

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4251
OFFERED BY MRS. MILLER OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Securing Maritime Ac-
3 tivities through Risk-based Targeting for Port Security
4 Act” or the “SMART Port Security Act”.

5 SEC. 2. TABLE OF CONTENTS.

6 The table of contents for this Act is the following:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

**TITLE I—DEPARTMENT OF HOMELAND SECURITY PORT
SECURITY PROGRAMS**

- Sec. 101. Updates of maritime operations coordination plan.
- Sec. 102. U.S. Customs and Border Protection Office of Air and Marine Asset Deployment.
- Sec. 103. Cost-benefit analysis of co-locating operational entities.
- Sec. 104. Study of maritime security redundancies.
- Sec. 105. Acquisition and strategic sourcing of marine and aviation assets.
- Sec. 106. Port security grant program management.
- Sec. 107. Port security grant funding for mandated security personnel.
- Sec. 108. Interagency operational centers for port security.
- Sec. 109. Report on DHS aviation assets.
- Sec. 110. Small vessel threat analysis.
- Sec. 111. U.S. Customs and Border Protection workforce plan.
- Sec. 112. Integrated cross-border maritime operations between the United States and Canada.
- Sec. 113. Training and certification of training for port security.
- Sec. 114. Northern border unmanned aerial vehicle pilot project.
- Sec. 115. Recognition of port security assessments conducted by other entities.

TITLE II—MARITIME SUPPLY CHAIN SECURITY

- Sec. 201. Strategic plan to enhance the security of the international supply chain.
- Sec. 202. Customs-Trade Partnership Against Terrorism.
- Sec. 203. Recognition of other countries' trusted shipper programs.
- Sec. 204. Pilot program for inclusion of non-asset based third party logistics providers in the Customs-Trade Partnership Against Terrorism.
- Sec. 205. Transportation Worker Identification Credential process reform.
- Sec. 206. Expiration of certain transportation worker identification credentials.
- Sec. 207. Securing the Transportation Worker Identification Credential against use by unauthorized aliens.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” has the meaning given such term in section
6 2 of the Homeland Security Act of 2002 (6 U.S.C.
7 101).

8 (2) DEPARTMENT.—The term “Department”
9 means the Department of Homeland Security.

10 (3) FUNCTION.—The term “function” includes
11 authorities, powers, rights, privileges, immunities,
12 programs, projects, activities, duties, and respon-
13 sibilities.

14 (4) LOCAL GOVERNMENT.—The term “local
15 government” means—

16 (A) a county, municipality, city, town,
17 township, local public authority, school district,
18 special district, intrastate district, council of
19 governments (regardless of whether the council
20 of governments is incorporated as a nonprofit

1 corporation under State law), regional or inter-
2 state government entity, or agency or instru-
3 mentality of a local government;

4 (B) an Indian tribe or authorized tribal or-
5 ganization, or in Alaska a Native village or
6 Alaska Regional Native Corporation; and

7 (C) a rural community, unincorporated
8 town or village, or other public entity.

9 (5) PERSONNEL.—The term “personnel” means
10 officers and employees.

11 (6) SECRETARY.—The term “Secretary” means
12 the Secretary of Homeland Security.

13 (7) STATE.—The term “State” means any
14 State of the United States, the District of Columbia,
15 the Commonwealth of Puerto Rico, the United
16 States Virgin Islands, Guam, American Samoa, the
17 Commonwealth of the Northern Mariana Islands,
18 and any possession of the United States.

19 (8) TERRORISM.—The term “terrorism” has
20 the meaning given such term in section 2 of the
21 Homeland Security Act of 2002 (6 U.S.C. 101).

22 (9) UNITED STATES.—The term “United
23 States”, when used in a geographic sense, means
24 any State of the United States, the District of Co-
25 lumbia, the Commonwealth of Puerto Rico, the Vir-

1 gin Islands, Guam, American Samoa, the Common-
2 wealth of the Northern Mariana Islands, any posses-
3 sion of the United States, and any waters within the
4 jurisdiction of the United States.

5 **TITLE I—DEPARTMENT OF**
6 **HOMELAND SECURITY PORT**
7 **SECURITY PROGRAMS**

8 **SEC. 101. UPDATES OF MARITIME OPERATIONS COORDINA-**
9 **TION PLAN.**

10 (a) IN GENERAL.—Not later than July 1, 2014, the
11 Secretary shall submit to the appropriate congressional
12 committees a maritime operations coordination plan for
13 the coordination and cooperation of maritime operations
14 undertaken by the agencies within the Department. Such
15 plan shall update the maritime operations coordination
16 plan released by the Department in July 2011, and shall
17 address the following:

18 (1) Coordination of planning, integration of
19 maritime operations, and development of joint situa-
20 tional awareness of any office or agency of the De-
21 partment with responsibility for maritime homeland
22 security missions.

23 (2) Maintaining effective information sharing
24 and, as appropriate, intelligence integration, with

1 Federal, State, and local officials and the private
2 sector, regarding threats to maritime security.

3 (3) Leveraging existing departmental coordina-
4 tion mechanisms, including the Interagency Oper-
5 ational Centers, as authorized under section 70107A
6 of title 46, United States Code, the U.S. Customs
7 and Border Protection Air and Marine Operations
8 Center, the U.S. Customs and Border Protection
9 Operational Integration Center, and other regional
10 maritime operational command centers.

11 (4) Cooperation and coordination with other
12 agencies of the Federal Government, and State and
13 local agencies, in the maritime environment, in sup-
14 port of maritime homeland security missions.

15 (5) Work conducted within the context of other
16 national and Department maritime security strategic
17 guidance.

18 (b) ADDITIONAL UPDATES.—Not later than July 1,
19 2019, the Secretary, acting through the Department's Of-
20 fice of Operations Coordination and Planning, shall sub-
21 mit to the appropriate congressional committees an addi-
22 tional update to the maritime operations coordination
23 plan.

1 **SEC. 102. U.S. CUSTOMS AND BORDER PROTECTION OFFICE**
2 **OF AIR AND MARINE ASSET DEPLOYMENT.**

3 (a) IN GENERAL.—Any new asset deployment by the
4 U.S. Customs and Border Protection’s Office of Air and
5 Marine, following the date of the enactment of this Act,
6 shall, to the greatest extent practicable, occur in accord-
7 ance with a risk-based assessment that considers mission
8 needs, performance results, threats, costs, and any other
9 relevant factors identified by the Secretary. Specific fac-
10 tors to be included in such assessment shall include, at
11 a minimum, the following:

12 (1) Mission requirements that prioritize the
13 operational needs of field commanders to secure the
14 United States border and ports.

15 (2) Other Department assets available to help
16 address any unmet border and port security mission
17 needs.

18 (3) Risk analysis showing positioning of the
19 asset at issue to respond to intelligence on emerging
20 terrorist and other threats.

21 (4) Cost-benefit analysis showing the relative
22 ability to use the asset at issue in the most cost-ef-
23 fective way to reduce risk and achieve mission suc-
24 cess.

25 (b) CONSIDERATIONS.—An assessment required
26 under subsection (a) shall consider applicable Federal

1 guidance, standards, and agency strategic and perform-
2 ance plans, including the following:

3 (1) The most recent Departmental Quadrennial
4 Homeland Security Review, and any follow-up guid-
5 ance related to such Review.

6 (2) The Department's Annual Performance
7 Plans.

8 (3) Department policy guiding use of integrated
9 risk management in resource allocation decisions.

10 (4) Department and U.S. Customs and Border
11 Protection Strategic Plans and Resource Deploy-
12 ment Plans.

13 (5) Applicable aviation guidance from the De-
14 partment, including the DHS Aviation Concept of
15 Operations.

16 (6) Other strategic and acquisition guidance
17 promulgated by the Federal Government as the Sec-
18 retary determines appropriate.

19 (c) AUDIT AND REPORT.—The Inspector General of
20 the Department shall biennially audit the deployment of
21 new assets within U.S. Customs and Border Protection's
22 Office of Air and Marine and submit to the appropriate
23 congressional committees a report on the compliance of
24 the Department with the requirements of this section.

1 **SEC. 103. COST-BENEFIT ANALYSIS OF CO-LOCATING OPER-**
2 **ATIONAL ENTITIES.**

3 (a) IN GENERAL.—For all locations in which U.S.
4 Customs and Border Protection’s Office of Air and Marine
5 operates that are within 25 miles of locations where any
6 other Department agency also operates air and marine as-
7 sets, the Secretary shall conduct a cost-benefit analysis to
8 consider the potential cost of and savings derived from co-
9 locating aviation and maritime operational assets of the
10 different agencies of the Department. In analyzing the po-
11 tential cost savings achieved by sharing aviation and mari-
12 time facilities, the study shall consider at a minimum the
13 following factors:

14 (1) Potential enhanced cooperation derived
15 from Department personnel being co-located.

16 (2) Potential cost of, and savings derived
17 through, shared maintenance and logistics facilities
18 and activities.

19 (3) Joint use of base and facility infrastructure,
20 such as runways, hangars, control towers, operations
21 centers, piers and docks, boathouses, and fuel de-
22 pots.

23 (4) Short term moving costs required in order
24 to co-locate facilities.

25 (5) Acquisition and infrastructure costs for en-
26 larging current facilities as needed.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the appropriate congressional committees a report sum-
4 marizing the results of the cost-benefit analysis required
5 under subsection (a) and any planned actions based upon
6 such results.

7 **SEC. 104. STUDY OF MARITIME SECURITY REDUNDANCIES.**

8 The Comptroller General of the United States shall
9 by not later than 1 year after the date of enactment of
10 this Act—

11 (1) conduct a review of port security and mari-
12 time law enforcement operations within the Depart-
13 ment to identify initiatives and programs with dupli-
14 cative, overlapping, or redundant goals and activi-
15 ties, including the cost of such duplication; and

16 (2) submit to the appropriate congressional
17 committees a report on the findings of the study, in-
18 cluding—

19 (A) recommendations for consolidation,
20 elimination, or increased cooperation to reduce
21 unnecessary duplication found in the study; and

22 (B) an analysis of personnel, maintenance,
23 and operational costs related to unnecessarily
24 duplicative, overlapping, or redundant goals and
25 activities found in the study.

1 **SEC. 105. ACQUISITION AND STRATEGIC SOURCING OF MA-**
2 **RINE AND AVIATION ASSETS.**

3 (a) IN GENERAL.—Before initiating the acquisition
4 of any new boat or aviation asset, the Secretary shall co-
5 ordinate across the agencies of the Department, as appro-
6 priate, to—

7 (1) identify common mission requirements be-
8 fore initiating a new acquisition program; and

9 (2) standardize, to the extent practicable,
10 equipment purchases, streamline the acquisition
11 process, and conduct best practices for strategic
12 sourcing to improve control, reduce cost, and facili-
13 tate oversight of asset purchases prior to issuing a
14 Request for Proposal.

15 (b) ESTABLISHMENT OF AVIATION AND MARITIME
16 COORDINATION MECHANISM.—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 shall establish a coordinating mechanism for aviation and
19 maritime issues, including issues related to the acquisi-
20 tion, administration, operations, maintenance, and joint
21 management across the Department, in order to decrease
22 procurement and operational costs and increase effi-
23 ciencies.

24 (c) SPECIAL RULE.—For the purposes of this section,
25 a boat shall be considered any vessel less than 65 feet in
26 length.

1 **SEC. 106. PORT SECURITY GRANT PROGRAM MANAGEMENT.**

2 (a) DETERMINATION OF APPLICATIONS.—Section
3 70107(g) of title 46, United States Code, is amended

4 (1) by striking “Any entity” and inserting the
5 following:

6 “(1) IN GENERAL.—Any entity”; and

7 (2) by adding at the end the following:

8 “(2) DETERMINATION.—Notwithstanding any
9 other provision of law, the Secretary shall, not later
10 than 60 days after the date on which an applicant
11 submits a complete application for a grant under
12 this section, either approve or disapprove the appli-
13 cation.”.

14 (b) ADMINISTRATION OF COST SHARE DETERMINA-
15 TIONS.—Section 70107(c)(2) of title 46, United States
16 Code, is amended—

17 (1) by striking subparagraph (B) and inserting
18 the following:

19 “(B) HIGHER LEVEL OF SUPPORT RE-
20 QUIRED.—If the Secretary or the Secretary’s
21 designee determines that a proposed project
22 merits support and cannot be undertaken with-
23 out a higher rate of Federal support, then the
24 Secretary or the Secretary’s designee may ap-
25 prove grants under this section for that project

1 with a matching requirement other than that
2 specified in paragraph (1).”; and
3 (2) by inserting after subparagraph (C) the fol-
4 lowing:

5 “(D) COST SHARE DETERMINATIONS.—
6 Notwithstanding any other provision of law, not
7 later than 60 days after the date on which an
8 applicant submits a complete application for a
9 matching requirement waiver under this para-
10 graph the Secretary shall either approve or dis-
11 approve the application.”.

12 (e) ADMINISTRATION.—Section 70107(i) of title 46,
13 United States Code, is amended by adding after para-
14 graph (4) the following:

15 “(5) RELEASE OF FUNDS.—To the maximum
16 extent practicable, the Secretary shall complete all
17 necessary programmatic reviews and release grant
18 funds awarded under this section to the appropriate
19 entity not later than 180 days after the date on
20 which an applicant submits a complete application.

21 “(6) PERFORMANCE PERIOD.—The Secretary
22 shall utilize a period of performance of not less than
23 3 years for expenditure of grant funds awarded
24 under this section.

1 “(7) EXTENSION DETERMINATIONS.—Notwith-
2 standing any other provision of law, not later than
3 60 days after the date on which an applicant sub-
4 mits a complete application for an extension of the
5 period of performance for a grant, the Secretary
6 shall either approve or disapprove the application.”.

7 **SEC. 107. PORT SECURITY GRANT FUNDING FOR MAN-**
8 **DATED SECURITY PERSONNEL.**

9 Section 70107(b)(1) of title 46, United States Code,
10 is amended by striking the period and inserting the fol-
11 lowing: “, including overtime and backfill costs incurred
12 in support of other expenditures authorized under this
13 subsection, except that not more than 50 percent of
14 amounts received by a grantee under this section for a
15 fiscal year may be used under this paragraph.”.

16 **SEC. 108. INTERAGENCY OPERATIONAL CENTERS FOR**
17 **PORT SECURITY.**

18 (a) PARTICIPATING PERSONNEL.—Section
19 70107A(b)(1)(B) of title 46, United States Code, is
20 amended—

21 (1) by inserting “, not less than part-time rep-
22 resentation from U. S. Customs and Border Protec-
23 tion and U.S. Immigration and Customs Enforce-
24 ment,” after “the Coast Guard”; and

1 (2) by striking “the United States Customs and
2 Border Protection and the United States Immigra-
3 tion and Customs Enforcement,”.

4 (b) ASSESSMENT.—Not later than one year after the
5 date of enactment of this Act the Secretary (as that term
6 is used in that section) shall transmit to the appropriate
7 congressional committees an assessment of—

8 (1) interagency operational centers under such
9 section and the implementation of the amendments
10 made by this section;

11 (2) participation in such centers and by Federal
12 agencies, State and local law enforcement agencies,
13 port security agencies, and other public and private
14 sector entities, including joint daily operational co-
15 ordination, training and certifying of non-Federal
16 law enforcement personnel, and joint training exer-
17 cises;

18 (3) deployment of interoperable communications
19 equipment under subsection (e) of such section, in-
20 cluding—

21 (A) an assessment of the cost-effectiveness
22 and utility of such equipment for Federal agen-
23 cies, State and local law enforcement agencies,
24 port security agencies, and other public and pri-
25 vate sector entities;

1 (B) data showing which Federal agencies,
2 State and local law enforcement agencies, port
3 security agencies, and other public and private
4 sector entities are utilizing such equipment;

5 (C) an explanation of the process in place
6 to obtain and incorporate feedback from Fed-
7 eral agencies, State and local law enforcement
8 agencies, port security agencies, and other pub-
9 lic and private sector entities that are utilizing
10 such equipment in order to better meet their
11 needs; and

12 (D) an updated deployment schedule and
13 life cycle cost estimate for the deployment of
14 such equipment; and

15 (4) mission execution and mission support ac-
16 tivities of such centers, including daily coordination
17 activities, information sharing, intelligence integra-
18 tion, and operational planning.

19 **SEC. 109. REPORT ON DHS AVIATION ASSETS.**

20 (a) IN GENERAL.—Not later than one year after the
21 date of the enactment of this Act, the Comptroller General
22 of the United States shall submit to the appropriate con-
23 gressional committees a report that analyzes and com-
24 pares the costs, capabilities, and missions of different
25 aviation assets, including unmanned aerial vehicles, uti-

1 lized by the Department to assess the relative costs of un-
2 manned aerial vehicles as compared to manned aerial vehi-
3 cles, and any increased operational benefits offered by un-
4 manned aerial vehicles as compared to manned aviation
5 assets.

6 (b) **REQUIRED DATA.**—The report required under
7 subsection (a) shall include a detailed assessment of costs
8 for operating each type of asset described in such report,
9 including—

10 (1) fuel costs;

11 (2) crew and staffing costs;

12 (3) maintenance costs;

13 (4) communication and satellite bandwidth
14 costs;

15 (5) costs associated with the acquisition of each
16 type of such asset; and

17 (6) any other relevant costs necessary to pro-
18 vide a holistic analysis and to identify potential cost
19 savings.

20 **SEC. 110. SMALL VESSEL THREAT ANALYSIS.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Secretary shall submit to the appropriate
23 congressional committees a report analyzing the threat of,
24 vulnerability to, and consequence of an act of terrorism

1 using a small vessel to attack United States vessels, ports,
2 or maritime interests.

3 **SEC. 111. U.S. CUSTOMS AND BORDER PROTECTION WORK-**
4 **FORCE PLAN.**

5 (a) IN GENERAL.—Not later than one year after the
6 date of the enactment of this Act, the Secretary shall sub-
7 mit to the appropriate congressional committees a plan for
8 optimizing staffing levels for U.S. Customs and Border
9 Protection personnel to carry out the mission of the De-
10 partment, including optimal levels of U.S. Customs and
11 Border Protection staffing required to conduct all border
12 security functions.

13 (b) CONSIDERATION OF PRIOR STAFFING RE-
14 SOURCES.—The staffing plan required under subsection
15 (a) shall consider previous staffing models prepared by the
16 Department and assessments of threat and vulnerabilities.

17 **SEC. 112. INTEGRATED CROSS-BORDER MARITIME OPER-**
18 **ATIONS BETWEEN THE UNITED STATES AND**
19 **CANADA.**

20 (a) IN GENERAL.—Subtitle C of title IV of the
21 Homeland Security Act of 2002 (6 U.S.C. 201 et seq.)
22 is amended by adding at the end the following:

1 **“SEC. 432. INTEGRATED CROSS-BORDER MARITIME OPER-**
2 **ATIONS BETWEEN THE UNITED STATES AND**
3 **CANADA.**

4 “(a) **AUTHORIZATION.**—The Secretary is authorized
5 to establish an Integrated Cross-Border Maritime Oper-
6 ations Program to coordinate maritime security operations
7 between the United States and Canada (in this section re-
8 ferred to as the ‘Program’).

9 “(b) **PURPOSE.**—The Secretary, acting through the
10 Commandant of the Coast Guard, shall administer the
11 Program in a manner that results in a cooperative ap-
12 proach between the United States and Canada to
13 strengthen border security and detect, prevent, suppress,
14 investigate, and respond to terrorism and violations of law
15 related to border security.

16 “(c) **TRAINING.**—The Secretary, acting through the
17 Commandant of the Coast Guard, in consultation with the
18 Secretary of State, may—

19 “(1) establish, as an element of the Program,
20 a training program to create designated maritime
21 law enforcement officers;

22 “(2) conduct training jointly with Canada, in-
23 cluding training—

24 “(A) on the detection and apprehension of
25 suspected terrorists and individuals attempting
26 to unlawfully cross or unlawfully use the inter-

1 national maritime border between the United
2 States and Canada, to enhance border security;

3 “(B) on the integration, analysis, and dis-
4 semination of port security information between
5 the United States and Canada;

6 “(C) on the respective policy, regulatory,
7 and legal considerations related to the Program;

8 “(D) on the use of force and maritime se-
9 curity;

10 “(E) in operational procedures and protec-
11 tion of information and other sensitive informa-
12 tion; and

13 “(F) on preparedness and response to
14 maritime terrorist incidents.

15 “(d) COORDINATION.—The Secretary, acting through
16 the Commandant of the Coast Guard, shall coordinate the
17 Program with other similar border security and
18 antiterrorism programs within the Department.

19 “(e) MEMORANDA OF AGREEMENT.—The Secretary
20 may enter into any memorandum of agreement necessary
21 to carry out the Program.

22 “(f) AUTHORIZATION OF APPROPRIATIONS.—To
23 carry out this section there is authorized to be appro-
24 priated to the Secretary \$2,000,000 for each of fiscal
25 years 2013 and 2014.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of such Act is amended by adding at the
3 end of the items relating to such subtitle the following new
4 item:

“Sec. 432. Integrated cross-border maritime operations between the United
States and Canada.”.

5 **SEC. 113. TRAINING AND CERTIFICATION OF TRAINING FOR**
6 **PORT SECURITY.**

7 (a) USE OF PORT SECURITY GRANT FUNDS.—Sec-
8 tion 70107(b)(8) of title 46, United States Code, is
9 amended to read as follows:

10 “(8) The cost of training and certifying a law
11 enforcement officer employed by a law enforcement
12 agency under section 70132 of this title.”.

13 (b) MATCHING REQUIREMENT.—Section
14 70107(c)(2)(C) of such title is amended to read as follows:

15 “(C) TRAINING AND CERTIFICATION.—
16 There are no matching requirements for grants
17 under subsection (a) to train and certify law en-
18 forcement personnel under section 70132 of
19 this title.”.

20 (c) CREDENTIALING STANDARDS, TRAINING, AND
21 CERTIFICATION.—Section 70132 of such title is amended
22 as follows:

23 (1) In the section heading, by striking “**for**
24 **State and local support for the enforce-**

1 **ment of security zones for the transpor-**
2 **tation of especially hazardous cargo”** and
3 inserting **“of maritime law enforcement**
4 **personnel”**.

5 (2) By amending subsection (a) to read as fol-
6 lows:

7 “(a) STANDARDS.—The Commandant of the Coast
8 Guard shall establish standards for training, qualification,
9 and certification of a law enforcement officer employed by
10 a law enforcement agency, to conduct or execute, pursuant
11 to a cooperative enforcement agreement, maritime secu-
12 rity, maritime law enforcement, and maritime surge ca-
13 pacity activities.”.

14 (3) In subsection (b)(1), by amending subpara-
15 graphs (A) and (B) to read as follows:

16 “(A) after notice and opportunity for pub-
17 lic comment, may develop and publish training
18 curricula for the standards established under
19 paragraph (a); and

20 “(B) may—

21 “(i) test and deliver training for which
22 the curriculum is developed under subpara-
23 graph (A);

24 “(ii) enter into an agreement under
25 which any Federal, State, local, tribal or

1 private sector entity may test and deliver
2 such training; and

3 “(iii) accept the results of training
4 conducted by any Federal, State, local,
5 tribal or private sector entity under such
6 an agreement.”

7 (4) By striking subsection (b)(2) and inserting
8 the following:

9 “(2) Any training developed under paragraph
10 (1) after the date of enactment of the SMART Port
11 Security Act shall be developed in consultation with
12 the Federal Law Enforcement Training Center.”

13 (5) In subsection (b)(4)—

14 (A) by inserting after “any moneys,” the
15 following: “other than an allocation made under
16 the Dingell-Johnson Sport Fish Restoration Act
17 (16 U.S.C. 777 et seq.),”; and

18 (B) by striking “training of personnel to
19 assist in the enforcement of security zones and
20 limited access areas” and inserting “training
21 and certifying personnel under this section”.

22 (6) By striking subsection (c) and inserting the
23 following:

24 “(c) CERTIFICATION OF PERSONNEL.—The Com-
25 mandant of the Coast Guard may issue a certificate to

1 law enforcement officer employed by a law enforcement
2 agency, who has successfully completed training that the
3 Commandant has developed under this section.”.

4 (7) By adding at the end the following:

5 “(d) TACTICAL TRAINING FOR LAW ENFORCEMENT
6 PERSONNEL.—The Commandant of the Coast Guard may
7 make such training developed under this section available
8 to law enforcement officers employed by a law enforcement
9 agency, on either a reimbursable or a non-reimbursable
10 basis, if the Commandant determines that—

11 “(1) a member of the Coast Guard is unable or
12 unavailable to undertake tactical training the au-
13 thorization of which had been previously approved,
14 and no other member of the Coast Guard is reason-
15 ably available to undertake such training;

16 “(2) the inability or unavailability of Coast
17 Guard personnel to undertake such training creates
18 training capacity within the training program; and

19 “(3) such training, if made available to such
20 law enforcement officers, would contribute to
21 achievement of the purposes of this section.”.

22 (d) CONFORMING AMENDMENT.—Chapter 701 of
23 such title is amended—

24 (1) by striking the heading for subchapter II
25 and inserting the following:

1 **“Subchapter II—Port Security Training and**
2 **Certification”;** and

3 (2) in the table of sections at the beginning of
4 the chapter—

5 (A) by striking the item relating to the
6 heading for subchapter II for such heading and
7 inserting the following:

 “SUBCHAPTER II—PORT SECURITY TRAINING AND CERTIFICATION”; AND

8 (B) by striking the item relating to section
9 70132 and inserting the following:

 “70132. Credentialing standards, training, and certification of maritime law enforcement personnel.’”.

10 (e) TECHNICAL CORRECTIONS.—Chapter 701 of such
11 title is amended—

12 (1) by moving sections 70122, 70123, 70124,
13 and 70125 so as to appear at the end of subchapter
14 I of such chapter;

15 (2) in the table of sections at the beginning of
16 the chapter, in the item relating to section 70107A,
17 by adding at the end a period; and

18 (3) by striking the heading for section 70124
19 and inserting the following:

1 **“§ 70124. Regulations”.**

2 **SEC. 114. NORTHERN BORDER UNMANNED AERIAL VEHI-**
3 **CLE PILOT PROJECT.**

4 (a) RESEARCH AND DEVELOPMENT.—The Secretary
5 shall research and develop technologies to allow routine
6 operation of medium-sized unmanned aerial vehicles, in-
7 cluding autonomously piloted drones, within the national
8 airspace for border and maritime security missions with-
9 out any degradation of existing levels of security-related
10 surveillance or of safety for all national airspace system
11 users.

12 (b) PILOT PROJECT.—No later than 180 days after
13 the date of enactment of this Act, the Secretary shall com-
14 mence a pilot project in segregated airspace along the
15 northern border to conduct experiments and collect data
16 in order to accelerate the safe integration of medium-sized
17 unmanned aircraft systems into the national airspace sys-
18 tem.

19 **SEC. 115. RECOGNITION OF PORT SECURITY ASSESSMENTS**
20 **CONDUCTED BY OTHER ENTITIES.**

21 Section 70108 of title 46, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(f) RECOGNITION OF ASSESSMENT CONDUCTED BY
25 OTHER ENTITIES.—

1 “(1) CERTIFICATION AND TREATMENT OF AS-
2 SESSMENTS.—For the purposes of this section and
3 section 70109, the Secretary may treat an assess-
4 ment conducted by a foreign government or inter-
5 national organization as an assessment by the Sec-
6 retary required by subsection (a), if the Secretary
7 certifies that the assessment was conducted in ac-
8 cordance with subsection (b).

9 “(2) AUTHORIZATION TO ENTER INTO AGREE-
10 MENTS OR ARRANGEMENTS.—The Secretary may
11 enter into an agreement or arrangement with a for-
12 eign government or international organization, under
13 which—

14 “(A) such government or organization
15 may, on behalf of the Secretary, conduct an as-
16 sessment required under subsection (a), or
17 share with the Secretary information pertaining
18 to such assessments; and

19 “(B) the Secretary may, on behalf of such
20 foreign government or organization, conduct an
21 assessment described in subsection (a), or share
22 with such foreign government or organization
23 information pertaining to such assessments.

24 “(3) LIMITATIONS.—Nothing in this sub-
25 section—

1 “(A) requires the Secretary to recognize an
2 assessment that a foreign government or an
3 international organization conducts pursuant to
4 this subsection; or

5 “(B) limits the discretion or ability of the
6 Secretary to conduct an assessment under this
7 section.

8 “(4) NOTIFICATION.—Not later than 30 days
9 before entering into an agreement or arrangement
10 with a foreign government under paragraph (2), the
11 Secretary shall notify the appropriate congressional
12 committees of the proposed terms of such agreement
13 or arrangement.”.

14 **TITLE II—MARITIME SUPPLY**
15 **CHAIN SECURITY**

16 **SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF**
17 **THE INTERNATIONAL SUPPLY CHAIN.**

18 Section 201 of the SAFE Port Act (6 U.S.C. 941)
19 is amended—

20 (1) by amending subsection (b) to read as fol-
21 lows:

22 “(b) REQUIREMENTS.—The strategic plan required
23 under subsection (a), and any updates to the strategic
24 plan required under subsection (g), shall—

1 “(1) identify and address gaps and unnecessary
2 redundancies or overlaps in the roles, responsibil-
3 ities, or authorities of the agencies responsible for
4 securing the supply chain, including—

5 “(A) any unnecessary redundancies or
6 overlaps in Federal transportation security
7 credentialing programs; and

8 “(B) any unnecessary redundancies or
9 overlaps in Federal trusted shipper or trusted
10 trader programs;

11 “(2) review ongoing efforts to align activities
12 throughout the Federal Government to—

13 “(A) improve coordination among the
14 agencies referred to in paragraph (1);

15 “(B) facilitate the efficient flow of legiti-
16 mate commerce;

17 “(C) enhance the security of the inter-
18 national supply chain; or

19 “(D) address any gaps or overlaps de-
20 scribed in paragraph (1);

21 “(3) identify further regulatory or organiza-
22 tional changes necessary to —

23 “(A) improve coordination among the
24 agencies referred to in paragraph (1);

1 “(B) facilitate the efficient flow of legiti-
2 mate commerce;

3 “(C) enhance the security of the inter-
4 national supply chain; or

5 “(D) address any gaps or overlaps de-
6 scribed in paragraph (1);

7 “(4) provide measurable goals, including objec-
8 tives, mechanisms, and a schedule, for furthering the
9 security of commercial operations from point of ori-
10 gin to point of destination;

11 “(5) build on available resources and consider
12 costs and benefits;

13 “(6) recommend additional incentives for vol-
14 untary measures taken by private sector entities to
15 enhance supply chain security, including additional
16 incentives for such entities participating in the Cus-
17 toms-Trade Partnership Against Terrorism in ac-
18 cordance with sections 214, 215, and 216;

19 “(7) consider the impact of supply chain secu-
20 rity requirements on small- and medium- sized com-
21 panies;

22 “(8) identify a framework for prudent and
23 measured response in the event of a transportation
24 security incident involving the international supply
25 chain;

1 “(9) provide updated protocols for the expedi-
2 tious resumption of the flow of trade in accordance
3 with section 202;

4 “(10) review and address implementation of les-
5 sons learned from recent exercises conducted under
6 sections 114 and 115, and other international supply
7 chain security, response, or recovery exercises that
8 the Department participates in, as appropriate;

9 “(11) consider the linkages between supply
10 chain security and security programs within other
11 systems of movement, including travel security and
12 terrorism finance programs;

13 “(12) be informed by technologies undergoing
14 research, development, testing, and evaluation by the
15 Department; and

16 “(13) expand upon and relate to existing strate-
17 gies and plans for securing supply chains, including
18 the National Response Plan, the National Maritime
19 Transportation Security Plan, the National Strategy
20 for Maritime Security, and the eight supporting
21 plans of such National Strategy for Maritime Secu-
22 rity, as required by Homeland Security Presidential
23 Directive 13.”;

24 (2) in subsection (g)—

1 (A) in the header, by striking “FINAL”
2 and inserting “UPDATED”; and

3 (B) by adding at the end the following new
4 paragraphs:

5 “(3) FINAL REPORT.—Not later than two years
6 after the date on which the update of the strategic
7 plan is submitted under paragraph (2), the Sec-
8 retary shall submit to the appropriate congressional
9 committees a report that contains a further update
10 of the strategic plan.

11 “(4) IMPLEMENTATION PLAN.—Not later than
12 one year after the date on which the final update of
13 the strategic plan is submitted under paragraph (3),
14 the Secretary shall submit to the appropriate con-
15 gressional committees an implementation plan for
16 carrying out the strategic plan.”; and

17 (3) by adding at the end the following new sub-
18 section:

19 “(h) THREAT ASSESSMENT.—In developing the re-
20 ports and implementation plan required under subsection
21 (g), the Secretary shall take into account an assessment
22 of the current threats to the global supply chain.”.

1 **SEC. 202. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**
2 **RORISM.**

3 (a) UNANNOUNCED INSPECTIONS.—Section 217(a)
4 of the SAFE Port Act (6 U.S.C. 967(a)) is amended—

5 (1) by striking “If at any time” and inserting
6 the following:

7 “(1) FAILURE TO MEET REQUIREMENTS.—If at
8 any time”; and

9 (2) by inserting after paragraph (1), as redesign-
10 nated, the following new paragraph:

11 “(2) UNANNOUNCED INSPECTIONS.—The Sec-
12 retary, acting through the Commissioner, may con-
13 duct an unannounced inspection of a C-TPAT par-
14 ticipant’s security measures and supply chain secu-
15 rity practices if the Commissioner determines, based
16 on previously identified deficiencies in security meas-
17 ures and supply chain security practices of the C-
18 TPAT participant, that there is a likelihood that
19 such an inspection would assist in confirming the se-
20 curity measures in place and further the validation
21 process.”.

22 (b) PRIVATE SECTOR INFORMATION SHARING ON SE-
23 CURITY AND TERRORISM THREATS.—Subsection (d) of
24 section 216 of the SAFE Port Act (6 U.S.C. 966) is
25 amended to read as follows:

1 “(d) PRIVATE SECTOR INFORMATION SHARING ON
2 SECURITY AND TERRORISM THREATS.—

3 “(1) IN GENERAL.—The Secretary shall pro-
4 mote information sharing, as appropriate, between
5 and among the Department and C-TPAT partici-
6 pants and other private entities regarding—

7 “(A) potential vulnerabilities, attacks, and
8 exploitations of the international supply chain;
9 and

10 “(B) means and methods of preventing, re-
11 sponding to, and mitigating consequences from
12 the vulnerabilities, attacks, and exploitations
13 described in subparagraph (A).

14 “(2) CONTENTS.—The information sharing re-
15 quired under paragraph (1) may include—

16 “(A) the creation of classified and unclas-
17 sified means of accessing information that may
18 be used by appropriately cleared personnel and
19 that will provide, as appropriate, ongoing situa-
20 tional awareness of the security of the inter-
21 national supply chain; and

22 “(B) the creation of guidelines to establish
23 a mechanism by which owners and operators of
24 international supply chain infrastructure may
25 report actual or potential security breaches.”.

1 **SEC. 203. RECOGNITION OF OTHER COUNTRIES' TRUSTED**
2 **SHIPPER PROGRAMS.**

3 Section 218 of the SAFE Port Act (6 U.S.C. 968)
4 is amended by adding at the end the following new sub-
5 section:

6 “(j) RECOGNITION OF OTHER COUNTRIES' TRUSTED
7 SHIPPER PROGRAMS.—Not later than 30 days before
8 signing an arrangement between the United States and
9 a foreign government providing for mutual recognition of
10 supply chain security practices which might result in the
11 utilization of benefits described in section 214, 215, or
12 216, the Secretary shall—

13 “(1) notify the appropriate congressional com-
14 mittees of the proposed terms of such arrangement;
15 and

16 “(2) determine, in consultation with the Com-
17 missioner, that the foreign government's supply
18 chain security program provides comparable security
19 as that provided by C-TPAT.”.

20 **SEC. 204. PILOT PROGRAM FOR INCLUSION OF NON-ASSET**
21 **BASED THIRD PARTY LOGISTICS PROVIDERS**
22 **IN THE CUSTOMS-TRADE PARTNERSHIP**
23 **AGAINST TERRORISM.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, the Secretary shall de-
26 velop a pilot program to determine whether allowing non-

1 asset based third party logistics providers that arrange
2 international transportation of freight to participate in the
3 Customs-Trade Partnership Against Terrorism program,
4 as described in section 211 of the SAFE Port Act (6
5 U.S.C. 961), would enhance port security, combat ter-
6 rorism, prevent supply chain security breaches, or meet
7 the goals of the Customs-Trade Partnership Against Ter-
8 rorism established pursuant to section 211 of the SAFE
9 Port Act (6 U.S.C. 961).

10 (b) REQUIREMENTS.—

11 (1) VOLUNTARY PARTICIPATION.—Participation
12 by non-asset based third party logistics providers
13 that arrange international transportation of freight
14 taking part in the pilot program shall be voluntary.

15 (2) MINIMUM NUMBER.—The Secretary shall
16 ensure that not fewer than five non-asset based third
17 party logistics providers that arrange international
18 transportation of freight take part in the pilot pro-
19 gram.

20 (3) DURATION.—The pilot program shall be
21 conducted for a minimum duration of one year.

22 (c) REPORT.—Not later than 180 days after the con-
23 clusion of the pilot program, the Secretary shall submit
24 to the appropriate congressional committees a report on
25 the findings and any recommendations of the pilot pro-

1 gram concerning the participation in the Customs-Trade
2 Partnership Against Terrorism of non-asset based third
3 party logistics providers that arrange international trans-
4 portation of freight to combat terrorism and prevent sup-
5 ply chain security breaches.

6 **SEC. 205. TRANSPORTATION WORKER IDENTIFICATION**
7 **CREDENTIAL PROCESS REFORM.**

8 (a) SENSE OF CONGRESS.—To avoid further impos-
9 ing unnecessary and costly regulatory burdens on United
10 States workers and businesses, it is the sense of Congress
11 that it is urgent that the Transportation Worker Identi-
12 fication Credential (in this section referred to as the
13 “TWIC”) application process be reformed by not later
14 than the end of 2012, when hundreds of thousands of cur-
15 rent TWIC holders will begin to face the requirement to
16 renew their TWICs.

17 (b) TWIC APPLICATION REFORM.—Not later than
18 270 days after the date of the enactment of this Act, the
19 Secretary shall reform the process for the enrollment, acti-
20 vation, issuance, and renewal of a TWIC to require, in
21 total, not more than one in-person visit to a designated
22 enrollment center except in cases in which there are ex-
23 tenuating circumstances, as determined by the Secretary,
24 requiring more than one such in-person visit.

1 **SEC. 206. EXPIRATION OF CERTAIN TRANSPORTATION**
2 **WORKER IDENTIFICATION CREDENTIALS.**

3 (a) IN GENERAL.—A valid Transportation Worker
4 Identification Credential required under part 101.514 of
5 title 33, Code of Federal Regulations, that was issued be-
6 fore the date of enactment of this Act shall not expire be-
7 fore the earlier of—

8 (1) the deadline for full implementation of a
9 final rule issued by the Secretary for electronic read-
10 ers designed to work with Transportation Worker
11 Identification Credentials as an access control and
12 security measure issued pursuant to the advanced
13 notice of proposed rulemaking published March 27,
14 2009 (74 Fed. Reg. 58), as established by the final
15 rule; or

16 (2) June 30, 2014.

17 (b) REVOCATION AUTHORITY NOT AFFECTED.—This
18 section shall not be construed to affect the authority of
19 the Secretary to revoke a Transportation Worker Identi-
20 fication Credential—

21 (1) based on information that the holder is not
22 qualified to hold such credential; or

23 (2) if the credential is lost, damaged, or stolen.

1 **SEC. 207. SECURING THE TRANSPORTATION WORKER IDEN-**
2 **TIFICATION CREDENTIAL AGAINST USE BY**
3 **UNAUTHORIZED ALIENS.**

4 (a) PROCESS.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Sec-
7 retary shall establish a process to ensure, to the
8 maximum extent practicable, that an individual who
9 is not lawfully present in the United States cannot
10 obtain or continue to use a Transportation Worker
11 Identification Credential (in this section referred to
12 as the “TWIC”).

13 (2) COMPONENTS.—In establishing the process
14 under subsection (a), the Secretary shall—

15 (A) publish a list of documents that will
16 identify non-United States citizen TWIC appli-
17 cants and verify their immigration statuses by
18 requiring each such applicants to produce a
19 document or documents that demonstrate—

20 (i) identity; and

21 (ii) proof of lawful presence in the
22 United States; and

23 (B) establish training requirements to en-
24 sure that trusted agents at TWIC enrollment
25 centers receive training to identify fraudulent
26 documents.

1 (b) EXPIRATION OF TWICs.—A TWIC expires on
2 the date of its expiration, or in the date on which the indi-
3 vidual to whom such a TWIC is issued is no longer law-
4 fully present in the United States, whichever is earlier.

