

of letters on this matter in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, June 26, 2012.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Transportation and Infrastructure's jurisdictional interest in the Senate amendment to H.R. 2297, "To promote the development of the Southwest waterfront in the District of Columbia, and for other purposes," and your willingness to forego consideration of the Senate amendment to H.R. 2297 by your committee.

I agree that the Transportation and Infrastructure Committee has a valid jurisdictional interest in certain provisions of the Senate amendment to H.R. 2297, and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of the Senate amendment to H.R. 2297.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2297.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SECURING MARITIME ACTIVITIES THROUGH RISK-BASED TARGETING FOR PORT SECURITY ACT

Mr. KING of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4251) to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing Maritime Activities through Risk-based Targeting for Port Security Act" or the "SMART Port Security Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is the following:

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

TITLE I—DEPARTMENT OF HOMELAND SECURITY PORT SECURITY PROGRAMS

- Sec. 101. Updates of maritime operations coordination plan.
- Sec. 102. U.S. Customs and Border Protection Office of Air and Marine Asset Deployment.
- Sec. 103. Cost-benefit analysis of co-locating operational entities.
- Sec. 104. Study of maritime security redundancies.
- Sec. 105. Acquisition and strategic sourcing of marine and aviation assets.
- Sec. 106. Port security grant program management.
- Sec. 107. Port security grant funding for mandated security personnel.
- Sec. 108. Interagency operational centers for port security.
- Sec. 109. Report on DHS aviation assets.
- Sec. 110. Small vessel threat analysis.
- Sec. 111. U.S. Customs and Border Protection workforce plan.
- Sec. 112. Integrated cross-border maritime operations between the United States and Canada.
- Sec. 113. Training and certification of training for port security.
- Sec. 114. Northern border unmanned aerial vehicle pilot project.
- Sec. 115. Recognition of port security assessments conducted by other entities.
- Sec. 116. Use of port security grant funds for replacement of security equipment or facilities.

TITLE II—MARITIME SUPPLY CHAIN SECURITY

- Sec. 201. Strategic plan to enhance the security of the international supply chain.
- Sec. 202. Customs-Trade Partnership Against Terrorism.
- Sec. 203. Recognition of other countries' trusted shipper programs.
- Sec. 204. Pilot program for inclusion of non-asset based third party logistics providers in the Customs-Trade Partnership Against Terrorism.
- Sec. 205. Transportation Worker Identification Credential process reform.
- Sec. 206. Expiration of certain transportation worker identification credentials.
- Sec. 207. Securing the Transportation Worker Identification Credential against use by unauthorized aliens.
- Sec. 208. Report on Federal transportation security credentialing programs.

SEC. 3. DEFINITIONS.

In this Act:

- (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given such term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).
- (2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.
- (3) FUNCTION.—The term "function" includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.
- (4) LOCAL GOVERNMENT.—The term "local government" means—
 - (A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;
 - (B) an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and
 - (C) a rural community, unincorporated town or village, or other public entity.
- (5) PERSONNEL.—The term "personnel" means officers and employees.
- (6) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(7) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

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

(9) UNITED STATES.—The term "United States", when used in a geographic sense, means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any possession of the United States, and any waters within the jurisdiction of the United States.

TITLE I—DEPARTMENT OF HOMELAND SECURITY PORT SECURITY PROGRAMS

SEC. 101. UPDATES OF MARITIME OPERATIONS COORDINATION PLAN.

(a) IN GENERAL.—Not later than July 1, 2014, the Secretary shall submit to the appropriate congressional committees a maritime operations coordination plan for the coordination and co-operation of maritime operations undertaken by the agencies within the Department. Such plan shall update the maritime operations coordination plan released by the Department in July 2011, and shall address the following:

(1) Coordination of planning, integration of maritime operations, and development of joint situational awareness of any office or agency of the Department with responsibility for maritime homeland security missions.

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

(3) Leveraging existing departmental coordination mechanisms, including the Interagency Operational Centers, as authorized under section 70107A of title 46, United States Code, the U.S. Customs and Border Protection Air and Marine Operations Center, the U.S. Customs and Border Protection Operational Integration Center, and other regional maritime operational command centers.

(4) Cooperation and coordination with other agencies of the Federal Government, and State and local agencies, in the maritime environment, in support of maritime homeland security missions.

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

(b) ADDITIONAL UPDATES.—Not later than July 1, 2019, the Secretary, acting through the Department's Office of Operations Coordination and Planning, shall submit to the appropriate congressional committees an additional update to the maritime operations coordination plan.

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

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

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

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

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

(4) Cost-benefit analysis showing the relative ability to use the asset at issue in the most cost-effective way to reduce risk and achieve mission success.

(b) **CONSIDERATIONS.**—An assessment required under subsection (a) shall consider applicable Federal guidance, standards, and agency strategic and performance plans, including the following:

(1) The most recent Departmental Quadrennial Homeland Security Review, and any follow-up guidance related to such Review.

(2) The Department's Annual Performance Plans.

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

(4) Department and U.S. Customs and Border Protection Strategic Plans and Resource Deployment Plans.

(5) Applicable aviation guidance from the Department, including the DHS Aviation Concept of Operations.

(6) Other strategic and acquisition guidance promulgated by the Federal Government as the Secretary determines appropriate.

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

SEC. 103. COST-BENEFIT ANALYSIS OF CO-LOCATING OPERATIONAL ENTITIES.

(a) **IN GENERAL.**—For all locations in which U.S. Customs and Border Protection's Office of Air and Marine operates that are within 25 miles of locations where any other Department agency also operates air and marine assets, the Secretary shall conduct a cost-benefit analysis to consider the potential cost of and savings derived from co-locating aviation and maritime operational assets of the different agencies of the Department. In analyzing the potential cost savings achieved by sharing aviation and maritime facilities, the study shall consider at a minimum the following factors:

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

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

(3) Joint use of base and facility infrastructure, such as runways, hangars, control towers, operations centers, piers and docks, boathouses, and fuel depots.

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

(5) Acquisition and infrastructure costs for enlarging current facilities as needed.

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

SEC. 104. STUDY OF MARITIME SECURITY REDUNDANCIES.

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

(1) conduct a review of port security and maritime law enforcement operations within the Department to identify initiatives and programs with duplicative, overlapping, or redundant goals and activities, including the cost of such duplication; and

(2) submit to the appropriate congressional committees a report on the findings of the study, including—

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

(B) an analysis of personnel, maintenance, and operational costs related to unnecessarily

duplicative, overlapping, or redundant goals and activities found in the study.

SEC. 105. ACQUISITION AND STRATEGIC SOURCING OF MARINE AND AVIATION ASSETS.

(a) **IN GENERAL.**—Before initiating the acquisition of any new boat or aviation asset, the Secretary shall coordinate across the agencies of the Department, as appropriate, to—

(1) identify common mission requirements before initiating a new acquisition program; and

(2) standardize, to the extent practicable, equipment purchases, streamline the acquisition process, and conduct best practices for strategic sourcing to improve control, reduce cost, and facilitate oversight of asset purchases prior to issuing a Request for Proposal.

(b) **ESTABLISHMENT OF AVIATION AND MARITIME COORDINATION MECHANISM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a coordinating mechanism for aviation and maritime issues, including issues related to the acquisition, administration, operations, maintenance, and joint management across the Department, in order to decrease procurement and operational costs and increase efficiencies.

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

SEC. 106. PORT SECURITY GRANT PROGRAM MANAGEMENT.

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

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

“(1) **IN GENERAL.**—Any entity”; and

(2) by adding at the end the following:

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

(b) **ADMINISTRATION OF COST SHARE DETERMINATIONS.**—Section 70107(c)(2) of title 46, United States Code, is amended—

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

“(B) **HIGHER LEVEL OF SUPPORT REQUIRED.**—If the Secretary or the Secretary's designee determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary or the Secretary's designee may approve grants under this section for that project with a matching requirement other than that specified in paragraph (1).”; and

(2) by inserting after subparagraph (C) the following:

“(D) **COST SHARE DETERMINATIONS.**—Notwithstanding any other provision of law, not later than 60 days after the date on which an applicant submits a complete application for a matching requirement waiver under this paragraph the Secretary shall either approve or disapprove the application.”

(c) **ADMINISTRATION.**—Section 70107(i) of title 46, United States Code, is amended by adding after paragraph (4) the following:

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

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

“(7) **EXTENSION DETERMINATIONS.**—Notwithstanding any other provision of law, not later than 60 days after the date on which an applicant submits a complete application for an extension of the period of performance for a grant, the Secretary shall either approve or disapprove the application.”

SEC. 107. PORT SECURITY GRANT FUNDING FOR MANDATED SECURITY PERSONNEL.

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

SEC. 108. INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

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

(1) by inserting “, not less than part-time representation from U. S. Customs and Border Protection and U.S. Immigration and Customs Enforcement,” after “the Coast Guard”; and

(2) by striking “the United States Customs and Border Protection, the United States Immigration and Customs Enforcement.”

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

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

(2) participation in such centers and by Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities, including joint daily operational coordination, training and certifying of non-Federal law enforcement personnel, and joint training exercises;

(3) deployment of interoperable communications equipment under subsection (e) of such section, including—

(A) an assessment of the cost-effectiveness and utility of such equipment for Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities;

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

(C) an explanation of the process in place to obtain and incorporate feedback from Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities that are utilizing such equipment in order to better meet their needs; and

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

(4) mission execution and mission support activities of such centers, including daily coordination activities, information sharing, intelligence integration, and operational planning.

SEC. 109. REPORT ON DHS AVIATION ASSETS.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that analyzes and compares the costs, capabilities, and missions of different aviation assets, including unmanned aerial vehicles, utilized by the Department to assess the relative costs of unmanned aerial vehicles as compared to manned aerial vehicles, and any increased operational benefits offered by unmanned aerial vehicles as compared to manned aviation assets.

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

(1) fuel costs;

(2) crew and staffing costs;

(3) maintenance costs;

(4) communication and satellite bandwidth costs;

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

(6) any other relevant costs necessary to provide a holistic analysis and to identify potential cost savings.

SEC. 110. SMALL VESSEL THREAT ANALYSIS.

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

SEC. 111. U.S. CUSTOMS AND BORDER PROTECTION WORKFORCE PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan for optimizing staffing levels for U.S. Customs and Border Protection personnel to carry out the mission of the Department, including optimal levels of U.S. Customs and Border Protection staffing required to conduct all border security functions.

(b) CONSIDERATION OF PRIOR STAFFING RESOURCES.—The staffing plan required under subsection (a) shall consider previous staffing models prepared by the Department and assessments of threat and vulnerabilities.

SEC. 112. INTEGRATED CROSS-BORDER MARITIME OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

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

“SEC. 432. INTEGRATED CROSS-BORDER MARITIME OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

“(a) AUTHORIZATION.—The Secretary is authorized to establish an Integrated Cross-Border Maritime Operations Program to coordinate maritime security operations between the United States and Canada (in this section referred to as the ‘Program’).

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

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

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

“(2) conduct training jointly with Canada, including training—

“(A) on the detection and apprehension of suspected terrorists and individuals attempting to unlawfully cross or unlawfully use the international maritime border between the United States and Canada, to enhance border security;

“(B) on the integration, analysis, and dissemination of port security information between the United States and Canada;

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

“(D) on the use of force and maritime security;

“(E) in operational procedures and protection of information and other sensitive information; and

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

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

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

“(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section there is authorized to be

appropriated to the Secretary \$2,000,000 for each of fiscal years 2013 and 2014.”.

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

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

SEC. 113. TRAINING AND CERTIFICATION OF TRAINING FOR PORT SECURITY.

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

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

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

“(C) TRAINING AND CERTIFICATION.—There are no matching requirements for grants under subsection (a) to train and certify law enforcement personnel under section 70132 of this title.”.

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

(1) In the section heading, by striking “for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo” and inserting “of maritime law enforcement personnel”.

(2) By amending subsection (a) to read as follows:

“(a) STANDARDS.—The Commandant of the Coast Guard shall establish standards for training, qualification, and certification of a law enforcement officer employed by a law enforcement agency, to conduct or execute, pursuant to a cooperative enforcement agreement, maritime security, maritime law enforcement, and maritime surge capacity activities.”.

(3) In subsection (b)(1), by amending subparagraphs (A) and (B) to read as follows:

“(A) after notice and opportunity for public comment, may develop and publish training curricula for the standards established under subsection (a); and

“(B) may—
“(i) test and deliver training for which the curriculum is developed under subparagraph (A);

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

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

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

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

(5) In subsection (b)(4)—

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

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

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

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

(7) By adding at the end the following:

“(d) TACTICAL TRAINING FOR LAW ENFORCEMENT PERSONNEL.—The Commandant of the Coast Guard may make such training developed under this section available to law enforcement

officers employed by a law enforcement agency, on either a reimbursable or a non-reimbursable basis, if the Commandant determines that—

“(1) a member of the Coast Guard is unable or unavailable to undertake tactical training the authorization of which had been previously approved, and no other member of the Coast Guard is reasonably available to undertake such training;

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

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

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

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

“Subchapter II—Port Security Training and Certification”; and

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

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

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

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

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

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

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

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

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

“§ 70124. Regulations”.

SEC. 114. NORTHERN BORDER UNMANNED AERIAL VEHICLE PILOT PROJECT.

(a) RESEARCH AND DEVELOPMENT.—The Secretary shall research and develop technologies to allow routine operation of medium-sized unmanned aerial vehicles, including autonomously piloted drones, within the national airspace for border and maritime security missions without any degradation of existing levels of security-related surveillance or of safety for all national airspace system users.

(b) PILOT PROJECT.—No later than 180 days after the date of enactment of this Act, the Secretary shall commence a pilot project in segregated airspace along the northern border to conduct experiments and collect data in order to accelerate the safe integration of medium-sized unmanned aircraft systems into the national airspace system.

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

Section 70108 of title 46, United States Code, is amended by adding at the end the following new subsection:

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

“(1) CERTIFICATION AND TREATMENT OF ASSESSMENTS.—For the purposes of this section and section 70109, the Secretary may treat an assessment conducted by a foreign government or international organization as an assessment by the Secretary required by subsection (a), if the Secretary certifies that the assessment was conducted in accordance with subsection (b).

“(2) AUTHORIZATION TO ENTER INTO AGREEMENTS OR ARRANGEMENTS.—The Secretary may enter into an agreement or arrangement with a foreign government or international organization, under which—

“(A) such government or organization may, on behalf of the Secretary, conduct an assessment required under subsection (a), or share

with the Secretary information pertaining to such assessments; and

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

“(3) LIMITATIONS.—Nothing in this subsection—

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

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

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

SEC. 116. USE OF PORT SECURITY GRANT FUNDS FOR REPLACEMENT OF SECURITY EQUIPMENT OR FACILITIES.

Section 70107(b)(2) of title 46, United States Code, is amended by inserting “(including replacement)” after “acquisition”.

TITLE II—MARITIME SUPPLY CHAIN SECURITY

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

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

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

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

“(1) identify and address gaps and unnecessary redundancies or overlaps in the roles, responsibilities, or authorities of the agencies responsible for securing the supply chain, including—

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

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

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

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

“(B) facilitate the efficient flow of legitimate commerce;

“(C) enhance the security of the international supply chain; or

“(D) address any gaps or overlaps described in paragraph (1);

“(3) identify further regulatory or organizational changes necessary to—

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

“(B) facilitate the efficient flow of legitimate commerce;

“(C) enhance the security of the international supply chain; or

“(D) address any gaps or overlaps described in paragraph (1);

“(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

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

“(6) recommend additional incentives for voluntary measures taken by private sector entities to enhance supply chain security, including additional incentives for such entities participating in the Customs-Trade Partnership Against Terrorism in accordance with sections 214, 215, and 216;

“(7) consider the impact of supply chain security requirements on small- and medium- sized companies;

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

“(9) provide updated protocols for the expeditious resumption of the flow of trade in accordance with section 202;

“(10) review and address implementation of lessons learned from recent exercises conducted under sections 114 and 115, and other international supply chain security, response, or recovery exercises that the Department participates in, as appropriate;

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

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

“(13) expand upon and relate to existing strategies and plans for securing supply chains, including the National Response Plan, the National Maritime Transportation Security Plan, the National Strategy for Maritime Security, and the eight supporting plans of such National Strategy for Maritime Security, as required by Homeland Security Presidential Directive 13.”;

(2) in subsection (g)—

(A) in the heading for paragraph (2), by striking “FINAL” and inserting “UPDATED”; and

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

“(3) FINAL REPORT.—Not later than two years after the date on which the update of the strategic plan is submitted under paragraph (2), the Secretary shall submit to the appropriate congressional committees a report that contains a further update of the strategic plan.

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

(3) by adding at the end the following new subsection:

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

SEC. 202. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.

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

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

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

(2) by inserting after paragraph (1), as redesignated, the following new paragraph:

“(2) UNANNOUNCED INSPECTIONS.—The Secretary, acting through the Commissioner, may conduct an unannounced inspection of a C-TPAT participant's security measures and supply chain security practices if the Commissioner determines, based on previously identified deficiencies in security measures and supply chain security practices of the C-TPAT participant, that there is a likelihood that such an inspection would assist in confirming the security measures in place and further the validation process.”.

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

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

“(1) IN GENERAL.—The Secretary shall promote information sharing, as appropriate, between and among the Department and C-TPAT participants and other private entities regarding—

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

“(B) means and methods of preventing, responding to, and mitigating consequences from the vulnerabilities, attacks, and exploitations described in subparagraph (A).

“(2) CONTENTS.—The information sharing required under paragraph (1) may include—

“(A) the creation of classified and unclassified means of accessing information that may be used by appropriately cleared personnel and that will provide, as appropriate, ongoing situational awareness of the security of the international supply chain; and

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

SEC. 203. RECOGNITION OF OTHER COUNTRIES' TRUSTED SHIPPER PROGRAMS.

Section 218 of the SAFE Port Act (6 U.S.C. 968) is amended by adding at the end the following new subsection:

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

“(1) notify the appropriate congressional committees of the proposed terms of such arrangement; and

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

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

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop a pilot program to determine whether allowing non-asset based third party logistics providers that arrange international transportation of freight to participate in the Customs-Trade Partnership Against Terrorism program, as described in section 211 of the SAFE Port Act (6 U.S.C. 961), would enhance port security, combat terrorism, prevent supply chain security breaches, or meet the goals of the Customs-Trade Partnership Against Terrorism established pursuant to section 211 of the SAFE Port Act (6 U.S.C. 961).

(b) REQUIREMENTS.—

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

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

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

(c) REPORT.—Not later than 180 days after the conclusion of the pilot program, the Secretary shall submit to the appropriate congressional committees a report on the findings and any recommendations of the pilot program concerning the participation in the Customs-Trade Partnership Against Terrorism of non-asset based third party logistics providers that arrange international transportation of freight to combat terrorism and prevent supply chain security breaches.

SEC. 205. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROCESS REFORM.

(a) SENSE OF CONGRESS.—To avoid further imposing unnecessary and costly regulatory burdens on United States workers and businesses, it is the sense of Congress that it is urgent that the Transportation Worker Identification Credential (in this section referred to as the “TWIC”) application process be reformed by not later than

the end of 2012, when hundreds of thousands of current TWIC holders will begin to face the requirement to renew their TWICs.

(b) **TWIC APPLICATION REFORM.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall reform the process for the enrollment, activation, issuance, and renewal of a TWIC to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

SEC. 206. EXPIRATION OF CERTAIN TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS.

(a) **IN GENERAL.**—A valid Transportation Worker Identification Credential required under part 101.514 of title 33, Code of Federal Regulations, that was issued before the date of enactment of this Act shall not expire before the earlier of—

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

(2) June 30, 2014.

(b) **REVOCATION AUTHORITY NOT AFFECTED.**—This section shall not be construed to affect the authority of the Secretary to revoke a Transportation Worker Identification Credential—

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

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

SEC. 207. SECURING THE TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL AGAINST USE BY UNAUTHORIZED ALIENS.

(a) **PROCESS.**—

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

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

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

(i) identity; and

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

(B) establish training requirements to ensure that trusted agents at TWIC enrollment centers receive training to identify fraudulent documents.

(b) **EXPIRATION OF TWICs.**—A TWIC expires on the date of its expiration, or in the date on which the individual to whom such a TWIC is issued is no longer lawfully present in the United States, whichever is earlier.

SEC. 208. REPORT ON FEDERAL TRANSPORTATION SECURITY CREDENTIALING PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that identifies unnecessary redundancies or overlaps in Federal transportation security credentialing programs, including recommendations to reduce or eliminate such redundancies or overlaps.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

At the outset, Madam Speaker, I would like to thank Chairman MILLER for her hard work on this bipartisan legislation.

After the attacks of September 11, Congress recognized the importance of securing our Nation's ports. The SMART Port, building on the work of the SAFE Port Act from 2006, addresses new maritime security challenges as the Department's port and maritime security mission continues to evolve and grow. This legislation accomplishes this by using a risk-based framework, enhancing security measures overseas before threats reach our shores, fostering a collaborative environment between Customs and Border Patrol and the U.S. Coast Guard in sharing port security duties and leveraging our trusted allies.

This bill would extend the validity of the TWIC cards, currently set to begin expiring later this year, until the Department of Homeland Security releases the TWIC Reader Rule, which has been delayed over and over again.

This bill is the result of more than a year of close congressional oversight and scrutiny through hearings held by the Subcommittee on Border and Maritime Security. It's a good bill. I urge my colleagues to support it, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of H.R. 4251, the SMART Port Security Act, and yield myself such time as I may consume.

Madam Speaker, I'm pleased that the House is meeting today to consider H.R. 4251, the SMART Port Security Act. This bill includes a number of Democratic-sponsored provisions aimed at improving our Nation's maritime security.

Representative LORETTA SANCHEZ authored a provision to strengthen the integrity of the TWIC program. Representative LAURA RICHARDSON authored language to allow port operators to use their grant funds for security provided by local law enforcement. Representative CLARKE of Michigan authored a provision relating to northern border security.

□ 1620

H.R. 4251 also includes language modeled after a bill I introduced, H.R. 1105, to relieve the Nation's port and transportation workers from the hassle and expense of renewing their 5-year TWIC cards, given that DHS has not done its

job to fully implement this security program.

Specifically, section 206 of this bill will relieve current TWIC holders, the men and women who work in our ports, from being required to secure new identification cards beginning in October 2012, given that DHS has not even issued a draft rule for biometric readers.

For the full security potential of the TWIC program to be realized, there must be readers installed at ports to match the biometric cards with the individuals presenting them. Since 2007, over 2.1 million longshoremen, truckers, merchant mariners, and rail and vessel crew members have undergone extensive homeland security and criminal background checks and paid a \$132.50 fee to secure TWICs.

Since H.R. 4251 was considered by the full committee, DHS has taken positive steps to address the upcoming TWIC renewal predicament. Specifically, DHS recently announced that, starting this August, workers will be eligible for a 3-year TWIC renewal card at a discounted rate and with fewer visits to the enrollment center. While this is a positive development, more must be done.

The bill before us today allows workers to continue to use their TWICs for the next 2 years, while providing an incentive for DHS to move forward on readers as soon as possible.

I insert into the RECORD a letter we received today from Transportation Trades Department, AFL-CIO, expressing their support for this bill and the provisions making commonsense changes to the TWIC program.

TRANSPORTATION TRADES
DEPARTMENT, AFL-CIO,
Washington, DC, June 26, 2012.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL-CIO (TTD), I write to express our support for H.R. 4251, the SMART Port Security Act, offered by Rep. Candice Miller (R-MI), which will be voted under suspension later today.

The SMART Port Security Act, among other things, makes needed reforms to the Transportation Worker Identification Credential (TWIC) program enrollment, activation, issuance and renewal process. Specifically, this legislation postpones the requirement of workers to renew TWIC cards in the absence of Department of Homeland Security (DHS) final regulations mandating biometric card readers.

Since the TWIC program began, over two million workers have fulfilled their obligation to enroll in the TWIC program, incurring the significant cost and time commitment to comply with the program. However, DHS has yet to issue a final rule on the biometric readers, rendering the expensive biometric component of the TWIC cards virtually useless. Despite the readers not being in place, workers will have to renew their TWIC cards beginning in October, 2012. This legislation would spare workers the financial and procedural burden of renewing their application until DHS puts the infrastructure in place to make the program fully functional.

This legislation also includes language which ensures that workers are only required to make one in-person visit to an enrollment center either for a first enrollment

or a renewal. This will lift a logistical burden for workers, many of whom may be hundreds of miles away from a TWIC enrollment facility while on the job.

Transportation workers have been asked for too long to bear the financial burden of supporting a program that is incomplete and ineffective. I urge all Members to vote for H.R. 4251.

Sincerely,

EDWARD WYTKIND,
President.

With that, Madam Speaker, I reserve the balance of my time.

Mr. KING of New York. Madam Speaker, I yield as much time as she may consume to the author of the bill, the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly want to thank the chairman for his support of the bill, and I thank the gentleman for yielding the time as well.

Madam Speaker, I rise today in support of H.R. 4251. I'm absolutely convinced that the bill before the House today, the SMART Port Act, will tangibly enhance the Nation's maritime security.

We spend a lot of time, as a Nation, and as a Congress, focusing on security threats at the southern border and on the northern border, but sometimes we also need to remember that we have a very long maritime border that deserves our attention as well.

A major disruption at one of the Nation's ports, especially a terrorist attack, is a high-consequence event that has the potential to cripple the global supply chain and could severely damage our economy. We simply cannot afford to ignore threats to our Nation's maritime security.

To that end, SMART Port builds on the work of the 2006 SAFE Port Act to enhance risk-based security measures overseas before the threat reaches our shore. It emphasizes a stronger collaborative environment between the Customs and Border Protection and the Coast Guard in sharing port security duties, and it leverages the maritime security work of our trusted allies.

If we learned anything after 9/11, it's that we need to move from the need-to-know information to the need-to-share information. The Department of Homeland Security components with shared jurisdiction must cooperate in maritime operations and form partnerships with State and local law enforcement agencies in order to improve the Nation's maritime security.

What happens in our waterways and ports affects the entire Nation, so it is incumbent on us to realize that maritime security is not the province simply of the government alone. Leveraging partnerships with private industry, as well as our international partners, is common sense; and trusted-shippers programs, like the Customs Trade Partnership Against Terrorism, or the C-T PAT, where companies who make significant investments in their security, reduces the amount of resources that CBP needs to spend on

looking at cargo shipments that we know the least about.

Our trusted allies, like Canada and the European Union, have programs similar to C-T PAT in place, and this bill supports the concept of mutual recognition where the Secretary can accept other countries' trusted-shipper programs when they provide an equal level of security. And not only does this save CBP inspectors from the added burden of having to verify companies who participate in both programs. It also really expedites commerce across our borders, and we really need to do that because of limited use of taxpayer dollars, certainly. And so it makes fiscal sense, as well, to do that.

The American port worker, truck driver, and others who make port operations run smoothly are another critical maritime security layer. They're all required to obtain the TWIC cards that the ranking member just mentioned here, and the chairman as well. These individuals have complied with the law. They've done their part. They've purchased a TWIC card. In many cases they've traveled long distances to go to the enrollment center, maybe not once but twice, and undergone the background check. But the problem is that the United States Government has not done its part.

The Department of Homeland Security has yet to release the TWIC reader rule, meaning that the biometric information embedded on the card validating the worker's identity just isn't being confirmed. And in reality, because of that, the TWIC card has become little more than an expensive "flash pass."

This bill will extend the validity of TWIC cards until the government upholds its end of the bargain and puts out a reader rule. The Coast Guard and TSA must produce the TWIC reader rule which is necessary to give American workers and port facilities certainty after years of delay.

As well, we should be cognizant of the fact that CBP and the United States Coast Guard cannot intrusively scan every truck, every cargo container or bulk shipment that comes into American ports. It's certainly cost prohibitive, but it would also cripple the just-in-time delivery system that the industry relies on to keep American commerce running.

Instead, I believe that the security of the supply chain is maximized through the use of a risk-based methodology, which is a key element in this bill. Smart, cost effective choices have to be made that maximize our resources while ensuring the security of our ports and, by that, our extension of our way of life.

This bill, Madam Speaker, is a step toward smarter security that encourages DHS to become more efficient, better integrated, and more closely coordinated amongst its component industry and international partners.

Again, I want to thank the chairman, Chairman KING, for his support of this

bill, and Ranking Member THOMPSON of the full committee, and certainly my counterpart on the subcommittee as well, Ranking Member CUELLAR.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Speaker, I rise today in support of the SMART Port Security Act, H.R. 4251. I'm a proud cosponsor of Chairwoman MILLER's legislation and commend her for her efforts on this important issue to our Nation.

At a time when media reports assume that Congress doesn't work together, I'm pleased to note that I've been able to work with Chairwoman MILLER and the committee in a bipartisan fashion to have two of my bills incorporated into the SMART Port Security Act.

As the senior member of the Homeland Security Committee, and the Representative of a district neighboring the ports of both Long Beach and Los Angeles, the largest in this country, I have made port security a priority of mine.

Ports are the first line of defense at our sea borders and serve vital national interests by supporting the mobilization and deployment of U.S. troops, facilitating the flow of trade, and supporting our economy. Ninety-five percent of all goods entering or exiting our country go through our Nation's ports, and 45 percent of those actually go through the community I represent.

In the next 20 years, U.S. overseas trade is expected to double; and in light of the terrorist attacks on September 11 in 2001, heightened awareness about the vulnerability of all modes of transportation to terrorist acts are a priority of us on this committee.

Included in the SMART Port Security Act are two pieces of legislation I authored, Port Security Boots on the Ground Act and the Port Security Equipment Improvement Act. Both of these bills involve the use of existing port security grant funds.

The Port Security Grant Program provides funding to port authorities, facility operators, and State and local government agencies so that they can provide security services to our ports. However, prior to my introduced legislation, port security grant funds could not be used to fund statutorily mandated personnel costs.

My Port Security Boots on the Ground Act, which was incorporated into H.R. 4251, corrects this inconsistency between Port Security Grant programs and other grant funding programs. To prevent the possibility of waste, fraud and abuse, the amount of security personnel costs awarded are limited to 50 percent of the total grant amount in any fiscal year.

□ 1630

The Maritime Transportation Security Act and the SAFE Port Act authorize funds to identify vulnerabilities in port security and to ensure compliance with mandated port security

plans. My legislation made these funds workable and removed government red tape from State, local, and government entities.

I thank Chairwoman MILLER for including my Port Security Boots on the Ground Act in this important legislation.

The second inclusion that also should be highlighted is the Port Security Equipment Improvement Act, which was accepted by unanimous consent as an amendment to H.R. 4251 during the full committee markup. The Port Security Equipment Improvement Act gives recipients of Port Security Grant Program funds the flexibility in determining whether it is more cost effective to repair or replace security equipment.

I have personally heard from many port authorities in my district and from those surrounding my area about their frustrations of not being given the opportunity to purchase newer and improved security equipment. This will give the recipients of the Port Security Grant Program funds the ability to fix or replace defective security equipment, thereby making the best use of limited resources.

I appreciate Congresswoman CANDICE MILLER for working with me and for having both of my bills, the Port Security Boots on the Ground Act and the Port Security Equipment Improvement Act, included in the SMART Port Security Act legislation before us today. I look forward to continuing to work with the chairwoman, the committee and staff on protecting our ports. I urge my colleagues on both sides of the aisle to join us in supporting the SMART Port Security Act.

Mr. KING of New York. Madam Speaker, I have no further requests for time. If the gentleman from Mississippi has no further speakers, I am prepared to close once he does.

Mr. THOMPSON of Mississippi. Madam Speaker, I have no further requests for time, and I am prepared to close.

I would note that my support for the SMART Port Security Act is rooted in not only the improvements in the TWIC Program but also in what it seeks to do in order to improve the coordination and cooperation between DHS's maritime components and strengthened procurement practices. This bill is the result of a bipartisan effort to strengthen the security of America's ports and waterways and to ensure that the Department of Homeland Security's maritime security efforts are as effective and efficient as practicable.

With that, Madam Speaker, I urge the passage of H.R. 4251, and I yield back the balance of my time.

Mr. KING of New York. Madam Speaker, in closing, the SMART Port Security Act makes needed improvements to the TWIC program and supports security grants. It also encourages both the CBP and the Coast Guard to reduce redundancies and overlap, which will save taxpayer dollars.

I ask my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 4251, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

GAUGING AMERICAN PORT SECURITY ACT

Mr. KING of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4005) to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gauging American Port Security Act" or the "GAPS Act".

SEC. 2. STUDY, REPORT, AND PLAN TO ADDRESS GAPS IN PORT SECURITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act the Secretary of Homeland Security shall—

(1) conduct a study of, and submit to the Congress a report on, remaining gaps in port security in the United States; and

(2) include in such report a prioritization of such gaps and a plan for addressing them.

(b) FORM.—The report required under subsection (a) shall be submitted in classified form but shall contain an unclassified annex.

SEC. 3. INFORMATION SHARING.

The Secretary of Homeland Security shall, in accordance with rules for the handling of classified information, share, as appropriate, with designated points of contact from Federal agencies and State, local, or tribal governments, and port system owners and operators, relevant information regarding remaining gaps in port security of the United States, prioritization of such gaps, and a plan for addressing such gaps. In the event that a designated point of contact does not have the necessary security clearance to receive such information, the Secretary shall help expedite the clearance process, as appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

H.R. 4005, the Gauging American Port Security Act, or GAPS Act, is a commonsense bill that requires the Secretary of Homeland Security to determine if appropriate security measures to protect the Nation's ports are in place or if gaps in the security of U.S. ports exist. A lot of emphasis and attention is focused on our northern and southern land borders; however, it is important not to forget our largest border, the maritime border.

While DHS employs a layered approach to maritime and port security based on risk, it is important to examine whether gaps in the current risk-based approach exist which may have a detrimental impact on the security of our Nation's ports and global supply chain.

While DHS has come a long way in articulating the need for greater maritime cooperation through its Maritime Operations Coordination Plan and similar Interagency Operations Centers and other regional operational centers, this bill will ensure that gaps in port security are identified, allowing DHS to better execute its risk-based approach to maritime and port security.

I would like to especially thank Congresswoman JANICE HAHN for her work on this bill. I would also like to thank the contributions of the committee, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4005, the Gauging American Port Security Act.

This bill, authored by Representative JANICE HAHN, who is a member of the Committee on Homeland Security, would require the Secretary of Homeland Security to conduct a study of the gaps in port security in the United States. The study, which will be submitted to Congress, must set forth the prioritization of those security gaps and a plan for addressing them.

Finally, the bill would require the Secretary of Homeland Security to share relevant port security information, as appropriate, with Federal, State and local government partners, as well as with those port owners and operators who are involved in protecting ports.

Given the importance of America's ports and waterways to our Nation and its economy, they are an attractive target for terrorists and criminals. The