

115TH CONGRESS
1ST SESSION

H. R. 2831

To improve the port and maritime security functions of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2017

Mr. RUTHERFORD (for himself, Mr. McCAUL, and Mr. DONOVAN) 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 improve the port and maritime security functions of the Department of Homeland Security, 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. SHORT TITLE.**

4 This Act may be cited as the “Maritime Security Co-
5 ordination Improvement Act”.

1 **SEC. 2. STRATEGIC PLAN TO ENHANCE THE SECURITY OF**
2 **THE INTERNATIONAL SUPPLY CHAIN.**

3 Paragraph (2) of section 201(g) of the Security and
4 Accountability for Every Port Act of 2006 (6 U.S.C.
5 941(g)) is amended to read as follows:

6 “(2) UPDATES.—Not later than 270 days after
7 the date of the enactment of this paragraph and
8 every three years thereafter, the Secretary shall sub-
9 mit to the appropriate congressional committees a
10 report that contains an update of the strategic plan
11 required by subsection (a).”.

12 **SEC. 3. CONTAINER SECURITY INITIATIVE.**

13 Subsection (l) of section 205 of the Security and Ac-
14 countability for Every Port Act of 2006 (6 U.S.C. 945)
15 is amended—

16 (1) by striking “(1) IN GENERAL.—Not later
17 than September 30, 2007,” and inserting “Not later
18 than 270 days after the date of the enactment of the
19 Border and Maritime Security Coordination Im-
20 provement Act,”;

21 (2) by redesignating subparagraphs (A) through
22 (H) as paragraphs (1) through (8), respectively, and
23 by moving the margins of such paragraphs (as so re-
24 designated) two ems to the left; and

25 (3) by striking paragraph (2).

1 **SEC. 4. CYBER AT PORTS.**

2 (a) CYBERSECURITY ENHANCEMENTS TO MARITIME
3 SECURITY ACTIVITIES.—Subparagraph (B) of section
4 70112(a)(2) of title 46, United States Code, is amended—

5 (1) by redesignating clauses (i) through (iii) as
6 clauses (ii) and (iv), respectively; and

7 (2) by inserting before clause (ii) the following
8 new clause:

9 “(i) shall facilitate the sharing of information
10 relating to cybersecurity risks and incidents (as such
11 terms are defined in section 227 of the Homeland
12 Security Act of 2002 (6 U.S.C. 148)) to address
13 port-specific cybersecurity risks and incidents, which
14 may include the establishment of a working group of
15 members of such committees to address such port-
16 specific cybersecurity risks and incidents;”.

17 (b) VULNERABILITY ASSESSMENTS AND SECURITY
18 PLANS.—Title 46, United States Code, is amended—

19 (1) in subparagraph (C) of section 70102(b)(1),
20 by inserting “cybersecurity,” after “physical secu-
21 rity,”; and

22 (2) in subparagraph (C) of section
23 70103(c)(3)—

24 (A) in clause (i), by inserting “cybersecu-
25 rity,” after “physical security,”;

1 (B) in clause (iv), by striking “and” after
2 the semicolon at the end;

3 (C) by redesignating clause (v) as clause
4 (vi); and

5 (D) by inserting after clause (iv) the fol-
6 lowing new clause:

7 “(v) prevention, management, and response to cyber-
8 security risks and incidents (as such terms are defined in
9 section 227 of the Homeland Security Act of 2002 (6
10 U.S.C. 148)); and”.

11 **SEC. 5. FACILITY INSPECTION INTERVALS.**

12 Subparagraph (D) of section 70103(c)(4) of title 46,
13 United States Code, is amended to read as follows:

14 “(D) subject to the availability of appro-
15 priations, verify the effectiveness of each such
16 facility security plan periodically, but not less
17 than one time per year without notice, and
18 more frequently as determined necessary, in a
19 risk based manner, with or without notice to
20 the facility.”.

21 **SEC. 6. RECOGNITION OF OTHER COUNTRIES’ TRUSTED**
22 **SHIPPER PROGRAMS.**

23 (a) IN GENERAL.—Section 218 of the Security and
24 Accountability for Every Port Act of 2006 (6 U.S.C. 968)
25 is amended to read as follows:

1 **“SEC. 218. RECOGNITION OF OTHER COUNTRIES’ TRUSTED**
 2 **SHIPPER PROGRAMS.**

3 “Not later than 30 days before signing an arrange-
 4 ment between the United States and a foreign government
 5 providing for mutual recognition of supply chain security
 6 practices which might result in the utilization of benefits
 7 described in section 214, 215, or 216, the Secretary
 8 shall—

9 “(1) notify the appropriate congressional com-
 10 mittees of the proposed terms of such arrangement;
 11 and

12 “(2) determine, in consultation with the Com-
 13 missioner, that such foreign government’s supply
 14 chain security program provides comparable security
 15 as that provided by C-TPAT.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
 17 in section 1(b) of the Security and Accountability for
 18 Every Port Act of 2006 is amended by amending the item
 19 relating to section 218 to read as follows:

“Sec. 218. Recognition of other countries’ trusted shipper programs.”.

20 **SEC. 7. UPDATES OF MARITIME OPERATIONS COORDINA-**
 21 **TION PLAN.**

22 (a) IN GENERAL.—Subtitle C of title IV of the
 23 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
 24 is amended by adding at the end the following new section:

1 **“SEC. 434. UPDATES OF MARITIME OPERATIONS COORDI-**
2 **NATION PLAN.**

3 “Not later than 180 days after the date of the enact-
4 ment of this section and biennially thereafter, the Sec-
5 retary shall submit to the Committee on Homeland Secu-
6 rity and the Committee on Transportation and Infrastruc-
7 ture of the House of Representatives and the Committee
8 on Homeland Security and Governmental Affairs of the
9 Senate a maritime operations coordination plan for the co-
10 ordination and cooperation of maritime operations under-
11 taken by components and offices of the Department with
12 responsibility for maritime security missions. Such plan
13 shall update the maritime operations coordination plan re-
14 leased by the Department in July 2011, and shall address
15 the following:

16 “(1) Coordination of planning, integration of
17 maritime operations, and development of joint mari-
18 time domain awareness efforts of any component or
19 office of the Department with responsibility for mar-
20 itime homeland security missions.

21 “(2) Maintaining effective information sharing
22 and, as appropriate, intelligence integration, with
23 Federal, State, and local officials and the private
24 sector, regarding threats to maritime security.

25 “(3) Cooperation and coordination with other
26 departments and agencies of the Federal Govern-

1 ment, and State and local agencies, in the maritime
 2 environment, in support of maritime homeland secu-
 3 rity missions.

4 “(4) Work conducted within the context of
 5 other national and Department maritime security
 6 strategic guidance.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
 8 in section 1(b) of the Homeland Security Act of 2002 is
 9 amended by adding after the item relating to section 433
 10 the following new item:

 “Sec. 434. Updates of maritime operations coordination plan.”.

11 **SEC. 8. EVALUATION OF COAST GUARD DEPLOYABLE SPE-**
 12 **CIALIZED FORCES.**

13 (a) IN GENERAL.—Not later than one year after the
 14 date of the enactment of this Act, the Comptroller General
 15 of the United States shall submit to the Committee on
 16 Homeland Security and the Committee on Transportation
 17 and Infrastructure of the House of Representatives and
 18 the Committee on Homeland Security and Governmental
 19 Affairs and the Committee on Commerce, Science, and
 20 Transportation of the Senate a report that describes and
 21 assesses the state of the Coast Guard’s Deployable Spe-
 22 cialized Forces (in this section referred to as the “DSF”).
 23 Such report shall include, at a minimum, the following ele-
 24 ments:

1 (1) For each of the past three fiscal years, and
2 for each type of DSF, the following:

3 (A) A cost analysis, including training, op-
4 erating, and travel costs.

5 (B) The number of personnel assigned.

6 (C) The total number of units.

7 (D) The total number of operations con-
8 ducted.

9 (E) The number of operations requested by
10 each of the following:

11 (i) The Coast Guard.

12 (ii) Other components or offices of the
13 Department of Homeland Security.

14 (iii) Other Federal departments or
15 agencies.

16 (iv) State agencies.

17 (v) Local agencies.

18 (F) The number of operations fulfilled by
19 the entities specified in subparagraph (E).

20 (2) An examination of alternative distributions
21 of DSFs, including the feasibility, cost (including
22 cost savings), and impact on mission capability of
23 such distributions, including at a minimum the fol-
24 lowing:

1 (A) Combining DSFs, primarily focused on
2 counterdrug operations, under one centralized
3 command.

4 (B) Distributing counter-terrorism and
5 anti-terrorism capabilities to DSFs in each
6 major United States port.

7 (b) DEPLOYABLE SPECIALIZED FORCE DEFINED.—
8 In this section, the term “Deployable Specialized Force”
9 means a unit of the Coast Guard that serves as a quick
10 reaction force designed to be deployed to handle counter-
11 drug, counter-terrorism, and anti-terrorism operations or
12 other maritime threats to the United States.

13 **SEC. 9. COST BENEFIT ANALYSIS OF CO-LOCATING DHS AS-**
14 **SETS.**

15 (a) IN GENERAL.—For any location in which U.S.
16 Customs and Border Protection’s Office of Air and Marine
17 Operations is based within 45 miles of locations where any
18 other Department of Homeland Security agency also oper-
19 ates air and marine assets, the Secretary of Homeland Se-
20 curity shall conduct a cost-benefit analysis to consider the
21 potential cost of and savings derived from co-locating avia-
22 tion and maritime operational assets of the Office of Air
23 and Marine Operations at facilities where other agencies
24 of the Department operate such assets. In analyzing such
25 potential cost savings achieved by sharing aviation and

1 maritime facilities, such analysis shall consider, at a min-
2 imum, the following factors:

3 (1) Potential enhanced cooperation derived
4 from Department personnel being co-located.

5 (2) Potential costs of, and savings derived
6 through, shared maintenance and logistics facilities
7 and activities.

8 (3) Joint use of base and facility infrastructure,
9 such as runways, hangars, control towers, operations
10 centers, piers and docks, boathouses, and fuel de-
11 pots.

12 (4) Potential operational costs of co-locating
13 aviation and maritime assets and personnel.

14 (5) Short-term moving costs required in order
15 to co-locate facilities.

16 (6) Acquisition and infrastructure costs for en-
17 larging current facilities, as needed.

18 (b) REPORT.—Not later than one year after the date
19 of the enactment of this Act, the Secretary of Homeland
20 Security shall submit to the Committee on Homeland Se-
21 curity and the Committee on Transportation and Infra-
22 structure of the House of Representatives and the Com-
23 mittee on Homeland Security and Governmental Affairs
24 of the Senate a report summarizing the results of the cost-

1 benefit analysis required under subsection (a) and any
2 planned actions based upon such results.

3 **SEC. 10. REPEAL OF INTERAGENCY OPERATIONAL CEN-**
4 **TERS FOR PORT SECURITY AND SECURE SYS-**
5 **TEMS OF TRANSPORTATION.**

6 Sections 70107A and 70116 of title 46, United
7 States Code, are repealed.

8 **SEC. 11. CONFORMING AND CLERICAL AMENDMENTS.**

9 (a) SECTIONS.—The following provisions of the Secu-
10 rity and Accountability for Every Port Act of 2006 (Public
11 Law 109–347) are amended as follows:

12 (1) By striking section 105.

13 (2) By redesignating sections 106 and 107 as
14 sections 105 and 106, respectively.

15 (3) By striking section 108.

16 (4) By redesignating sections 109 and 110 as
17 sections 107 and 108, respectively.

18 (5) In section 121 (6 U.S.C. 921)—

19 (A) by striking subsections (c), (d), and
20 (e); and

21 (B) by redesignating subsections (f), (g),
22 (h), and (i) as subsections (c), (d), (e), and (f),
23 respectively.

24 (6) By striking sections 122 and 127 (6 U.S.C.
25 922 and 927).

1 (7) By redesignating sections 123, 124, 125,
2 126, and 128 as sections 122, 123, 124, 125, and
3 126, respectively.

4 (8) In section 233 (6 U.S.C. 983), by striking
5 subsection (c).

6 (9) By striking section 235 (6 U.S.C. 984).

7 (10) By redesignating section 236 as section
8 235.

9 (11) By striking sections 701 and 708 (and the
10 item relating to such section in the table of contents
11 of such Act).

12 (12) By redesignating sections 702, 703, 704,
13 705, 706, 707, and 709 as sections 701, 702, 703,
14 704, 705, 706, and 707, respectively.

15 (b) TABLE OF CONTENTS.—

16 (1) SECURITY AND ACCOUNTABILITY FOR
17 EVERY PORT ACT OF 2006.—The table of contents of
18 the Security and Accountability for Every Port Act
19 of 2006 (Public Law 109–347) is amended as fol-
20 lows:

21 (A) In the list of items relating to subtitle
22 A of title I, by striking the items relating to
23 sections 105 through 110 and inserting the fol-
24 lowing new items:

“Sec. 105. Prohibition of issuance of transportation security cards to persons
 convicted of certain felonies.

“Sec. 106. Long-range vessel tracking.

“Sec. 107. Notice of arrival for foreign vessels on the Outer Continental Shelf.
 “Sec. 108. Enhanced crewmember identification.”.

1 (B) In the list of items relating to subtitle
 2 C of title I, by striking the items relating to
 3 sections 122 through 128 and inserting the fol-
 4 lowing new items:

“Sec. 122. Random searches of containers.
 “Sec. 123. Work stoppages and employee-employer disputes.
 “Sec. 124. Threat assessment screening of port truck drivers.
 “Sec. 125. Border Patrol unit for United States Virgin Islands.
 “Sec. 126. Center of Excellence for Maritime Domain Awareness.”.

5 (C) In the list of items relating to subtitle
 6 C of title II, by striking the items relating to
 7 sections 235 and 236 and inserting the fol-
 8 lowing new item:

“Sec. 235. Information sharing relating to supply chain security cooperation.”.

9 (D) In the list of items relating to title
 10 VII, by striking the items relating to sections
 11 701 through 709 and inserting the following
 12 new items:

“Sec. 701. Disclosures regarding homeland security grants.
 “Sec. 702. Trucking security.
 “Sec. 703. Air and Marine Operations of the Northern Border Air Wing.
 “Sec. 704. Phaseout of vessels supporting oil and gas development.
 “Sec. 705. Coast Guard property in Portland, Maine.
 “Sec. 706. Methamphetamine and methamphetamine precursor chemicals.
 “Sec. 707. Protection of health and safety during disasters.”.

13 (2) TITLE 46.—In the list of items relating to
 14 the analysis for chapter 701 of title 46, United
 15 States Code, by striking the items relating to sec-
 16 tions 70107A and 70116.

