

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
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 program authorization.
- Sec. 108. Port security grant funding for mandated security personnel.
- Sec. 109. Interagency operational centers for port security.
- Sec. 110. Report on DHS aviation assets.
- Sec. 111. Small vessel threat analysis.
- Sec. 112. U.S. Customs and Border Protection workforce plan.
- Sec. 113. Cooperative cross-border maritime operations between the United States and Canada.
- Sec. 114. Training and certification of training for port security.
- Sec. 115. Northern border unmanned aerial vehicle pilot project.

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. Issuance of final rule relating to Transportation Worker Identification Credential reader requirements.
- 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 COMMITTEES.—The term “appropriate congressional committees” has the meaning given such term in section
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8 (2) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

10 (3) FUNCTION.—The term “function” includes
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14 (4) LOCAL GOVERNMENT.—The term “local government” means—

16 (A) a county, municipality, city, town,
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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, acting through the Department’s Office of Op-
12 erations Coordination and Planning, shall submit to the
13 appropriate congressional committees a maritime oper-
14 ations coordination plan for the coordination and coopera-
15 tion of maritime operations undertaken by the agencies
16 within the Department. Such plan shall update the mari-
17 time operations coordination plan released by the Depart-
18 ment in July 2011, and shall address the following:

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

24 (2) Maintaining effective information sharing
25 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 savings from co-locating avia-
9 tion and maritime operational assets of the different agen-
10 cies of the Department. In analyzing the potential cost
11 savings achieved by sharing aviation and maritime facili-
12 ties, the study shall consider at a minimum the following
13 factors:

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

16 (2) Potential cost savings derived through
17 shared maintenance and logistics facilities and ac-
18 tivities.

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 by inserting after subparagraph (C) the
17 following:

18 “(D) COST SHARE DETERMINATIONS.—
19 Notwithstanding any other provision of law, not
20 later than 60 days after the date on which an
21 applicant submits a complete application for a
22 matching requirement (other than a project
23 specified in paragraph (1)), the Secretary shall
24 either approve or disapprove the application.”.

1 (c) ADMINISTRATION OF EXTENSIONS.—Section
2 70107(i) of title 46, United States Code, is amended by
3 inserting after paragraph (4) the following:

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

10 **SEC. 107. PORT SECURITY GRANT PROGRAM AUTHORIZA-**
11 **TION.**

12 Section 70107(l) of title 46, United States Code, is
13 amended by striking “2013” and inserting “2014”.

14 **SEC. 108. PORT SECURITY GRANT FUNDING FOR MAN-**
15 **DATED SECURITY PERSONNEL.**

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

1 **SEC. 109. INTERAGENCY OPERATIONAL CENTERS FOR**
2 **PORT SECURITY.**

3 (a) PARTICIPATING PERSONNEL.—Section
4 70107A(b)(1)(B) of title 46, United States Code, is
5 amended—

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

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

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

17 (1) interagency operational centers under such
18 section and the implementation of the amendments
19 made by this section;

20 (2) participation in such centers and by Federal
21 agencies, State and local law enforcement agencies,
22 port security agencies, and other public and private
23 sector entities, including joint daily operational co-
24 ordination, training and certifying of non-Federal
25 law enforcement personnel, and joint training exer-
26 cises;

1 (3) deployment of interoperable communications
2 equipment under subsection (e) of such section, in-
3 cluding—

4 (A) an assessment of the cost-effectiveness
5 and utility of such equipment for Federal agen-
6 cies, State and local law enforcement agencies,
7 port security agencies, and other public and pri-
8 vate sector entities;

9 (B) data showing which Federal agencies,
10 State and local law enforcement agencies, port
11 security agencies, and other public and private
12 sector entities are utilizing such equipment;

13 (C) an explanation of the process in place
14 to obtain and incorporate feedback from Fed-
15 eral agencies, State and local law enforcement
16 agencies, port security agencies, and other pub-
17 lic and private sector entities that are utilizing
18 such equipment in order to better meet their
19 needs; and

20 (D) an updated deployment schedule and
21 life cycle cost estimate for the deployment of
22 such equipment; and

23 (4) mission execution and mission support ac-
24 tivities of such centers, including daily coordination

1 activities, information sharing, intelligence integra-
2 tion, and operational planning.

3 **SEC. 110. REPORT ON DHS AVIATION ASSETS.**

4 (a) IN GENERAL.—Not later than one year after the
5 date of the enactment of this Act, the Comptroller General
6 of the United States shall submit to the appropriate con-
7 gressional committees a report that analyzes and com-
8 pares the costs, capabilities, and missions of different
9 aviation assets, including unmanned aerial vehicles, uti-
10 lized by the Department to assess the relative costs of un-
11 manned aerial vehicles as compared to manned aerial vehi-
12 cles, and any increased operational benefits offered by un-
13 manned aerial vehicles as compared to manned aviation
14 assets.

15 (b) REQUIRED DATA.—The report required under
16 subsection (a) shall include a detailed assessment of costs
17 for operating each type of asset described in such report,
18 including—

19 (1) fuel costs;

20 (2) crew and staffing costs;

21 (3) maintenance costs;

22 (4) communication and satellite bandwidth
23 costs;

24 (5) costs associated with the acquisition of each
25 type of such asset; and

1 (6) any other relevant costs necessary to pro-
2 vide a holistic analysis and to identify potential cost
3 savings.

4 **SEC. 111. SMALL VESSEL THREAT ANALYSIS.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Secretary shall submit to the appropriate
7 congressional committees a report analyzing the threat of,
8 vulnerability to, and consequence of an act of terrorism
9 using a small vessel to attack United States vessels, ports,
10 or maritime interests.

11 **SEC. 112. U.S. CUSTOMS AND BORDER PROTECTION WORK-**
12 **FORCE PLAN.**

13 (a) **IN GENERAL.**—Not later than one year after the
14 date of the enactment of this Act, the Secretary shall sub-
15 mit to the appropriate congressional committees a plan for
16 optimizing staffing levels for U.S. Customs and Border
17 Protection personnel to carry out the mission of the De-
18 partment, including optimal levels of U.S. Customs and
19 Border Protection staffing required to conduct all border
20 security functions.

21 (b) **METHODOLOGY.**—In preparing the staffing plan
22 required under subsection (a), the Secretary shall include
23 an evaluation that compares a risk-based allocation of
24 staffing at and between the ports of entry against a ran-
25 dom sampling model.

1 (c) CONSIDERATION OF PRIOR STAFFING RE-
2 SOURCES.—The staffing plan shall consider previous staff-
3 ing models prepared by the Department and assessments
4 of threat and vulnerabilities.

5 **SEC. 113. COOPERATIVE CROSS-BORDER MARITIME OPER-**
6 **ATIONS BETWEEN THE UNITED STATES AND**
7 **CANADA.**

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

11 **“SEC. 432. COOPERATIVE CROSS-BORDER MARITIME OPER-**
12 **ATIONS BETWEEN THE UNITED STATES AND**
13 **CANADA.**

14 “(a) AUTHORIZATION.—The Secretary is authorized
15 to establish a Cooperative Cross-Border Maritime Oper-
16 ations Program to coordinate maritime security and law
17 enforcement operations between the United States and
18 Canada (in this section referred to as the ‘Program’).

19 “(b) PURPOSE.—The Secretary, acting through the
20 Commandant of the Coast Guard, shall administer the
21 Program in a manner that results in a cooperative ap-
22 proach between the United States and Canada to
23 strengthen border security and detect, prevent, suppress,
24 investigate, and respond to terrorism and violations of law
25 related to border security.

1 “(c) TRAINING.—The Secretary, acting through the
2 Commandant of the Coast Guard, in consultation with the
3 Secretary of State, may—

4 “(1) establish, as an element of the Program,
5 a training program to create designated maritime
6 law enforcement officers;

7 “(2) conduct training jointly with Canada, in-
8 cluding training—

9 “(A) on the detection and apprehension of
10 suspected terrorists and individuals attempting
11 to unlawfully cross or unlawfully use the inter-
12 national maritime border between the United
13 States and Canada, to enhance border security;

14 “(B) on the integration, analysis, and dis-
15 semination of port security information between
16 the United States and Canada;

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

19 “(D) on the use of force and maritime se-
20 curity;

21 “(E) in operational procedures and protec-
22 tion of information and other sensitive informa-
23 tion; and

24 “(F) on preparedness and response to
25 maritime terrorist incidents.

1 “(d) COORDINATION.—The Secretary, acting through
2 the Commandant of the Coast Guard, shall coordinate the
3 Program with other similar border security and
4 antiterrorism programs within the Department.

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

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

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

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

16 **SEC. 114. TRAINING AND CERTIFICATION OF TRAINING FOR**
17 **PORT SECURITY.**

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

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

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

3 “(C) TRAINING AND CERTIFICATION.—
4 There are no matching requirements for grants
5 under subsection (a) to train and certify law en-
6 forcement personnel under section 70132 of
7 this title.”.

8 (c) CREDENTIALING STANDARDS, TRAINING, AND
9 CERTIFICATION.—Section 70132 of such title is amended
10 as follows:

11 (1) In the section heading, by striking “**for**
12 **State and local support for the enforce-**
13 **ment of security zones for the transpor-**
14 **tation of especially hazardous cargo**” and
15 inserting “**of maritime law enforcement**
16 **personnel**”.

17 (2) By amending subsection (a) to read as fol-
18 lows:

19 “(a) STANDARDS.—The Commandant of the Coast
20 Guard shall establish standards for training, qualification,
21 and certification of a law enforcement officer employed by
22 a law enforcement agency, to conduct or execute, pursuant
23 to a cooperative enforcement agreement, maritime secu-
24 rity, maritime law enforcement, and maritime surge ca-
25 pacity activities.”.

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

3 “(A) after notice and opportunity for pub-
4 lic comment, may develop and publish training
5 curricula for the standards established under
6 paragraph (a); and

7 “(B) may—

8 “(i) test and deliver training for which
9 the curriculum is developed under subpara-
10 graph (A);

11 “(ii) enter into an agreement under
12 which any Federal, State, local, tribal or
13 private sector entity may test and deliver
14 such training; and

15 “(iii) accept the results of training
16 conducted by any Federal, State, local,
17 tribal or private sector entity under such
18 an agreement.”

19 (4) By striking subsection (b)(2) and inserting
20 the following:

21 “(2) Any training developed under paragraph
22 (1) after the date of enactment of the SMART Port
23 Security Act shall be developed in consultation with
24 the Federal Law Enforcement Training Center and

1 undergo accreditation through the Federal Law En-
2 forcement Training Accreditation process.”.

3 (5) In subsection (b)(4)—

4 (A) by inserting after “any moneys,” the
5 following: “other than an allocation made under
6 the Dingell-Johnson Sport Fish Restoration Act
7 (16 U.S.C. 777 et seq.),”; and

8 (B) by striking “training of personnel to
9 assist in the enforcement of security zones and
10 limited access areas” and inserting “training
11 and certifying personnel under this section”.

12 (6) By striking subsection (c) and inserting the
13 following:

14 “(c) CERTIFICATION OF PERSONNEL.—The Com-
15 mandant of the Coast Guard may issue a certificate to
16 law enforcement officer employed by a law enforcement
17 agency, who has successfully completed training that the
18 Commandant has developed under this section.”.

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

20 “(d) TACTICAL TRAINING FOR LAW ENFORCEMENT
21 PERSONNEL.—The Commandant of the Coast Guard may
22 make such training developed under this section available
23 to law enforcement officers employed by a law enforcement
24 agency, on either a reimbursable or a non-reimbursable
25 basis, if the Commandant determines that—

1 “(1) a member of the Coast Guard is unable or
2 unavailable to undertake tactical training the au-
3 thorization of which had been previously approved,
4 and no other member of the Coast Guard is reason-
5 ably available to undertake such training;

6 “(2) the inability or unavailability of Coast
7 Guard personnel to undertake such training creates
8 training capacity within the training program; and

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

12 (d) CONFORMING AMENDMENT.—Chapter 701 of
13 such title is amended—

14 (1) by striking the heading for subchapter II
15 and inserting the following:

16 **“Subchapter II—Port Security Training and**
17 **Certification”;** and

18 (2) in the table of sections at the beginning of
19 the chapter—

20 (A) by striking the item relating to the
21 heading for subchapter II for such heading and
22 inserting the following:

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

23 (B) by striking the item relating to section
24 70132 and inserting the following:

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

1 (e) TECHNICAL CORRECTIONS.—Chapter 701 of such
2 title is amended—

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

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

9 (3) by striking the heading for section 70124
10 and inserting the following:

11 **“§ 70124. Regulations”.**

12 **SEC. 115. NORTHERN BORDER UNMANNED AERIAL VEHI-**
13 **CLE PILOT PROJECT.**

14 (a) RESEARCH AND DEVELOPMENT.—The Secretary
15 shall research and develop technologies to allow routine
16 operation of medium-sized unmanned aerial vehicles, in-
17 cluding autonomously piloted drones, within the national
18 airspace for border and maritime security missions with-
19 out any degradation of existing levels of security-related
20 surveillance or of safety for all national airspace system
21 users.

22 (b) PILOT PROJECT.—No later than 180 days after
23 the date of enactment of this Act, the Secretary shall com-
24 mence a pilot project in segregated airspace along the

1 northern border to conduct experiments and collect data
2 in order to accelerate the safe integration of medium-sized
3 unmanned aircraft systems into the national airspace sys-
4 tem.

5 **TITLE II—MARITIME SUPPLY**
6 **CHAIN SECURITY**

7 **SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF**
8 **THE INTERNATIONAL SUPPLY CHAIN.**

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

11 (1) by amending subsection (b) to read as fol-
12 lows:

13 “(b) REQUIREMENTS.—The strategic plan required
14 under subsection (a), and any updates to the strategic
15 plan required under subsection (g), shall—

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

20 “(A) any unnecessary redundancies or
21 overlaps in Federal transportation security
22 credentialing programs; and

23 “(B) any unnecessary redundancies or
24 overlaps in Federal trusted shipper or trusted
25 trader programs;

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

3 “(A) improve coordination among the
4 agencies referred to in paragraph (1);

5 “(B) facilitate the efficient flow of legiti-
6 mate commerce;

7 “(C) enhance the security of the inter-
8 national supply chain; or

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

11 “(3) identify and make recommendations re-
12 garding further legislative, regulatory, or organiza-
13 tional changes necessary to—

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

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

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

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

22 “(4) provide measurable goals, including objec-
23 tives, mechanisms, and a schedule, for furthering the
24 security of commercial operations from point of ori-
25 gin to point of destination;

1 “(5) build on available resources and consider
2 costs and benefits;

3 “(6) recommend additional incentives for vol-
4 untary measures taken by private sector entities to
5 enhance supply chain security, including additional
6 incentives for such entities participating in the Cus-
7 toms-Trade Partnership Against Terrorism in ac-
8 cordance with sections 214, 215, and 216;

9 “(7) consider the impact of supply chain secu-
10 rity requirements on small- and medium- sized com-
11 panies;

12 “(8) identify a framework for prudent and
13 measured response in the event of a transportation
14 security incident involving the international supply
15 chain;

16 “(9) provide updated protocols for the expedi-
17 tious resumption of the flow of trade in accordance
18 with section 202;

19 “(10) review and address implementation of les-
20 sons learned from recent exercises conducted under
21 sections 114 and 115, and other international supply
22 chain security, response, or recovery exercises that
23 the Department participates in, as appropriate;

24 “(11) consider the linkages between supply
25 chain security and security programs within other

1 systems of movement, including travel security and
2 terrorism finance programs;

3 “(12) be informed by technologies undergoing
4 research, development, testing, and evaluation by the
5 Department; and

6 “(13) expand upon and relate to existing strate-
7 gies and plans for securing supply chains, including
8 the National Response Plan, the National Maritime
9 Transportation Security Plan, the National Strategy
10 for Maritime Security, and the eight supporting
11 plans of such National Strategy for Maritime Secu-
12 rity, as required by Homeland Security Presidential
13 Directive 13.”;

14 (2) in subsection (g)—

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

17 (B) by adding at the end the following new
18 paragraphs:

19 “(3) FINAL REPORT.—Not later than two years
20 after the date on which the update of the strategic
21 plan is submitted under paragraph (2), the Sec-
22 retary shall submit to the appropriate congressional
23 committees a report that contains a further update
24 of the strategic plan.

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

7 (3) by adding at the end the following new sub-
8 section:

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

13 **SEC. 202. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**
14 **RORISM.**

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

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

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

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

23 “(2) UNANNOUNCED INSPECTIONS.—The Sec-
24 retary, acting through the Commissioner, may con-
25 duct an unannounced inspection of a C-TPAT par-

1 ticipant’s security measures and supply chain secu-
2 rity practices if the Commissioner determines, based
3 on previously identified deficiencies in security meas-
4 ures and supply chain security practices of the C-
5 TPAT participant, that there is a significant likeli-
6 hood that such an inspection would assist in con-
7 firming the security measures in place and further
8 the validation process.”.

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

13 “(d) PRIVATE SECTOR INFORMATION SHARING ON
14 SECURITY AND TERRORISM THREATS.—

15 “(1) IN GENERAL.—The Secretary shall pro-
16 mote information sharing between and among the
17 Department and Tier 2 and 3 participants and other
18 private entities regarding—

19 “(A) potential vulnerabilities, attacks, and
20 exploitations of the international supply chain;
21 and

22 “(B) means and methods of preventing, re-
23 sponding to, and mitigating consequences from
24 the vulnerabilities, attacks, and exploitations
25 described in subparagraph (A).

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

3 “(A) the creation of classified and unclas-
4 sified means of accessing information that may
5 be used by appropriately cleared personnel and
6 that will provide, as appropriate, ongoing situa-
7 tional awareness of the security of the inter-
8 national supply chain; and

9 “(B) the creation of guidelines to establish
10 a mechanism by which owners and operators of
11 international supply chain infrastructure may
12 report actual or potential security breaches.”.

13 **SEC. 203. RECOGNITION OF OTHER COUNTRIES’ TRUSTED**
14 **SHIPPER PROGRAMS.**

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

18 “(j) RECOGNITION OF OTHER COUNTRIES’ TRUSTED
19 SHIPPER PROGRAMS.—Not later than 30 days before en-
20 tering into negotiations, and again 30 days before signing
21 an arrangement, between the United States and a foreign
22 government providing for mutual recognition of supply
23 chain security practices which might result in the utiliza-
24 tion of benefits described in section 214, 215, or 216, the
25 Secretary shall—

1 “(1) notify the appropriate congressional com-
2 mittees of the proposed terms of such arrangement;
3 and

4 “(2) determine, in consultation with the Com-
5 missioner, that the foreign government’s supply
6 chain security program provides comparable security
7 as that provided by C-TPAT.”.

8 **SEC. 204. PILOT PROGRAM FOR INCLUSION OF NON-ASSET**
9 **BASED THIRD PARTY LOGISTICS PROVIDERS**
10 **IN THE CUSTOMS-TRADE PARTNERSHIP**
11 **AGAINST TERRORISM.**

12 (a) **IN GENERAL.**—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary shall de-
14 velop a pilot program to determine whether allowing non-
15 asset based third party logistics providers that arrange
16 international transportation of freight to participate in the
17 Customs-Trade Partnership Against Terrorism program,
18 as described in section 211 of the SAFE Port Act (6
19 U.S.C. 961), would enhance port security, combat ter-
20 rorism, prevent supply chain security breaches, or meet
21 the goals of the Customs-Trade Partnership Against Ter-
22 rorism established pursuant to section 211 of the SAFE
23 Port Act (6 U.S.C. 961).

24 (b) **REQUIREMENTS.**—

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

5 (2) MINIMUM NUMBER.—The Secretary shall
6 ensure that not fewer than five non-asset based third
7 party logistics providers that arrange international
8 transportation of freight take part in the pilot pro-
9 gram.

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

12 (c) REPORT.—Not later than 180 days after the con-
13 clusion of the pilot program, the Secretary shall submit
14 to the appropriate congressional committees a report on
15 the findings and any recommendations of the pilot pro-
16 gram concerning the participation in the Customs-Trade
17 Partnership Against Terrorism of non-asset based third
18 party logistics providers that arrange international trans-
19 portation of freight to combat terrorism and prevent sup-
20 ply chain security breaches.

21 **SEC. 205. TRANSPORTATION WORKER IDENTIFICATION**
22 **CREDENTIAL PROCESS REFORM.**

23 (a) SENSE OF CONGRESS.—To avoid further impos-
24 ing unnecessary and costly regulatory burdens on United
25 States workers and businesses, it is the sense of Congress

1 that it is urgent that the Transportation Worker Identi-
2 fication Credential (in this section referred to as the
3 “TWIC”) application process be reformed by not later
4 than the end of 2012, when hundreds of thousands of cur-
5 rent TWIC holders will begin to face the requirement to
6 renew their TWICs.

7 (b) TWIC APPLICATION REFORM.—Not later than
8 270 days after the date of the enactment of this Act, the
9 Secretary shall reform the process for the enrollment, acti-
10 vation, issuance, and renewal of a TWIC to require, in
11 total, not more than one in-person visit to a designated
12 enrollment center except in cases in which there are ex-
13 tenuating circumstances, as determined by the Secretary,
14 requiring more than one such in-person visit.

15 **SEC. 206. ISSUANCE OF FINAL RULE RELATING TO TRANS-**
16 **PORTATION WORKER IDENTIFICATION CRE-**
17 **DENTIAL READER REQUIREMENTS.**

18 (a) DEADLINE.—The Secretary shall issue the final
19 rule for installation of electronic readers to verify Trans-
20 portation Worker Identification Credentials as an access
21 control and security measure issued pursuant to the ad-
22 vanced notice of proposed rulemaking published on March
23 27, 2009 (74 Fed. Reg. 58).

24 (b) STAY OF EXPIRATIONS.—If the final rule re-
25 quired under subsection (a) is not issued by June 30,

1 2014, no expiration shall take effect for any Transpor-
2 tation Worker Identification Credential due to expire after
3 June 30, 2014, until the date on which the final rule re-
4 quired under subsection (a) is issued.

5 (c) EXPIRING CREDENTIALS: EXTENSION; REDUCING
6 COST OF RENEWAL.—

7 (1) DETERMINATION.—The Secretary shall de-
8 termine which, if any, actions would be required to
9 extend the validity of all Transportation Worker
10 Identification Credentials due to expire before June
11 30, 2014, while maintaining the security value of the
12 Transportation Worker Identification Credential
13 program, without requiring reissuance of such Cre-
14 dentials.

15 (2) REDUCTION OF COST.—If the Secretary de-
16 termines that reissuance of such Credentials is nec-
17 essary, the Secretary shall reduce the cost to appli-
18 cants of renewing the Credentials to the maximum
19 extent possible while ensuring the Transportation
20 Worker Identification Credential program maintains
21 adequate funding.

22 (d) REVOCATION OF AUTHORITY NOT AFFECTED.—
23 This section shall not be construed to affect the authority
24 of the Secretary to revoke a Transportation Worker Iden-
25 tification Credential—

1 (1) based on information that the holder of
2 such Credential is not qualified to hold such Creden-
3 tial; or

4 (2) if such Credential is lost, damaged, or sto-
5 len.

6 **SEC. 207. SECURING THE TRANSPORTATION WORKER IDEN-**
7 **TIFICATION CREDENTIAL AGAINST USE BY**
8 **UNAUTHORIZED ALIENS.**

9 (a) PROCESS.—

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

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

20 (A) publish a list of documents that will
21 identify non-United States citizen TWIC appli-
22 cants and verify their immigration statuses by
23 requiring each such applicants to produce a
24 document or documents that demonstrate—

25 (i) identity; and

1 (ii) proof of lawful presence in the
2 United States; and

3 (B) establish training requirements to en-
4 sure that trusted agents at TWIC enrollment
5 centers receive training to identify fraudulent
6 documents.

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

