

111TH CONGRESS
2^D SESSION

H. R. 5684

To direct the Secretary of Homeland Security to commission an independent review of the threat of a terrorist attack posed to offshore energy infrastructure in the Gulf of Mexico, the vulnerabilities of such infrastructure to such attacks, and the consequences of such attacks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2010

Mr. CAO 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 direct the Secretary of Homeland Security to commission an independent review of the threat of a terrorist attack posed to offshore energy infrastructure in the Gulf of Mexico, the vulnerabilities of such infrastructure to such attacks, and the consequences of such attacks, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Maritime Infrastruc-
3 ture Security and Counterterrorism Act”.

4 **SEC. 2. INDEPENDENT REVIEW OF RISK MANAGEMENT.**

5 (a) IN GENERAL.—Not later than 60 days after the
6 date of enactment of this Act, the Secretary of Homeland
7 Security, acting through the Commandant of the Coast
8 Guard, shall commission an independent review of—

9 (1) the threats of terrorist attack posed to off-
10 shore energy infrastructure in the Gulf of Mexico,
11 the vulnerabilities of such infrastructure to such at-
12 tacks, and the consequences of such attacks; and

13 (2) whether the Coast Guard can adequately se-
14 cure such infrastructure in a manner that addresses
15 the current threat environment.

16 (b) INCLUDED INFRASTRUCTURE.—The infrastruc-
17 ture examined by the study shall include offshore facilities,
18 mobile offshore drilling units, and other vessels used for
19 exploration, development, or production of energy.

20 **SEC. 3. SECURITY PLANS.**

21 (a) REVIEW OF EXISTING PLANS.—Not later than
22 180 days after the date of enactment of this Act, the Sec-
23 retary of Homeland Security shall—

24 (1) review all vessel security plans approved
25 under section 70103 of title 46, United States Code,
26 for mobile offshore drilling units and other vessels

1 used for exploration, development, or production of
2 energy in the Gulf of Mexico; and

3 (2) assess whether such plans take into account
4 the threats of terrorist attack posed to such vessels,
5 the vulnerabilities of such vessels to such attacks,
6 and the consequences of such attacks on such ves-
7 sels.

8 (b) INCREASED FREQUENCY OF REVIEW.—Section
9 70103(c) of title 46, United States Code, is amended by
10 adding at the end the following new paragraph:

11 “(9) The Secretary shall, at least every two
12 years—

13 “(A) review each vessel security plan ap-
14 proved under this section for a mobile offshore
15 drilling unit or other vessel used for explo-
16 ration, development, or production of energy in
17 the Gulf of Mexico; and

18 “(B) recommend countermeasures that
19 should be implemented, at vessel operator’s ex-
20 pense, to—

21 “(i) make the vessel a less attractive
22 target for terrorist attack; and

23 “(ii) more difficult for terrorists to at-
24 tack.”.

1 (c) RISK MANAGEMENT.—Section 70103(c) of title
2 46, United States Code, is further amended by adding at
3 the end the following new paragraph:

4 “(10) The Secretary shall conduct risk manage-
5 ment according to the Department of Homeland Se-
6 curity’s National Infrastructure Protection Plan
7 Risk Management framework to assess and manage
8 risks of terrorist attacks in the Gulf of Mexico to
9 offshore critical infrastructure.”.

10 **SEC. 4. COUNTERTERRORISM ACTIVITIES.**

11 (a) IN GENERAL.—The Commandant of the Coast
12 Guard shall—

13 (1) by not later than 120 days after the date
14 of enactment of this Act, plan counterterrorism
15 training for all Coast Guard Maritime Safety and
16 Security Teams and the Maritime Security Response
17 Team; and

18 (2) conduct exercises in counterterrorism at
19 least twice each year that focus on countering ter-
20 rorist threats and vulnerabilities to offshore facilities
21 and include coordination with State and local law
22 enforcement.

23 (b) ESTABLISHMENT AND PERMANENT LOCATION OF
24 MARITIME SAFETY AND SECURITY TEAM.—Not later
25 than 90 days after the date of enactment of this Act, the

1 Commandant of the Coast Guard shall establish and per-
2 manently locate an additional Maritime Safety and Secu-
3 rity Team in the area of the Gulf of Mexico to provide
4 advanced counterterrorism capabilities for critical infra-
5 structure in the area.

6 **SEC. 5. AUTOMATIC IDENTIFICATION CAPABILITIES.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Commandant of the Coast Guard shall
9 issue regulations that require that all offshore maritime
10 vessels, including offshore facilities, mobile offshore drill-
11 ing units, and other vessels used for exploration, develop-
12 ment, or production of energy, be equipped with automatic
13 identification capabilities for the purposes of monitoring
14 vessel movements and improving port security situational
15 awareness.

16 **SEC. 6. AERIAL SURVEILLANCE.**

17 The Coast Guard and U.S. Customs and Border Pro-
18 tection shall coordinate the conduct of regular aerial sur-
19 veillance of the critical infrastructure in the Gulf of Mex-
20 ico.

21 **SEC. 7. AMERICA'S WATERWAY WATCH PROGRAM.**

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

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the Secretary of Homeland Security should es-

1 tablish, within the Department of Homeland Security, cit-
2 izen watch programs that promote voluntary reporting of
3 suspected terrorist activity and suspicious behavior.

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

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

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

19 (3) INFORMATION; TRAINING.—

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

1 shall, to the extent practicable, be conducted in
2 cooperation with Federal, State, and local law
3 enforcement agencies.

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

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

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

12 (4) INSTRUCTIONAL MATERIALS.—

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

16 (i) develop instructional materials
17 that—

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

24 (II) promote voluntary reporting
25 of activities that may indicate that a

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

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

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

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

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

1 (iii) utilize, as appropriate, the Coast
2 Guard Auxiliary for the education of the
3 public and dissemination of such materials.

4 (C) ELIGIBILITY, FEDERAL ASSISTANCE.—

5 The receipt, use, and dissemination of such ma-
6 terials shall not diminish the eligibility of any
7 State, political subdivision of such State, or
8 non-governmental organization to receive Fed-
9 eral assistance or reduce the amount of Federal
10 assistance that such State, political subdivision
11 of such State, or non-governmental organization
12 that otherwise receive.

13 (5) VOLUNTARY PARTICIPATION.—Participation
14 in the Program—

15 (A) shall be wholly voluntary;

16 (B) shall not be a prerequisite to eligibility
17 for, or receipt of, any other service or assistance
18 from, or to participation in, any other program
19 of any kind; and

20 (C) shall not require disclosure of informa-
21 tion regarding the individual reporting covered
22 activities or, for proprietary purposes, the loca-
23 tion of such individual.

24 (6) DEFINITIONS.—In this subsection:

1 (A) The term “covered activity” means any
2 suspicious transaction, activity, or occurrence
3 that involves, or is directed against, a vessel or
4 facility (as that term is defined in section
5 70101(2) of title 46, United States Code) indi-
6 cating that an individual or individuals may be
7 preparing to engage, or engaging, in a violation
8 of law relating to—

9 (i) a threat to a vessel, facility, port,
10 or waterway; or

11 (ii) an act of terrorism (as that term
12 is defined in section 3077 of title 18,
13 United States Code).

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

17 (7) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated for the pur-
19 poses of this section \$3,000,000 for fiscal years
20 2011 through 2016. Such funds shall remain avail-
21 able until expended.

22 (d) COORDINATION.—The Secretary shall coordinate
23 the Program with other like watch programs. The Sec-
24 retary shall submit, concurrent with the President’s budg-
25 et submission for each fiscal year, through fiscal year

1 2017, a report on coordination of the Program and like
2 watch programs within the Department of Homeland Se-
3 curity to the Committee on Homeland Security and Gov-
4 ernmental Affairs of the Senate and the Committee on
5 Homeland Security of the House of Representatives.

6 **SEC. 8. TRANSPORTATION WORKER IDENTIFICATION CRE-**
7 **DENTIAL.**

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

21 (1) the findings of the pilot program with re-
22 spect to key technical and operational aspects of im-
23 plementing TWIC technologies in the maritime sec-
24 tor;

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

4 (3) an analysis of the viability of those tech-
5 nologies for use in the maritime environment, includ-
6 ing any challenges to implementing those tech-
7 nologies and strategies for mitigating identified chal-
8 lenges.

9 (b) GAO ASSESSMENT.—The Comptroller General
10 shall review the report and submit to the Committee on
11 Homeland Security and the Committee on Transportation
12 and Infrastructure of the House of Representatives, the
13 Committee on Commerce, Science, and Transportation of
14 the Senate, and the Committee on Homeland Security and
15 Governmental Affairs of the Senate an assessment of the
16 report’s findings and recommendations.

17 **SEC. 9. REVIEW OF INTERAGENCY OPERATIONAL CENTERS.**

18 (a) IN GENERAL.—Within 1 year of enactment of
19 this Act, the Department of Homeland Security Inspector
20 General shall provide a report to the Committee on Home-
21 land Security and the Committee on Transportation and
22 Infrastructure of the House of Representatives and the
23 Committees on Homeland Security and Governmental Af-
24 fairs and Commerce, Science, and Transportation of the
25 Senate concerning the establishment of Interagency Oper-

1 ational Centers for Port Security required by section 108
2 of the SAFE Port Act (Public Law 109–347).

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

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

6 (2) a timeline for construction;

7 (3) a detailed breakdown, by center, as to the
8 incorporation of those representatives required by
9 section 70107A(b)(3) of title 46, United States
10 Code;

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

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

16 (6) an examination of the relationship between
17 the Interagency Operational Centers and State,
18 local, and regional fusion centers participating in the
19 Department of Homeland Security’s State, Local,
20 and Regional Fusion Center Initiative under section
21 511 of the Implementing the Recommendations of
22 the 9/11 Commission Act of 2007 (Public Law 110–
23 53), with a particular emphasis on—

24 (A) how the centers collaborate and coordi-
25 nate their efforts;

1 (B) the resources allocated by the Coast
2 Guard to both initiatives; and

3 (C) architecture for integrated interagency
4 targeting.

5 **SEC. 10. MARITIME SECURITY RESPONSE TEAMS.**

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

9 “(c) MARITIME SECURITY RESPONSE TEAMS.—

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

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

22 “(3) DEDICATED AVIATION SUPPORT.—The
23 maritime security response teams required by this
24 subsection shall include a deployable aviation sup-
25 port element capable of providing regular training to

1 ensure a maritime security response team’s pro-
2 ficiency in vertical insertion operations.

3 “(d) COORDINATION WITH OTHER AGENCIES.—To
4 the maximum extent feasible, each maritime safety and
5 security team and maritime security response team shall
6 coordinate its activities with other Federal, State, and
7 local law enforcement and emergency response agencies.”.

8 **SEC. 11. MARITIME BIOMETRIC IDENTIFICATION.**

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

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

20 (c) COST ANALYSIS.—Within 90 days after the date
21 of the enactment of this Act, the Secretary shall submit
22 to the Committees on Appropriations and Homeland Secu-
23 rity of the House of Representatives and the Committees
24 on Appropriations and Homeland Security and Govern-
25 mental Affairs of the Senate an analysis of the cost of

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

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

15 (e) STUDY ON COMBINATION OF FACIAL AND IRIS
16 RECOGNITION.—

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

22 (A) increased accuracy of facial recogni-
23 tion;

24 (B) enhancement of existing iris recogni-
25 tion technology; and

1 (C) establishment of integrated face and
2 iris features for accurate identification of indi-
3 viduals.

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

18 **SEC. 12. REVIEW OF POTENTIAL THREATS.**

19 Not later than 1 year after the date of enactment
20 of this Act, the Secretary of Homeland Security shall sub-
21 mit to the Committee on Homeland Security and the Com-
22 mittee on Transportation and Infrastructure of the House
23 of Representatives and the Committee on Commerce,
24 Science, and Transportation of the Senate a report ana-
25 lyzing the threat, vulnerability, and consequence of a ter-

1 rorist attack on gasoline and chemical cargo shipments in
2 port activity areas in the United States or against other
3 maritime energy infrastructure.

4 **SEC. 13. PORT SECURITY PILOT.**

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

13 **SEC. 14. WATERSIDE SECURITY OF CERTAIN DANGEROUS**
14 **CARGO.**

15 (a) NATIONAL STUDY.—

16 (1) IN GENERAL.—The Secretary of Homeland
17 Security, acting through the Commandant of the
18 Coast Guard, shall—

19 (A) initiate a national study to identify
20 measures to improve the security of maritime
21 transportation of certain dangerous cargo; and

22 (B) coordinate with other Federal agen-
23 cies, the National Maritime Security Advisory
24 Committee, and appropriate State and local
25 government officials through the Area Maritime

1 Security Committees and other existing coordi-
2 nating committees, to evaluate the waterside se-
3 curity of vessels carrying, and waterfront facili-
4 ties handling, certain dangerous cargo.

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

7 (A) an analysis of existing risk assessment
8 information relating to waterside security gen-
9 erated by the Coast Guard and Area Maritime
10 Security Committees as part of the Maritime
11 Security Risk Assessment Model;

12 (B) a review and analysis of appropriate
13 roles and responsibilities of maritime stake-
14 holders, including Federal, State, and local law
15 enforcement and industry security personnel,
16 responsible for waterside security of vessels car-
17 rying, and waterfront facilities handling, certain
18 dangerous cargo, including—

19 (i) the number of ports in which State
20 and local law enforcement entities are pro-
21 viding any services to enforce Coast
22 Guard-imposed security zones around ves-
23 sels transiting to, through, or from United
24 States ports or to conduct security patrols
25 in United States ports;

1 (ii) the number of formal agreements
2 entered into between the Coast Guard and
3 State and local law enforcement entities to
4 engage State and local law enforcement en-
5 tities in the enforcement of Coast Guard-
6 imposed security zones around vessels
7 transiting to, through, or from United
8 States ports or the conduct of port security
9 patrols in United States ports, the dura-
10 tion of those agreements, and the aid that
11 State and local entities are engaged to pro-
12 vide through such agreements;

13 (iii) the extent to which the Coast
14 Guard has set national standards for train-
15 ing, equipment, and resources to ensure
16 that State and local law enforcement enti-
17 ties engaged in enforcing Coast Guard-im-
18 posed security zones around vessels
19 transiting to, through, or from United
20 States ports or in conducting port security
21 patrols in United States ports (or both)
22 can deter to the maximum extent prac-
23 ticable a transportation security incident;

24 (iv) the extent to which the Coast
25 Guard has assessed the ability of State

1 and local law enforcement entities to carry
2 out the security assignments that they
3 have been engaged to perform, including
4 their ability to meet any national stand-
5 ards for training, equipment, and resources
6 that have been established by the Coast
7 Guard in order to ensure that those enti-
8 ties can deter to the maximum extent prac-
9 ticable a transportation security incident;

10 (v) the extent to which State and local
11 law enforcement entities are able to meet
12 national standards for training, equipment,
13 and resources established by the Coast
14 Guard to ensure that those entities can
15 deter to the maximum extent practicable a
16 transportation security incident;

17 (vi) the differences in law enforcement
18 authority, and particularly boarding au-
19 thority, between the Coast Guard and
20 State and local law enforcement entities,
21 and the impact that these differences have
22 on the ability of State and local law en-
23 forcement entities to provide the same level
24 of security that the Coast Guard provides
25 during the enforcement of Coast Guard-im-

1 posed security zones and the conduct of se-
2 curity patrols in United States ports; and
3 (vii) the extent of resource, training,
4 and equipment differences between State
5 and local law enforcement entities and the
6 Coast Guard units engaged in enforcing
7 Coast Guard-imposed security zones
8 around vessels transiting to, through, or
9 from United States ports or conducting se-
10 curity patrols in United States ports;

11 (C) recommendations for risk-based secu-
12 rity measures to improve waterside security of
13 vessels carrying, and waterfront facilities han-
14 dling, certain dangerous cargo; and

15 (D) identification of security funding alter-
16 natives, including an analysis of the potential
17 for cost-sharing by the public and private sec-
18 tors as well as any challenges associated with
19 such cost-sharing.

20 (3) INFORMATION PROTECTION.—In carrying
21 out the coordination necessary to effectively com-
22 plete the study, the Commandant shall implement
23 measures to ensure the protection of any sensitive
24 security information, proprietary information, or
25 classified information collected, reviewed, or shared

1 during collaborative engagement with maritime
2 stakeholders and other Government entities, except
3 that nothing in this paragraph shall constitute au-
4 thority to withhold information from—

5 (A) the Congress; or

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

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

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

25 (c) SECURITY OF CERTAIN DANGEROUS CARGO.—

1 (1) ENFORCEMENT OF SECURITY ZONES.—Con-
2 sistent with other provisions of Federal law, the
3 Coast Guard shall coordinate and be responsible for
4 the enforcement of any Federal security zone estab-
5 lished by the Coast Guard around a vessel con-
6 taining certain dangerous cargo. The Coast Guard
7 shall allocate available resources so as to deter and
8 respond to a transportation security incident, to the
9 maximum extent practicable, and to protect lives or
10 protect property in danger.

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

1 form in order, to the maximum extent practicable, to
2 deter and respond to a transportation security inci-
3 dent.

4 (3) DETERMINATION REQUIRED FOR NEW FA-
5 CILITIES.—The Secretary of Homeland Security,
6 acting through the Commandant of the Coast
7 Guard, may not approve a facility security plan
8 under section 70103 of title 46, United States Code,
9 for a new facility the construction of which is begun
10 after the date of enactment of this Act, that receives
11 or ships through maritime commerce certain dan-
12 gerous cargo unless the Secretary determines that
13 there are sufficient resources available to ensure
14 compliance with the facility security plan.

15 (4) RESOURCE DEFICIENCY REPORTING.—The
16 Secretary, acting through the Commandant of the
17 Coast Guard, shall provide to the Committees on
18 Homeland Security and Transportation and Infra-
19 structure of the House of Representatives and the
20 Committees on Commerce, Science, and Transpor-
21 tation and Homeland Security and Governmental
22 Affairs of the Senate 90 days after the end of each
23 fiscal year a report indicating—

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

1 (B) the number of certain dangerous cargo
2 shipments provided a waterborne security es-
3 cort, subdivided by Federal, State, local, or pri-
4 vate security; and

5 (C) an assessment as to any additional ves-
6 sels, personnel, infrastructure, and other re-
7 sources necessary to provide waterborne escorts
8 to those certain dangerous cargo shipments for
9 which a security zone is established.

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

12 (1) CERTAIN DANGEROUS CARGO.—The term
13 “certain dangerous cargo” means a material, or a
14 group or class of material, in a particular amount
15 and form that the Secretary, though the Com-
16 mandant, determines by regulation poses a signifi-
17 cant risk of creating a transportation security inci-
18 dent while being transported in maritime commerce.

19 (2) AREA MARITIME SECURITY COMMITTEE.—
20 The term “Area Maritime Security Committee”
21 means each of those committees responsible for pro-
22 ducing Area Maritime Transportation Security Plans
23 under chapter 701 of title 46, United States Code.

24 (3) TRANSPORTATION SECURITY INCIDENT.—
25 The term “transportation security incident” has the

1 same meaning as that term has in section 70101 of
2 title 46, United States Code.

3 **SEC. 15. REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.**

4 (a) NOTICE OF RECOMMENDATION.—Consistent with
5 other provisions of law, the Secretary of Homeland Secu-
6 rity must notify the Federal Energy Regulatory Commis-
7 sion when a recommendation is made that the waterway
8 to a proposed waterside liquefied natural gas facility is
9 suitable or unsuitable for the marine traffic associated
10 with such facility.

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

21 **SEC. 16. ASSESSMENT OF THE FEASIBILITY OF EFFORTS TO**
22 **MITIGATE THE THREAT OF SMALL BOAT AT-**
23 **TACK IN MAJOR PORTS.**

24 The Secretary of Homeland Security shall assess and
25 report to Congress on the feasibility of efforts to mitigate

1 the threat of small boat attack in security zones of major
2 ports, including specifically the use of transponders or
3 radio frequency identification devices to track small boats.

4 **SEC. 17. ADMINISTRATION OF MARITIME SECURITY.**

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

9 **“§ 103. Maritime security**

10 “To protect life, property, and the environment on,
11 under, and over waters subject to the jurisdiction of the
12 United States and on vessels subject to the jurisdiction
13 of the United States, the Commandant shall promote mar-
14 itime security as follows:

15 “(1) By taking actions necessary in the public
16 interest to protect such life, property, and the envi-
17 ronment.

18 “(2) Based on priorities established by the
19 Commandant including—

20 “(A) protecting maritime borders from all
21 intrusions, reducing the risk from terrorism to
22 United States passengers at foreign and domes-
23 tic ports and in designated waterfront facilities,
24 and preventing and responding to terrorist at-
25 tacks and other homeland security threats;

1 “(B) protecting critical maritime infra-
2 structure and other key resources; and

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

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

 “Sec. 103. Maritime security.”.

9 (c) MARITIME SECURITY STAFF.—

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

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

14 “(a) DESIGNATION OF MARITIME SECURITY WORK-
15 FORCE.—

16 “(1) IN GENERAL.—The Secretary, acting
17 through the Commandant, shall ensure appropriate
18 coverage of maritime security missions within the
19 workforce in each sector.

20 “(2) REQUIRED POSITIONS.—In designating po-
21 sitions under paragraph (1), the Secretary shall in-
22 clude the following maritime security-related posi-
23 tions:

24 “(A) Program oversight.

25 “(B) Counterterrorism functions.

1 “(C) Counterintelligence functions.

2 “(D) Criminal investigations related to
3 maritime security.

4 “(E) Port security enforcement.

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

7 “(3) MARITIME SECURITY MANAGEMENT AC-
8 TIVITIES.—The Secretary shall also designate under
9 paragraph (1) those maritime security-related man-
10 agement positions located at Coast Guard head-
11 quarters, Coast Guard Readiness Command, Coast
12 Guard Operations Command, the Deployable Oper-
13 ations Group, and the Intelligence Coordination Cen-
14 ter.

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

24 “(c) BALANCED WORKFORCE POLICY.—In the devel-
25 opment of maritime security workforce policies under this

1 section with respect to any civilian employees or applicants
2 for employment with the Coast Guard, the Secretary shall,
3 consistent with the merit system principles set out in para-
4 graphs (1) and (2) of section 2301(b) of title 5, take into
5 consideration the need to maintain a balance workforce
6 in which women and members of racial and ethnic minor-
7 ity groups are appropriately represented in Government
8 service.

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

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

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

17 “(A) is responsible for all individuals who,
18 on behalf of the Coast Guard, conduct port se-
19 curity operations, counterterrorism operations,
20 intelligence and counterintelligence operations,
21 and support national defense operations; and

22 “(B) if not the Coast Guard officer in
23 command of that sector, is the principal advisor
24 to the Sector Commander regarding maritime
25 security matters in that sector.

1 “(e) SIGNATORIES OF LETTER OF QUALIFICATION.—
2 Each individual signing a letter of qualification for mari-
3 time security personnel must hold a letter of qualification
4 for the type being certified.

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

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

9 “(b) MISSIONS.—The Centers shall—

10 “(1) be used to facilitate education, training, and
11 research in maritime security including maritime do-
12 main awareness, counterterrorism policy and oper-
13 ations, and intelligence collection, fusion, and dis-
14 semination;

15 “(2) develop a repository on information on
16 maritime security; and

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

19 “(c) JOINT OPERATION WITH EDUCATIONAL INSTI-
20 TUTION AUTHORIZED.—The Commandant may enter into
21 an agreement with an appropriate official of an institution
22 of higher education to—

23 “(1) provide for joint operation of a Center;
24 and

1 “(2) provide necessary administrative service
2 for a Center, including administration and allocation
3 of funds.

4 “(d) ACCEPTANCE OF DONATIONS.—

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

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

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

“Sec. 60. Maritime security workforce.

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

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

19 “(e) In exercising the Commandant’s duties and re-
20 sponsibilities with regard to maritime security, the Com-
21 mandant shall designate a flag officer to serve as the prin-
22 cipal advisor to the Commandant for maritime security.
23 The designee shall have at least 10 years combined experi-
24 ence in operations, intelligence, counterterrorism, counter-

1 intelligence, port security, criminal investigations (except
2 maritime casualty investigations), and port security or
3 other maritime security functions, and at least four years
4 of leadership experience at a staff or unit carrying out
5 maritime security functions.”.

6 **SEC. 18. CHECKS AGAINST TERRORIST WATCHLIST.**

7 The Secretary of Homeland Security shall, to the ex-
8 tent practicable, check against all available terrorist
9 watchlists those persons suspected of alien smuggling and
10 smuggled individuals who are interdicted at the land, air,
11 and sea borders of the United States.

12 **SEC. 19. SECURITY TEAM COMMUNICATIONS PLAN.**

13 (a) IN GENERAL.—Not later than 90 days after the
14 date of enactment of this Act, the Commandant of the
15 Coast Guard shall submit to the Committees on Homeland
16 Security and Transportation and Infrastructure of the
17 House of Representatives and the Committee on Com-
18 merce, Science, and Transportation of the Senate a plan
19 to address communications deficiencies of maritime safety
20 and security teams, as identified by the Office of Inspector
21 General of the Department of Homeland Security.

22 (b) CONTENTS.—The plan shall include—

23 (1) a description of interim corrective actions
24 completed before such enactment to ensure the safe-

1 ty on the maritime safety and security teams and
2 the public;

3 (2) a description of additional corrective actions
4 that have not been implemented, and a timeline for
5 their implementation; and

6 (3) an estimate of the repair or replacement
7 costs to provide maritime safety and security teams
8 an effective means of communicating electronically
9 between the cabin and the weapons team on vessels
10 of the teams.

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