with  
10 intent to distribute, or importation of a  
11 controlled substance.

12 “(xiii) Arson.

13 “(xiv) Conspiracy or attempt to com-  
14 mit any of the crimes in this subpara-  
15 graph.

16 “(xv) Any other felony that the Sec-  
17 retary determines to be a disqualifying  
18 criminal offense under this subparagraph.

19 “(C) OTHER POTENTIAL DISQUALIFICA-  
20 TIONS.—Except as provided under subpara-  
21 graphs (A) and (B), an individual may not be  
22 denied a transportation security card under  
23 subsection (b) unless the Secretary determines  
24 that individual—

1           “(i) has been convicted within the pre-  
2           ceding 7-year period of a felony or found  
3           not guilty by reason of insanity of a fel-  
4           ony—

5                       “(I) that the Secretary believes  
6                       could cause the individual to be a ter-  
7                       rorism security risk to the United  
8                       States; or

9                       “(II) for causing a severe trans-  
10                      portation security incident;

11           “(ii) has been released from incarcer-  
12           ation within the preceding 5-year period  
13           for committing a felony described in clause  
14           (i);

15           “(iii) may be denied admission to the  
16           United States or removed from the United  
17           States under the Immigration and Nation-  
18           ality Act (8 U.S.C. 1101 et seq.); or

19           “(iv) otherwise poses a terrorism secu-  
20           rity risk to the United States.”.

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