

111TH CONGRESS
2^D SESSION

H. R. 5346

To enhance homeland security in the ports and waterways of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2010

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance homeland security in the ports and waterways of the United States, and for other purposes.

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. AMERICA'S WATERWAY WATCH PROGRAM.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “America’s Waterway Watch Act”.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Secretary of Homeland Security should es-
8 tablish, within the Department of Homeland Security, cit-

1 ized watch programs that promote voluntary reporting of
2 suspected terrorist activity and suspicious behavior.

3 (c) AMERICA'S WATERWAY WATCH PROGRAM.—

4 (1) IN GENERAL.—There is hereby established,
5 within the Coast Guard, the America's Waterway
6 Watch Program (hereinafter in this section referred
7 to as the "Program").

8 (2) PURPOSE.—The Secretary of Homeland Se-
9 curity, acting through the Commandant of the Coast
10 Guard, shall administer the Program in a manner
11 that promotes voluntary reporting of activities that
12 may indicate that a person or persons may be pre-
13 paring to engage or engaging in a violation of law
14 relating to a threat or an act of terrorism (as that
15 term is defined in section 3077 of title 18, United
16 States Code) against a vessel, facility, port, or wa-
17 terway.

18 (3) INFORMATION; TRAINING.—

19 (A) INFORMATION.—The Secretary, acting
20 through the Commandant, may establish, as an
21 element of the Program, a network of individ-
22 uals and community-based organizations that
23 enhance the situational awareness within the
24 Nation's ports and waterways. Such network
25 shall, to the extent practicable, be conducted in

1 cooperation with Federal, State, and local law
2 enforcement agencies.

3 (B) TRAINING.—The Secretary, acting
4 through the Commandant, may provide training
5 in—

6 (i) observing and reporting on covered
7 activities; and

8 (ii) sharing such reports and coordi-
9 nating the response by Federal, State, and
10 local law enforcement agencies.

11 (4) INSTRUCTIONAL MATERIALS.—

12 (A) IN GENERAL.—The Secretary of
13 Homeland Security, acting through the Com-
14 mandant of the Coast Guard, may—

15 (i) develop instructional materials
16 that—

17 (I) provide information on inland
18 waterways, ports and harbors, and
19 coastal regions for a specific region,
20 as well as specific vulnerabilities and
21 threats common to a specific region;
22 and

23 (II) promote voluntary reporting
24 of activities that may indicate that a
25 person or persons may be preparing

1 to engage or engaging in a violation of
2 law relating to a threat or an act of
3 terrorism (as that term is defined in
4 section 3077 of title 18, United States
5 Code) against a vessel, facility, port,
6 or waterway; and

7 (ii) distribute such materials to
8 States, political subdivisions of the States,
9 or non-governmental organization that pro-
10 vide instruction on boating or vessel oper-
11 ation in conjunction with any other in-
12 struction provided.

13 (B) DISSEMINATION.—The Secretary, act-
14 ing through the Commandant—

15 (i) shall ensure that such materials
16 are made available to any person or per-
17 sons; and

18 (ii) is authorized to require, as a con-
19 dition of receipt of funding or materials,
20 pursuant to subparagraph (A), that the re-
21 cipient of such funding or materials devel-
22 ops a program to reach the widest possible
23 audience.

24 (C) ELIGIBILITY, FEDERAL ASSISTANCE.—

25 The receipt, use, and dissemination of such ma-

1 terials shall not diminish the eligibility of any
2 State, political subdivision of such State, or
3 non-governmental organization to receive Fed-
4 eral assistance or reduce the amount of Federal
5 assistance that such State, political subdivision
6 of such State, or non-governmental organization
7 that otherwise receive.

8 (5) VOLUNTARY PARTICIPATION.—Participation
9 in the Program—

10 (A) shall be wholly voluntary;

11 (B) shall not be a prerequisite to eligibility
12 for, or receipt of, any other service or assistance
13 from, or to participation in, any other program
14 of any kind; and

15 (C) shall not require disclosure of informa-
16 tion regarding the individual reporting covered
17 activities or, for proprietary purposes, the loca-
18 tion of such individual.

19 (6) DEFINITIONS.—In this subsection:

20 (A) The term “covered activity” means any
21 suspicious transaction, activity, or occurrence
22 that involves, or is directed against, a vessel or
23 facility (as that term is defined in section
24 70101(2) of title 46, United States Code) indi-
25 cating that an individual or individuals may be

1 preparing to engage, or engaging, in a violation
2 of law relating to—

3 (i) a threat to a vessel, facility, port,
4 or waterway; or

5 (ii) an act of terrorism (as that term
6 is defined in section 3077 of title 18,
7 United States Code).

8 (B) The term “facility” has the same
9 meaning such term has in section 70101(2) of
10 title 46, United States Code.

11 (7) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated for the pur-
13 poses of this section \$3,000,000 for fiscal years
14 2010 through 2015. Such funds shall remain avail-
15 able until expended.

16 (d) COORDINATION.—The Secretary shall coordinate
17 the Program with other like watch programs. The Sec-
18 retary shall submit, concurrent with the President’s budg-
19 et submission for each fiscal year, a report on coordination
20 of the Program and like watch programs within the De-
21 partment of Homeland Security to the Committee on
22 Homeland Security and Governmental Affairs of the Sen-
23 ate and the Committee on Homeland Security of the
24 House of Representatives.

1 **SEC. 2. TRANSPORTATION WORKER IDENTIFICATION CRE-**
2 **DENTIAL.**

3 (a) IN GENERAL.—Not later than 120 days after
4 completing the pilot program under section 70105(k)(1)
5 of title 46, United States Code, to test TWIC access con-
6 trol technologies at port facilities and vessels nationwide,
7 the Secretary of Homeland Security shall submit to the
8 Committee on Homeland Security and the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives, the Committee on Commerce, Science, and
11 Transportation of the Senate, and the Committee on
12 Homeland Security and Governmental Affairs of the Sen-
13 ate and to the Comptroller General a report containing
14 an assessment of the results of the pilot. The report shall
15 include—

16 (1) the findings of the pilot program with re-
17 spect to key technical and operational aspects of im-
18 plementing TWIC technologies in the maritime sec-
19 tor;

20 (2) a comprehensive listing of the extent to
21 which established metrics were achieved during the
22 pilot program; and

23 (3) an analysis of the viability of those tech-
24 nologies for use in the maritime environment, includ-
25 ing any challenges to implementing those tech-

1 nologies and strategies for mitigating identified chal-
2 lenges.

3 (b) GAO ASSESSMENT.—The Comptroller General
4 shall review the report and submit to the Committee on
5 Homeland Security and the Committee on Transportation
6 and Infrastructure of the House of Representatives, the
7 Committee on Commerce, Science, and Transportation of
8 the Senate, and the Committee on Homeland Security and
9 Governmental Affairs of the Senate an assessment of the
10 report’s findings and recommendations.

11 **SEC. 3. REVIEW OF INTERAGENCY OPERATIONAL CENTERS.**

12 (a) IN GENERAL.—Within 180 days of enactment of
13 this Act, the Department of Homeland Security Inspector
14 General shall provide a report to the Committee on Home-
15 land Security and the Committee on Transportation and
16 Infrastructure of the House of Representatives and the
17 Committees on Homeland Security and Governmental Af-
18 fairs and Commerce, Science, and Transportation of the
19 Senate concerning the establishment of Interagency Oper-
20 ational Centers for Port Security required by section 108
21 of the SAFE Port Act (Public Law 109–347).

22 (b) REPORT.—The report shall include—

23 (1) an examination of the Department’s efforts
24 to establish the Interagency Operational Centers;

25 (2) a timeline for construction;

1 (3) a detailed breakdown, by center, as to the
2 incorporation of those representatives required by
3 section 70107A(b)(3) of title 46, United States
4 Code;

5 (4) an analysis of the hurdles faced by the De-
6 partment in developing these centers;

7 (5) information on the number of security clear-
8 ances attained by State, local, and tribal officials
9 participating in the program; and

10 (6) an examination of the relationship between
11 the Interagency Operational Centers and State,
12 local, and regional fusion centers participating in the
13 Department of Homeland Security's State, Local,
14 and Regional Fusion Center Initiative under section
15 511 of the Implementing the Recommendations of
16 the 9/11 Commission Act of 2007 (Public Law 110-
17 53), with a particular emphasis on—

18 (A) how the centers collaborate and coordi-
19 nate their efforts;

20 (B) the resources allocated by the Coast
21 Guard to both initiatives; and

22 (C) architecture for integrated interagency
23 targeting.

1 **SEC. 4. MARITIME SECURITY RESPONSE TEAMS.**

2 (a) IN GENERAL.—Section 70106 of title 46, United
3 States Code, is amended by striking subsection (c) and
4 inserting the following:

5 “(c) MARITIME SECURITY RESPONSE TEAMS.—

6 “(1) IN GENERAL.—In addition to the maritime
7 safety and security teams, the Secretary shall estab-
8 lish no less than two maritime security response
9 teams to act as the Coast Guard’s rapidly deployable
10 counterterrorism and law enforcement response
11 units that can apply advanced interdiction skills in
12 response to threats of maritime terrorism.

13 “(2) MINIMIZATION OF RESPONSE TIME.—The
14 maritime security response teams shall be stationed
15 in such a way to minimize, to the extent practicable,
16 the response time to any reported maritime terrorist
17 threat.

18 “(d) COORDINATION WITH OTHER AGENCIES.—To
19 the maximum extent feasible, each maritime safety and
20 security team and maritime security response team shall
21 coordinate its activities with other Federal, State, and
22 local law enforcement and emergency response agencies.”.

23 **SEC. 5. COAST GUARD DETECTION CANINE TEAM PROGRAM**
24 **EXPANSION.**

25 (a) DEFINITIONS.—For purposes of this section:

1 (1) CANINE DETECTION TEAM.—The term “de-
2 tection canine team” means a canine and a canine
3 handler that are trained to detect narcotics or explo-
4 sives, or other threats as defined by the Secretary.

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

7 (b) DETECTION CANINE TEAMS.—

8 (1) INCREASED CAPACITY.—Not later than 240
9 days after the date of enactment of this Act, the
10 Secretary shall—

11 (A) begin to increase the number of detec-
12 tion canine teams certified by the Coast Guard
13 for the purposes of maritime-related security by
14 no fewer than 10 canine teams annually
15 through fiscal year 2012; and

16 (B) encourage owners and operators of
17 port facilities, passenger cruise liners, ocean-
18 going cargo vessels, and other vessels identified
19 by the Secretary to strengthen security through
20 the use of highly trained detection canine
21 teams.

22 (2) CANINE PROCUREMENT.—The Secretary,
23 acting through the Commandant of the Coast
24 Guard, shall—

1 (A) procure detection canine teams as effi-
2 ciently as possible, including, to the greatest ex-
3 tent possible, through increased domestic breed-
4 ing, while meeting the performance needs and
5 criteria established by the Commandant;

6 (B) support expansion and upgrading of
7 existing canine training facilities operated by
8 the Department of Homeland Security; and

9 (C) as appropriate, partner with other
10 Federal, State, or local agencies, nonprofit or-
11 ganizations, universities, or the private sector to
12 increase the breeding and training capacity for
13 Coast Guard canine detection teams.

14 (c) DEPLOYMENT.—The Secretary shall prioritize de-
15 ployment of the additional canine teams to ports based
16 on risk, consistent with the Security and Accountability
17 For Every Port Act of 2006 (Public Law 109–347).

18 (d) AUTHORIZATION.—There are authorized to be ap-
19 propriated to the Secretary such sums as may be nec-
20 essary to carry out this section for fiscal years 2010
21 through 2012.

22 **SEC. 6. COAST GUARD PORT ASSISTANCE PROGRAM.**

23 (a) IN GENERAL.—Section 70110 of title 46, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 “(f) COAST GUARD ASSISTANCE PROGRAM.—

2 “(1) IN GENERAL.—The Secretary may lend,
3 lease, donate, or otherwise provide equipment, and
4 provide technical training and support, to the owner
5 or operator of a foreign port or facility—

6 “(A) to assist in bringing the port or facil-
7 ity into compliance with applicable International
8 Ship and Port Facility Code standards;

9 “(B) to assist the port or facility in meet-
10 ing standards established under section 70109A
11 of this chapter; and

12 “(C) to assist the port or facility in exceed-
13 ing the standards described in subparagraphs
14 (A) and (B).

15 “(2) CONDITIONS.—The Secretary—

16 “(A) shall provide such assistance based
17 upon an assessment of the risks to the security
18 of the United States and the inability of the
19 owner or operator of the port or facility other-
20 wise to bring the port or facility into compli-
21 ance with those standards and to maintain com-
22 pliance with them;

23 “(B) may not provide such assistance un-
24 less the port or facility has been subjected to a
25 comprehensive port security assessment by the

1 Coast Guard or a third party entity certified by
2 the Secretary under section 70110A(b) to vali-
3 date foreign port or facility compliance with
4 International Ship and Port Facility Code
5 standards; and

6 “(C) may only lend, lease, or otherwise
7 provide equipment that the Secretary has first
8 determined is not required by the Coast Guard
9 for the performance of its missions.”.

10 (b) SAFETY AND SECURITY ASSISTANCE FOR FOR-
11 EIGN PORTS.—

12 (1) IN GENERAL.—Section 70110(e)(1) of title
13 46, United States Code, is amended by striking the
14 second sentence and inserting the following: “The
15 Secretary shall establish a strategic plan to utilize
16 those assistance programs to assist ports and facili-
17 ties that are found by the Secretary under sub-
18 section (a) not to maintain effective antiterrorism
19 measures in the implementation of port security
20 antiterrorism measures.”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) Section 70110 of title 46, United
23 States Code, is amended—

24 (i) by inserting “**or facilities**” after
25 “**ports**” in the section heading;

1 (ii) by inserting “or facility” after
2 “port” each place it appears; and

3 (iii) by striking “PORTS” in the head-
4 ing for subsection (e) and inserting
5 “PORTS, FACILITIES,”.

6 (B) The chapter analysis for chapter 701
7 of title 46, United States Code, is amended by
8 striking the item relating to section 70110 and
9 inserting the following:

“70110. Actions and assistance for foreign ports or facilities and United States territories.”.

10 **SEC. 7. MARITIME BIOMETRIC IDENTIFICATION.**

11 (a) IN GENERAL.—Within one year after the date of
12 the enactment of this Act, the Secretary of Homeland Se-
13 curity, acting through the Commandant of the Coast
14 Guard, shall conduct, in the maritime environment, a pro-
15 gram for the mobile biometric identification of suspected
16 individuals, including terrorists, to enhance border secu-
17 rity and for other purposes.

18 (b) REQUIREMENTS.—The Secretary shall ensure the
19 program required in this section is coordinated with other
20 biometric identification programs within the Department
21 of Homeland Security.

22 (c) COST ANALYSIS.—Within 90 days after the date
23 of the enactment of this Act, the Secretary shall submit
24 to the Committees on Appropriations and Homeland Secu-

1 rity of the House of Representatives and the Committees
2 on Appropriations and Homeland Security and Govern-
3 mental Affairs of the Senate an analysis of the cost of
4 expanding the Coast Guard’s biometric identification ca-
5 pabilities for use by the Coast Guard’s Deployable Oper-
6 ations Group, cutters, stations, and other deployable mari-
7 time teams considered appropriate by the Secretary, and
8 any other appropriate Department of Homeland Security
9 maritime vessels and units. The analysis may include a
10 tiered plan for the deployment of this program that gives
11 priority to vessels and units more likely to encounter indi-
12 viduals suspected of making illegal border crossings
13 through the maritime environment.

14 (d) DEFINITION.—For the purposes of this section,
15 the term “biometric identification” means use of finger-
16 print and digital photography images and facial and iris
17 scan technology.

18 (e) STUDY ON COMBINATION OF FACIAL AND IRIS
19 RECOGNITION.—

20 (1) STUDY REQUIRED.—The Secretary of
21 Homeland Security shall carry out a study on the
22 use by the Coast Guard of the combination of facial
23 and iris recognition to rapidly identify individuals
24 for security purposes. Such study shall focus on—

1 (A) increased accuracy of facial recogni-
2 tion;

3 (B) enhancement of existing iris recogni-
4 tion technology; and

5 (C) establishment of integrated face and
6 iris features for accurate identification of indi-
7 viduals.

8 (2) PURPOSE OF STUDY.—The purpose of the
9 study required by paragraph (1) is to facilitate the
10 use of a combination of facial and iris recognition to
11 provide a higher probability of success in identifica-
12 tion than either approach on its own and to achieve
13 transformational advances in the flexibility, authen-
14 ticity, and overall capability of integrated biometric
15 detectors and satisfy one of major issues with war
16 against terrorists. The operational goal of the study
17 should be to provide the capability to nonintrusively
18 collect biometrics (face image, iris) in an accurate
19 and expeditious manner to assist the Coast Guard in
20 fulfilling its mission to protect and support national
21 security.

22 **SEC. 8. REVIEW OF POTENTIAL THREATS.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Secretary of Homeland Security shall sub-
25 mit to the Committee on Homeland Security and the Com-

1 mittee on Transportation and Infrastructure of the House
2 of Representatives and the Committee on Commerce,
3 Science, and Transportation of the Senate a report ana-
4 lyzing the threat, vulnerability, and consequence of a ter-
5 rorist attack on gasoline and chemical cargo shipments in
6 port activity areas in the United States.

7 **SEC. 9. PORT SECURITY PILOT.**

8 The Secretary of Homeland Security shall establish
9 a pilot program to test and deploy preventive radiological
10 or nuclear detection equipment on Coast Guard vessels
11 and other locations in select port regions to enhance bor-
12 der security and for other purposes. The pilot program
13 shall leverage existing Federal grant funding to support
14 this program and the procurement of additional equip-
15 ment.

16 **SEC. 10. SEASONAL WORKERS.**

17 (a) STUDY.—The Comptroller General of the United
18 States shall conduct a study on the effects that the Trans-
19 portation Worker Identification Credential (in this section
20 referred to as “TWIC”) required by section 70105 of title
21 46, United States Code, has on companies that employ
22 seasonal employees.

23 (b) REPORT.—Not later than one year after the date
24 of enactment of this Act, the Comptroller General shall
25 submit a report to the Committee on Homeland Security

1 and the Committee on Transportation and Infrastructure
2 of the House of Representatives and the Committee on
3 Commerce, Science, and Transportation of the Senate on
4 the results of the study, including—

5 (1) costs associated in requiring seasonal em-
6 ployees to obtain TWIC cards on companies;

7 (2) whether the Coast Guard and Transpor-
8 tation Security Administration are processing TWIC
9 applications quickly enough for seasonal workers to
10 obtain TWIC certification;

11 (3) whether TWIC compliance costs or other
12 factors have led to a reduction in service;

13 (4) the impact of TWIC on the recruiting and
14 hiring of seasonal and other temporary employees;
15 and

16 (5) an assessment of possible alternatives to
17 TWIC certification that may be used for seasonal
18 employees including any security vulnerabilities cre-
19 ated by those alternatives.

20 **SEC. 11. PILOT PROGRAM FOR FINGERPRINTING OF MARI-**
21 **TIME WORKERS.**

22 (a) **IN GENERAL.**—Within 180 days after the date
23 of enactment of this Act, the Secretary of Homeland Secu-
24 rity shall establish procedures providing for an individual
25 who is required to be fingerprinted for purposes of obtain-

1 ing a transportation security card under section 70105 of
2 title 46, United States Code, to be fingerprinted at any
3 facility operated by or under contract with an agency of
4 the Department of Homeland Security that fingerprints
5 the public for the Department.

6 (b) EXPIRATION.—This section expires on December
7 31, 2012.

8 **SEC. 12. TRANSPORTATION SECURITY CARDS ON VESSELS.**

9 Section 70105(b)(2) of title 46, United States Code,
10 is amended—

11 (1) in subparagraph (B), by inserting after
12 “title” the following: “allowed unescorted access to
13 a secure area designated in a vessel security plan ap-
14 proved under section 70103 of this title”; and

15 (2) in subparagraph (D), by inserting after
16 “tank vessel” the following: “allowed unescorted ac-
17 cess to a secure area designated in a vessel security
18 plan approved under section 70103 of this title”.

19 **SEC. 13. INTERNATIONAL LABOR STUDY.**

20 The Comptroller General of the United States shall
21 conduct a study of methods to conduct a background secu-
22 rity investigation of an individual who possesses a biomet-
23 ric identification card that complies with International
24 Labor Convention number 185 that are equivalent to the
25 investigation conducted on individuals applying for a visa

1 to enter the United States. The Comptroller General shall
2 submit a report on the study within 180 days after the
3 date of enactment of this Act to the Committee on Trans-
4 portation and Infrastructure and the Committee on
5 Homeland Security of the House of Representatives and
6 the Committee on Commerce, Science, and Transportation
7 of the Senate.

8 **SEC. 14. MARITIME SECURITY ADVISORY COMMITTEES.**

9 Section 70112 of title 46, United States Code, is
10 amended—

11 (1) by amending subsection (b)(5) to read as
12 follows:

13 “(5)(A) The National Maritime Security Advisory
14 Committee shall be composed of—

15 “(i) at least 1 individual who represents
16 the interests of the port authorities;

17 “(ii) at least 1 individual who represents
18 the interests of the facilities owners or opera-
19 tors;

20 “(iii) at least 1 individual who represents
21 the interests of the terminal owners or opera-
22 tors;

23 “(iv) at least 1 individual who represents
24 the interests of the vessel owners or operators;

1 “(v) at least 1 individual who represents
2 the interests of the maritime labor organiza-
3 tions;

4 “(vi) at least 1 individual who represents
5 the interests of the academic community;

6 “(vii) at least 1 individual who represents
7 the interests of State or local governments; and

8 “(viii) at least 1 individual who represents
9 the interests of the maritime industry.

10 “(B) Each Area Maritime Security Advisory Com-
11 mittee shall be composed of individuals who represents the
12 interests of the port industry, terminal operators, port
13 labor organizations, and other users of the port areas.”;
14 and

15 (2) in subsection (g)—

16 (A) in paragraph (1)(A), by striking
17 “2008;” and inserting “2010;”;

18 (B) by repealing paragraph (2);

19 (C) by striking “(1)”; and

20 (D) by redesignating subparagraphs (A)
21 and (B) as paragraphs (1) and (2).

22 **SEC. 15. SEAMEN’S SHORESIDE ACCESS.**

23 Each facility security plan approved under section
24 70103(c) of title 46, United States Code, shall provide a
25 system for seamen assigned to a vessel at that facility,

1 pilots, and representatives of seamen's welfare and labor
2 organizations to board and depart the vessel through the
3 facility in a timely manner at no cost to the individual.

4 **SEC. 16. WATERSIDE SECURITY OF CERTAIN DANGEROUS**
5 **CARGO.**

6 (a) NATIONAL STUDY.—

7 (1) IN GENERAL.—The Secretary of Homeland
8 Security, acting through the Commandant of the
9 Coast Guard, shall—

10 (A) initiate a national study to identify
11 measures to improve the security of maritime
12 transportation of certain dangerous cargo; and

13 (B) coordinate with other Federal agen-
14 cies, the National Maritime Security Advisory
15 Committee, and appropriate State and local
16 government officials through the Area Maritime
17 Security Committees and other existing coordi-
18 nating committees, to evaluate the waterside se-
19 curity of vessels carrying, and waterfront facili-
20 ties handling, certain dangerous cargo.

21 (2) MATTERS TO BE INCLUDED.—The study
22 conducted under this subsection shall include—

23 (A) an analysis of existing risk assessment
24 information relating to waterside security gen-
25 erated by the Coast Guard and Area Maritime

1 Security Committees as part of the Maritime
2 Security Risk Assessment Model;

3 (B) a review and analysis of appropriate
4 roles and responsibilities of maritime stake-
5 holders, including Federal, State, and local law
6 enforcement and industry security personnel,
7 responsible for waterside security of vessels car-
8 rying, and waterfront facilities handling, certain
9 dangerous cargo, including—

10 (i) the number of ports in which State
11 and local law enforcement entities are pro-
12 viding any services to enforce Coast
13 Guard-imposed security zones around ves-
14 sels transiting to, through, or from United
15 States ports or to conduct security patrols
16 in United States ports;

17 (ii) the number of formal agreements
18 entered into between the Coast Guard and
19 State and local law enforcement entities to
20 engage State and local law enforcement en-
21 tities in the enforcement of Coast Guard-
22 imposed security zones around vessels
23 transiting to, through, or from United
24 States ports or the conduct of port security
25 patrols in United States ports, the dura-

1 tion of those agreements, and the aid that
2 State and local entities are engaged to pro-
3 vide through such agreements;

4 (iii) the extent to which the Coast
5 Guard has set national standards for train-
6 ing, equipment, and resources to ensure
7 that State and local law enforcement enti-
8 ties engaged in enforcing Coast Guard-im-
9 posed security zones around vessels
10 transiting to, through, or from United
11 States ports or in conducting port security
12 patrols in United States ports (or both)
13 can deter to the maximum extent prac-
14 ticable a transportation security incident;

15 (iv) the extent to which the Coast
16 Guard has assessed the ability of State
17 and local law enforcement entities to carry
18 out the security assignments that they
19 have been engaged to perform, including
20 their ability to meet any national stand-
21 ards for training, equipment, and resources
22 that have been established by the Coast
23 Guard in order to ensure that those enti-
24 ties can deter to the maximum extent prac-
25 ticable a transportation security incident;

1 (v) the extent to which State and local
2 law enforcement entities are able to meet
3 national standards for training, equipment,
4 and resources established by the Coast
5 Guard to ensure that those entities can
6 deter to the maximum extent practicable a
7 transportation security incident;

8 (vi) the differences in law enforcement
9 authority, and particularly boarding au-
10 thority, between the Coast Guard and
11 State and local law enforcement entities,
12 and the impact that these differences have
13 on the ability of State and local law en-
14 forcement entities to provide the same level
15 of security that the Coast Guard provides
16 during the enforcement of Coast Guard-im-
17 posed security zones and the conduct of se-
18 curity patrols in United States ports; and

19 (vii) the extent of resource, training,
20 and equipment differences between State
21 and local law enforcement entities and the
22 Coast Guard units engaged in enforcing
23 Coast Guard-imposed security zones
24 around vessels transiting to, through, or

1 from United States ports or conducting se-
2 curity patrols in United States ports;

3 (C) recommendations for risk-based secu-
4 rity measures to improve waterside security of
5 vessels carrying, and waterfront facilities han-
6 dling, certain dangerous cargo; and

7 (D) identification of security funding alter-
8 natives, including an analysis of the potential
9 for cost-sharing by the public and private sec-
10 tors as well as any challenges associated with
11 such cost-sharing.

12 (3) INFORMATION PROTECTION.—In carrying
13 out the coordination necessary to effectively com-
14 plete the study, the Commandant shall implement
15 measures to ensure the protection of any sensitive
16 security information, proprietary information, or
17 classified information collected, reviewed, or shared
18 during collaborative engagement with maritime
19 stakeholders and other Government entities, except
20 that nothing in this paragraph shall constitute au-
21 thority to withhold information from—

22 (A) the Congress; or

23 (B) first responders requiring such infor-
24 mation for the protection of life or property.

1 (4) REPORT.—Not later than 12 months after
2 the date of enactment of this Act, the Secretary, act-
3 ing through the Commandant, shall submit to the
4 Committees on Homeland Security and Transpor-
5 tation and Infrastructure of the House of Represent-
6 atives and the Committees on Commerce, Science,
7 and Transportation and Homeland Security and
8 Governmental Affairs of the Senate a report on the
9 results of the study under this subsection.

10 (b) NATIONAL STRATEGY.—Not later than 6 months
11 after submission of the report required by subsection (a),
12 the Secretary, acting through the Commandant, shall de-
13 velop, in conjunction with appropriate Federal agencies,
14 a national strategy for the waterside security of vessels
15 carrying, and waterfront facilities handling, certain dan-
16 gerous cargo. The strategy shall utilize the results of the
17 study required by subsection (a).

18 (c) SECURITY OF CERTAIN DANGEROUS CARGO.—

19 (1) ENFORCEMENT OF SECURITY ZONES.—Con-
20 sistent with other provisions of Federal law, the
21 Coast Guard shall coordinate and be responsible for
22 the enforcement of any Federal security zone estab-
23 lished by the Coast Guard around a vessel con-
24 taining certain dangerous cargo. The Coast Guard
25 shall allocate available resources so as to deter and

1 respond to a transportation security incident, to the
2 maximum extent practicable, and to protect lives or
3 protect property in danger.

4 (2) LIMITATION ON RELIANCE ON STATE AND
5 LOCAL GOVERNMENT.—Any security arrangement
6 approved after the date of enactment of this Act to
7 assist in the enforcement of any security zone estab-
8 lished by the Coast Guard around a vessel carrying
9 a certain dangerous cargo or around a waterfront fa-
10 cility handling a certain dangerous cargo may not be
11 based upon the provision of security by a State or
12 local government unless the Secretary, acting
13 through the Commandant of the Coast Guard, en-
14 sures that the waterborne patrols operated as part
15 of that security arrangement by a State or local gov-
16 ernment have the training, resources, personnel, and
17 experience necessary to carry out the security re-
18 sponsibilities that they have been engaged to per-
19 form in order, to the maximum extent practicable, to
20 deter and respond to a transportation security inci-
21 dent.

22 (3) DETERMINATION REQUIRED FOR NEW FA-
23 CILITIES.—The Secretary of Homeland Security,
24 acting through the Commandant of the Coast
25 Guard, may not approve a facility security plan

1 under section 70103 of title 46, United States Code,
2 for a new facility the construction of which is begun
3 after the date of enactment of this Act, that receives
4 or ships through maritime commerce certain dan-
5 gerous cargo unless the Secretary determines that
6 there are sufficient resources available to ensure
7 compliance with the facility security plan.

8 (4) RESOURCE DEFICIENCY REPORTING.—The
9 Secretary, acting through the Commandant of the
10 Coast Guard, shall provide to the Committees on
11 Homeland Security and Transportation and Infra-
12 structure of the House of Representatives and the
13 Committees on Commerce, Science, and Transpor-
14 tation and Homeland Security and Governmental
15 Affairs of the Senate 90 days after the end of each
16 fiscal year a report indicating—

17 (A) the number of security zones estab-
18 lished for certain dangerous cargo shipments;

19 (B) the number of certain dangerous cargo
20 shipments provided a waterborne security es-
21 cort, subdivided by Federal, State, local, or pri-
22 vate security; and

23 (C) an assessment as to any additional ves-
24 sels, personnel, infrastructure, and other re-
25 sources necessary to provide waterborne escorts

1 to those certain dangerous cargo shipments for
2 which a security zone is established.

3 (d) DEFINITIONS.—For the purposes of this section,
4 the follow definitions apply:

5 (1) CERTAIN DANGEROUS CARGO.—The term
6 “certain dangerous cargo” means a material, or a
7 group or class of material, in a particular amount
8 and form that the Secretary, through the Com-
9 mandant, determines by regulation poses a signifi-
10 cant risk of creating a transportation security inci-
11 dent while being transported in maritime commerce.

12 (2) AREA MARITIME SECURITY COMMITTEE.—
13 The term “Area Maritime Security Committee”
14 means each of those committees responsible for pro-
15 ducing Area Maritime Transportation Security Plans
16 under chapter 701 of title 46, United States Code.

17 (3) TRANSPORTATION SECURITY INCIDENT.—
18 The term “transportation security incident” has the
19 same meaning as that term has in section 70101 of
20 title 46, United States Code.

21 **SEC. 17. REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.**

22 (a) NOTICE OF RECOMMENDATION.—Consistent with
23 other provisions of law, the Secretary of Homeland Secu-
24 rity must notify the Federal Energy Regulatory Commis-
25 sion when a recommendation is made that the waterway

1 to a proposed waterside liquefied natural gas facility is
2 suitable or unsuitable for the marine traffic associated
3 with such facility.

4 (b) FEDERAL ENERGY REGULATORY COMMISSION
5 RESPONSE.—The Federal Energy Regulatory Commission
6 shall respond to the Secretary’s recommendation under
7 subsection (a) by informing the Secretary within 90 days
8 of notification or at the conclusion of any available appeal
9 process, whichever is later, of what action the Commission
10 has taken, pursuant to its authorities under the Natural
11 Gas Act, regarding a proposal to construct and operate
12 a waterside liquefied natural gas facility subject to a deter-
13 mination made under subsection (a).

14 **SEC. 18. USE OF SECONDARY AUTHENTICATION FOR**
15 **TRANSPORTATION SECURITY CARDS.**

16 The Secretary of Homeland Security may use a sec-
17 ondary authentication system for individuals applying for
18 transportation security cards when fingerprints are not
19 able to be taken or read to enhance transportation secu-
20 rity.

21 **SEC. 19. ASSESSMENT OF TRANSPORTATION SECURITY**
22 **CARD ENROLLMENT SITES.**

23 (a) IN GENERAL.—Not later than 30 days after the
24 date of the enactment of this Act, the Secretary of Home-
25 land Security shall prepare an assessment of the enroll-

1 ment sites for transportation security cards issued under
2 section 70105 of title 46, United States Code, including—

3 (1) the feasibility of keeping those enrollment
4 sites open after the date of enactment of this Act;
5 and

6 (2) the quality of customer service, including
7 the periods of time individuals are kept on hold on
8 the telephone, whether appointments are kept, and
9 processing times for applications.

10 (b) **TIMELINES AND BENCHMARKS.**—The Secretary
11 shall develop timelines and benchmarks for implementing
12 the findings of the assessment as the Secretary deems nec-
13 essary.

14 **SEC. 20. ASSESSMENT OF THE FEASIBILITY OF EFFORTS TO**
15 **MITIGATE THE THREAT OF SMALL BOAT AT-**
16 **TACK IN MAJOR PORTS.**

17 The Secretary of the department in which the Coast
18 Guard is operating shall assess and report to Congress
19 on the feasibility of efforts to mitigate the threat of small
20 boat attack in security zones of major ports, including spe-
21 cifically the use of transponders or radio frequency identi-
22 fication devices to track small boats.

1 **SEC. 21. REPORT AND RECOMMENDATION FOR UNIFORM**
2 **SECURITY BACKGROUND CHECKS.**

3 Not later than one year after the date of enactment
4 of this Act, the Comptroller General shall submit to the
5 Committee on Homeland Security of the House of Rep-
6 resentatives a report that contains—

7 (1) a review of background checks and forms of
8 identification required under State and local trans-
9 portation security programs;

10 (2) a determination as to whether the back-
11 ground checks and forms of identification required
12 under such programs duplicate or conflict with Fed-
13 eral programs; and

14 (3) recommendations on limiting the number of
15 background checks and forms of identification re-
16 quired under such programs to reduce or eliminate
17 duplication with Federal programs.

18 **SEC. 22. ANIMAL-PROPELLED VESSELS.**

19 Notwithstanding section 70105 of title 46, United
20 States Code, the Secretary shall not require an individual
21 to hold a transportation security card, or be accompanied
22 by another individual who holds such a card if—

23 (1) the individual has been issued a license, cer-
24 tificate of registry, or merchant mariner's document
25 under part E of subtitle II of title 46, United States
26 Code;

1 (2) the individual is not allowed unescorted ac-
2 cess to a secure area designated in a vessel or facil-
3 ity security plan approved by the Secretary; and

4 (3) the individual is engaged in the operation of
5 a live animal-propelled vessel.

6 **SEC. 23. REQUIREMENTS FOR ISSUANCE OF TRANSPOR-**
7 **TATION SECURITY CARDS; ACCESS PENDING**
8 **ISSUANCE; REDUNDANT BACKGROUND**
9 **CHECKS.**

10 Section 70105 of title 46, United States Code, is
11 amended by adding at the end the following new sub-
12 sections:

13 “(n) ESCORTING.—The Secretary shall coordinate
14 with owners and operators subject to this section to allow
15 any individual who has a pending application for a trans-
16 portation security card under this section or is waiting for
17 reissuance of such card, including any individual whose
18 card has been lost or stolen, and who needs to perform
19 work in a secure or restricted area to have access to such
20 area for that purpose through escorting of such individual
21 in accordance with subsection (a)(1)(B) by another indi-
22 vidual who holds a transportation security card.

23 “(o) PROCESSING TIME.—The Secretary shall review
24 an initial transportation security card application and re-
25 spond to the applicant, as appropriate, including the mail-

1 ing of an Initial Determination of Threat Assessment let-
2 ter, within 30 days after receipt of the initial application.
3 The Secretary shall, to the greatest extent practicable, re-
4 view appeal and waiver requests submitted by a transpor-
5 tation security card applicant, and send a written decision
6 or request for additional information required for the ap-
7 peal or waiver determination, within 30 days after receipt
8 of the applicant’s appeal or waiver written request. For
9 an applicant that is required to submit additional informa-
10 tion for an appeal or waiver determination, the Secretary
11 shall send a written decision, to the greatest extent prac-
12 ticable, within 30 days after receipt of all requested infor-
13 mation.

14 “(p) RECEIPT OF CARDS.—Within 180 days after the
15 date of enactment of this subsection, the Secretary shall
16 develop a process to permit an individual approved for a
17 transportation security card under this section to receive
18 the card at the individual’s place of residence.

19 “(q) FINGERPRINTING.—The Secretary shall estab-
20 lish procedures providing for an individual who is required
21 to be fingerprinted for purposes of this section to be
22 fingerprinted at facilities operated by or under contract
23 with an agency of the Department of the Secretary that
24 engages in fingerprinting the public for transportation se-
25 curity or other security purposes.

1 “(r) REDUNDANT BACKGROUND CHECKS.—The Sec-
2 retary shall prohibit a State or political subdivision thereof
3 from requiring a separate security background check for
4 any purpose for which a transportation security card is
5 issued under this section. The Secretary may waive the
6 application of this subsection with respect to a State or
7 political subdivision thereof if the State or political sub-
8 division demonstrates a compelling homeland security rea-
9 son that a separate security background check is nec-
10 essary.”.

11 **SEC. 24. HARMONIZING SECURITY CARD EXPIRATIONS.**

12 Section 70105(b) of title 46, United States Code, is
13 amended by adding at the end the following new para-
14 graph:

15 “(6) The Secretary may extend for up to one year
16 the expiration of a biometric transportation security card
17 required by this section to align the expiration with the
18 expiration of a license, certificate of registry, or merchant
19 mariner document required under chapter 71 or 73.”.

20 **SEC. 25. ADMINISTRATION OF MARITIME SECURITY.**

21 (a) ESTABLISH MARITIME SECURITY AS A COAST
22 GUARD FUNCTION.—Chapter 5 of title 14, United States
23 Code, is further amended by adding at the end the fol-
24 lowing new section:

1 **“§ 103. Maritime security**

2 “To protect life, property, and the environment on,
3 under, and over waters subject to the jurisdiction of the
4 United States and on vessels subject to the jurisdiction
5 of the United States, the Commandant shall promote mar-
6 itime security as follows:

7 “(1) By taking actions necessary in the public
8 interest to protect such life, property, and the envi-
9 ronment.

10 “(2) Based on priorities established by the
11 Commandant including—

12 “(A) protecting maritime borders from all
13 intrusions, reducing the risk from terrorism to
14 United States passengers at foreign and domes-
15 tic ports and in designated waterfront facilities,
16 and preventing and responding to terrorist at-
17 tacks and other homeland security threats;

18 “(B) protecting critical maritime infra-
19 structure and other key resources; and

20 “(C) preventing, to the maximum extent
21 practicable, a transportation security incident
22 as defined in section 70101 of title 46.”.

23 (b) CLERICAL AMENDMENT.—The analysis at the be-
24 ginning of such chapter is further amended by adding at
25 the end the following new item:

“Sec. 103. Maritime security.”.

1 (c) MARITIME SECURITY STAFF.—

2 (1) IN GENERAL.—Chapter 3 of title 14, United
3 States Code, is further amended by adding at the
4 end the following new sections:

5 **“§ 60. Maritime security workforce**

6 “(a) DESIGNATION OF MARITIME SECURITY WORK-
7 FORCE.—

8 “(1) IN GENERAL.—The Secretary, acting
9 through the Commandant, shall ensure appropriate
10 coverage of maritime security missions within the
11 workforce in each sector.

12 “(2) REQUIRED POSITIONS.—In designating po-
13 sitions under paragraph (1), the Secretary shall in-
14 clude the following maritime security-related posi-
15 tions:

16 “(A) Program oversight.

17 “(B) Counterterrorism functions.

18 “(C) Counterintelligence functions.

19 “(D) Criminal investigations related to
20 maritime security.

21 “(E) Port security enforcement.

22 “(F) Any other activities that the Com-
23 mandant deems as necessary.

24 “(3) MARITIME SECURITY MANAGEMENT AC-
25 TIVITIES.—The Secretary shall also designate under

1 paragraph (1) those maritime security-related man-
2 agement positions located at Coast Guard head-
3 quarters, Coast Guard Readiness Command, Coast
4 Guard Operations Command, the Deployable Oper-
5 ations Group, and the Intelligence Coordination Cen-
6 ter.

7 “(b) CAREER PATHS.—The Secretary, acting
8 through the Commandant, may establish appropriate ca-
9 reer paths for civilian and military Coast Guard personnel
10 who wish to pursue careers in maritime security are identi-
11 fied in terms of the education, training, experience, and
12 assignments necessary for career progression of civilians
13 and member of the Armed Forces to the most senior mari-
14 time security positions. The Secretary shall make available
15 published information on such career paths.

16 “(c) BALANCED WORKFORCE POLICY.—In the devel-
17 opment of maritime security workforce policies under this
18 section with respect to any civilian employees or applicants
19 for employment with the Coast Guard, the Secretary shall,
20 consistent with the merit system principles set out in para-
21 graphs (1) and (2) of section 2301(b) of title 5, take into
22 consideration the need to maintain a balance workforce
23 in which women and members of racial and ethnic minor-
24 ity groups are appropriately represented in Government
25 service.

1 “(d) SECTOR CHIEF OF MARITIME SECURITY.—

2 “(1) IN GENERAL.—The Commandant may as-
3 sign, as appropriate, a Chief of Maritime Security
4 who shall be at least a Lieutenant Commander or ci-
5 vilian employee within the grade GS–13 of the Gen-
6 eral Schedule in each Coast Guard sector.

7 “(2) FUNCTIONS.—The Chief of Maritime Se-
8 curity for a sector—

9 “(A) is responsible for all individuals who,
10 on behalf of the Coast Guard, conduct port se-
11 curity operations, counterterrorism operations,
12 intelligence and counterintelligence operations,
13 and support national defense operations; and

14 “(B) if not the Coast Guard officer in
15 command of that sector, is the principal advisor
16 to the Sector Commander regarding maritime
17 security matters in that sector.

18 “(e) SIGNATORIES OF LETTER OF QUALIFICATION.—
19 Each individual signing a letter of qualification for mari-
20 time security personnel must hold a letter of qualification
21 for the type being certified.

22 **“§ 61. Centers of expertise for maritime security**

23 “(a) ESTABLISHMENT.—The Commandant may es-
24 tablish and operate one or more centers of Maritime Secu-
25 rity (in this section referred to as a ‘Center’).

1 “(b) MISSIONS.—The Centers shall—

2 “(1) be used to facility education, training, and
3 research in maritime security including maritime do-
4 main awareness, counterterrorism policy and oper-
5 ations, and intelligence collection, fusion, and dis-
6 semination;

7 “(2) develop a repository on information on
8 maritime security; and

9 “(3) perform any other function as the Com-
10 mandant may specify.

11 “(c) JOINT OPERATION WITH EDUCATIONAL INSTI-
12 TUTION AUTHORIZED.—The Commandant may enter into
13 an agreement with an appropriate official of an institution
14 of higher education to—

15 “(1) provide for joint operation of a Center;
16 and

17 “(2) provide necessary administrative service
18 for a Center, including administration and allocation
19 of funds.

20 “(d) ACCEPTANCE OF DONATIONS.—

21 “(1) IN GENERAL.—The Commandant may ac-
22 cept, on behalf of a center, donations to be used to
23 defray the costs of the Center or to enhance the op-
24 eration of the Center.

1 “(2) GUIDANCE.—The Commandant shall pre-
2 scribe written guidance setting forth the criteria to
3 be used in determining if the acceptance of a dona-
4 tion is appropriate.”.

5 (2) CLERICAL AMENDMENT.—The analysis at
6 the beginning of such chapter is further amended by
7 adding at the end the following new items:

“Sec. 60. Maritime security workforce.

“Sec. 61. Centers of expertise for maritime security.”.

8 (d) POWERS AND DUTIES.—Section 93 of title 14,
9 United States Code, is amended by adding at the end the
10 following new subsection:

11 “(e) In exercising the Commandant’s duties and re-
12 sponsibilities with regard to maritime security, the Com-
13 mandant shall designate a flag officer to serve as the prin-
14 cipal advisor to the Commandant for maritime security.
15 The designee shall have at least 10 years combined experi-
16 ence in operations, intelligence, counterterrorism, counter-
17 intelligence, port security, criminal investigations (except
18 maritime casualty investigations), and port security or
19 other maritime security functions, and at least four years
20 of leadership experience at a staff or unit carrying out
21 maritime security functions.”.

1 **SEC. 26. FRESNEL LENS IN THE PRESQUE ISLE LIGHT**
2 **HOUSE IN PRESQUE ISLE, MICHIGAN.**

3 The Commandant of the Coast Guard shall conduct
4 a study and analysis of the feasibility of the restoring the
5 Fresnel Lens in the Presque Isle Light House in Presque
6 Isle, Michigan to operating condition to meet the safety
7 needs of commerce and submit within 180 days the report
8 to the Transportation and Infrastructure Committee after
9 the date of enactment of this Act.

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