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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. 3586

To amend the Homeland Security Act of 2002 to improve border and maritime security coordination in the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. MILLER of Michigan (for herself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on

A BILL

To amend the Homeland Security Act of 2002 to improve border and maritime security coordination in 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 “Border and Maritime
5 Coordination Improvement Act”.

1 **SEC. 2. BORDER AND MARITIME SECURITY EFFICIENCIES.**

2 (a) IN GENERAL.—Subtitle B of title IV of the
3 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)
4 is amended by adding at the end the following new sec-
5 tions:

6 **“SEC. 420. ESTABLISHMENT OF THE OFFICE OF BIOMETRIC**
7 **IDENTITY MANAGEMENT.**

8 “(a) ESTABLISHMENT.—There is established within
9 the Department an agency to be known as the Office of
10 Biometric Identity Management.

11 “(b) DIRECTOR.—

12 “(1) IN GENERAL.—There shall be at the head
13 of the Office of Biometric Identity Management a
14 Director of the Office of Biometric Identity Manage-
15 ment (in this section referred to as the ‘Director’).

16 “(2) QUALIFICATIONS AND DUTIES.—The Di-
17 rector shall—

18 “(A) have a minimum of five years profes-
19 sional management experience;

20 “(B) lead the Department’s biometric iden-
21 tity services to support anti-terrorism, counter-
22 terrorism, border security, national security,
23 and public safety and enable operational mis-
24 sions across the Department by matching, stor-
25 ing, sharing, and analyzing biometric data;

1 “(C) deliver biometric identity information
2 and analysis capabilities to—

3 “(i) the Department and its compo-
4 nents;

5 “(ii) appropriate Federal, state, local,
6 and tribal agencies;

7 “(iii) appropriate foreign govern-
8 ments; and

9 “(iv) appropriate private sector enti-
10 ties;

11 “(D) support the law enforcement, public
12 safety, national security, and homeland security
13 missions of other Federal, state, local and tribal
14 agencies;

15 “(E) establish and manage the operation
16 and maintenance of the Department’s biometric
17 repository;

18 “(F) establish, manage, and operate Bio-
19 metric Support Centers to provide biometric
20 identification and verification services to the
21 Department, appropriate Federal, state, local,
22 and tribal agencies, appropriate foreign govern-
23 ments, and appropriate private sector entities;

24 “(G) in collaboration with the Undersecre-
25 tary for Science and Technology, establish a

1 Department-wide research and development
2 program to support efforts in assessment, devel-
3 opment, and exploration of biometric advance-
4 ments and emerging technologies;

5 “(H) oversee Department-wide standards
6 for biometric conformity, and work to make
7 such standards Government-wide;

8 “(I) in coordination with the Department’s
9 Office of Policy, and in consultation with rel-
10 evant component offices, enter into data shar-
11 ing agreements with appropriate Federal agen-
12 cies to support immigration, law enforcement,
13 national security, and public safety missions;
14 and

15 “(J) carry out the duties and powers pre-
16 scribed by law or delegated by the Secretary.

17 “(c) DEPUTY DIRECTOR.—There shall be in the Of-
18 fice of Biometric Identity Management a Deputy Director,
19 who shall assist the Director in the management of the
20 Office.

21 “(d) CHIEF TECHNOLOGY OFFICER.—

22 “(1) IN GENERAL.—There shall be in the Office
23 of Biometric Identity Management a Chief Tech-
24 nology Officer.

1 “(2) DUTIES.—The Chief Technology Officer
2 shall—

3 “(A) ensure compliance with policies, proc-
4 esses, standards, guidelines, and procedures re-
5 lated to information technology systems man-
6 agement, enterprise architecture, and data
7 management;

8 “(B) provide engineering and enterprise
9 architecture guidance and direction to the Of-
10 fice of Biometric Identity Management; and

11 “(C) leverage emerging biometric tech-
12 nologies to recommend improvements to major
13 enterprise applications, identify tools to opti-
14 mize information technology systems perform-
15 ance, and develop and promote joint technology
16 solutions to improve services to enhance mission
17 effectiveness.

18 “(e) PRIVACY OFFICER.—There shall be in the Office
19 of Biometric Identity Management a Privacy Officer who
20 shall ensure privacy protections and transparency in all
21 Office activities, and conduct reviews of data sharing with
22 external partners to ensure compliance with legal, policy,
23 and privacy restrictions.

24 “(f) OTHER AUTHORITIES.—

1 “(1) IN GENERAL.—The Director may establish
2 such other Division Directors, agents, officers, and
3 other offices of the Office of Biometric Identity
4 Management as the Director determines necessary
5 to carry out the missions, duties, functions, and au-
6 thorities of the Office.

7 “(2) NOTIFICATION.—If the Director exercises
8 the authority provided pursuant to paragraph (1),
9 the Director shall notify the Committee on Home-
10 land Security of the House of Representatives and
11 the Committee on Homeland Security and Govern-
12 mental Affairs of the Senate not later than 30 days
13 before exercising such authority.

14 **“SEC. 420A. BORDER SECURITY JOINT TASK FORCES.**

15 “(a) ESTABLISHMENT.—The Secretary may establish
16 and operate the following departmental Joint Task Forces
17 (in this section referred to as ‘Joint Task Force’) to con-
18 duct joint operations using Department component and of-
19 fice personnel and capabilities to secure the international
20 borders of the United States:

21 “(1) JOINT TASK FORCE—EAST.—Joint Task
22 Force-East shall, at the direction of the Secretary
23 and in coordination with Joint Task Force West,
24 create and execute a strategic plan to secure the
25 land and maritime borders of the United States and

1 shall operate and be located in a place or region de-
2 termined by the Secretary.

3 “(2) JOINT TASK FORCE—WEST.—Joint Task
4 Force-West shall, at the direction of the Secretary
5 and in coordination with Joint Task Force East,
6 create and execute a strategic plan to secure the
7 land and maritime borders of the United States and
8 shall operate and be located in a place or region de-
9 termined by the Secretary.

10 “(3) JOINT TASK FORCE—INVESTIGATION.—
11 Joint Task Force-Investigation shall, at the direction
12 of the Secretary, be responsible for coordinating
13 criminal investigations supporting Joint Task
14 Force—West and Joint Task Force—East.

15 “(b) JOINT TASK FORCE DIRECTORS.—The Sec-
16 retary shall appoint a Director to head each Joint Task
17 Force. Each Director shall be senior official selected from
18 a relevant component or office of the Department, rotating
19 between relevant components and offices every two years.
20 The Secretary may extend the appointment of a Director
21 for up to two additional years, if the Secretary determines
22 that such an extension is in the best interest of the De-
23 partment.

1 “(c) INITIAL APPOINTMENTS.—The Secretary shall
2 make the following appointments to the following Joint
3 Task Forces:

4 “(1) The initial Director of Joint Task Force—
5 East shall be a senior officer of the Coast Guard.

6 “(2) The initial Director of Joint Task Force—
7 West shall be a senior official of U.S. Customs and
8 Border Protection.

9 “(3) The initial Director of Joint Task Force—
10 Investigation shall be a senior official of U.S. Immi-
11 gration and Customs Enforcement.

12 “(d) JOINT TASK FORCE DEPUTY DIRECTORS.—The
13 Secretary shall appoint two Deputy Directors for each
14 Joint Task Force. The Deputy Directors of a Joint Task
15 Force shall be officials of a different component or office
16 than the Director of each Joint Task Force.

17 “(e) RESPONSIBILITIES.—Each Joint Task Force Di-
18 rector shall—

19 “(1) identify and prioritize border and maritime
20 security threats to the homeland;

21 “(2) maintain situational awareness within
22 their areas of responsibility, as determined by the
23 Secretary;

1 “(3) provide operational plans and requirements
2 for standard operating procedures and contingency
3 operations;

4 “(4) plan and execute joint task force activities
5 within their areas of responsibility, as determined by
6 the Secretary;

7 “(5) set and accomplish strategic objectives
8 through integrated operational planning and execu-
9 tion;

10 “(6) exercise operational direction over per-
11 sonnel and equipment from Department components
12 and offices allocated to the respective Joint Task
13 Force to accomplish task force objectives;

14 “(7) establish operational and investigative pri-
15 orities within the Director’s operating areas;

16 “(8) coordinate with foreign governments and
17 other Federal, State, and local agencies, where ap-
18 propriate, to carry out the mission of the Director’s
19 Joint Task Force;

20 “(9) identify and provide to the Secretary the
21 joint mission requirements necessary to execute the
22 strategic plan to secure the land and maritime bor-
23 ders of the United States referred to in subsection
24 (a); and

1 “(10) carry out other duties and powers the
2 Secretary determines appropriate.

3 “(f) PERSONNEL AND RESOURCES OF JOINT TASK
4 FORCES.—The heads of components and offices of the De-
5 partment shall, upon request of the Director of a Joint
6 Task Force, provide personnel and equipment to the re-
7 questing Joint Task Force on a temporary basis, if doing
8 so does not affect the capability of such component or of-
9 fice to conduct its primary missions.

10 “(g) COMPONENT RESOURCE AUTHORITY.—As di-
11 rected by the Secretary—

12 “(1) each Director of a Joint Task Force shall
13 be provided sufficient resources from relevant com-
14 ponents and offices of the Department and the au-
15 thority necessary to carry out the missions and re-
16 sponsibilities required under this section;

17 “(2) the resources referred to in paragraph (1)
18 shall be under the operational authority, direction,
19 and control of the Director of the Joint Task Force
20 to which such resources were assigned; and

21 “(3) the personnel and equipment of the Joint
22 Task Forces shall remain under the administrative
23 direction of its primary component or office.

24 “(h) JOINT TASK FORCE STAFF.—Each Joint Task
25 Force shall have a staff to assist the Directors in carrying

1 out the mission and responsibilities of the Joint Task
2 Forces. Such staff shall be filled by officials from relevant
3 components and offices of the Department.

4 “(i) ESTABLISHING ADDITIONAL JOINT TASK
5 FORCES.—The Secretary may establish additional Joint
6 Task Forces for the purposes of—

7 “(1) coordinating operations along the northern
8 border of the United States;

9 “(2) preventing and responding to homeland se-
10 curity crises, as determined by the Secretary;

11 “(3) establishing other regionally-based oper-
12 ations; or

13 “(4) cybersecurity.

14 “(j) NOTIFICATION.—

15 “(1) IN GENERAL.—The Secretary shall submit
16 a notification to the Committee on Homeland Secu-
17 rity of the House of Representatives and the Com-
18 mittee on Homeland Security and Governmental Re-
19 form of the Senate 90 days prior to the establish-
20 ment of an additional Joint Task Force under sub-
21 section (i).

22 “(2) WAIVER AUTHORITY.—The Secretary may
23 waive the requirement of paragraph (1) in the event
24 of an emergency circumstance that imminently

1 time operations coordination plan released by the Depart-
2 ment in July 2011, and shall address the following:

3 “(1) Coordination of planning, integration of
4 maritime operations, and development of joint situa-
5 tional awareness of any component or office of the
6 Department with responsibility for maritime home-
7 land security missions.

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

12 “(3) Leveraging existing departmental coordi-
13 nation mechanisms, including the interagency oper-
14 ational centers as authorized under section 70107A
15 of title 46, United States Code, Coast Guard’s Re-
16 gional Coordinating Mechanisms, the U.S. Customs
17 and Border Protection Air and Marine Operations
18 Center, the U.S. Customs and Border Protection
19 Operational Integration Center, and other regional
20 maritime operational command centers.

21 “(4) Cooperation and coordination with other
22 departments and agencies of the Federal Govern-
23 ment, and State and local agencies, in the maritime
24 environment, in support of maritime homeland secu-
25 rity missions.

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

4 “(b) **ADDITIONAL UPDATES.**—Not later than July 1,
5 2020, the Secretary, acting through the Department’s Of-
6 fice of Operations Coordination and Planning, shall sub-
7 mit to the Committee on Homeland Security of the House
8 of Representatives and the Committee on Homeland Secu-
9 rity and Governmental Affairs of the Senate an update
10 to the maritime operations coordination plan required
11 under subsection (a).

12 **“SEC. 420C. U.S. CUSTOMS AND BORDER PROTECTION OF-**
13 **FICE OF AIR AND MARINE OPERATIONS**
14 **ASSET DEPLOYMENT.**

15 “(a) **IN GENERAL.**—Any new asset deployment by
16 U.S. Customs and Border Protection’s Office of Air and
17 Marine Operations following the date of the enactment of
18 this section, shall, to the greatest extent practicable, occur
19 in accordance with a risk-based assessment that considers
20 mission needs, performance results, threats, costs, and any
21 other relevant factors identified by the Commissioner of
22 U.S. Customs and Border Protection. Specific factors to
23 be included in such assessment shall include, at a min-
24 imum, the following:

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

4 “(2) Other Department assets available to help
5 address any unmet border and port security mission
6 requirements, in accordance with paragraph (1).

7 “(3) Risk analysis showing positioning of the
8 asset at issue to respond to intelligence on emerging
9 terrorist or other threats.

10 “(4) Cost-benefit analysis showing the relative
11 ability to use the asset at issue in the most cost-ef-
12 fective way to reduce risk and achieve mission suc-
13 cess.

14 “(b) CONSIDERATIONS.—An assessment required
15 under subsection (a) shall consider applicable Federal
16 guidance, standards, and agency strategic and perform-
17 ance plans, including the following:

18 “(1) The most recent departmental Quadrennial
19 Homeland Security Review under section 707, and
20 any follow-up guidance related to such Review.

21 “(2) The Department’s Annual Performance
22 Plans.

23 “(3) Department policy guiding use of inte-
24 grated risk management in resource allocation deci-
25 sions.

1 “(4) Department and U.S. Customs and Border
2 Protection Strategic Plans and Resource Deploy-
3 ment Plans.

4 “(5) Applicable aviation guidance from the De-
5 partment, including the DHS Aviation Concept of
6 Operations.

7 “(6) Other strategic and acquisition guidance
8 promulgated by the Federal Government as the Sec-
9 retary determines appropriate.

10 “(c) AUDIT AND REPORT.—The Inspector General of
11 the Department shall biennially audit the deployment of
12 new assets by U.S. Customs and Border Protection’s Of-
13 fice of Air and Marine Operations and submit to the Com-
14 mittee on Homeland Security of the House of Representa-
15 tives and the Committee on Homeland Security and Gov-
16 ernmental Affairs of the Senate a report on the compli-
17 ance of the Department with the requirements of this sec-
18 tion.

19 “(d) MARINE INTERDICTION STATIONS.—Not later
20 than 180 days after the date of the enactment of this sec-
21 tion, the Commissioner of U.S. Customs and Border Pro-
22 tection shall submit to the Committee on Homeland Secu-
23 rity of the House of Representatives and the Committee
24 on Homeland Security and Governmental Affairs of the
25 Senate an identification of facilities owned by the Federal

1 Government in strategic locations along the maritime bor-
2 der of California that may be suitable for establishing Of-
3 fice of Air and Marine Operations marine interdiction sta-
4 tions.

5 **“SEC. 420D. SECURING THE TRANSPORTATION WORKER**
6 **IDENTIFICATION CREDENTIAL AGAINST USE**
7 **BY UNAUTHORIZED ALIENS.**

8 “(a) IN GENERAL.—Not later than 180 days after
9 the date of enactment of this section, the Secretary shall
10 establish a process to ensure, to the maximum extent prac-
11 ticable, that an individual who is not lawfully present in
12 the United States cannot obtain or continue to use a
13 Transportation Worker Identification Credential (in this
14 section referred to as the ‘TWIC’).

15 “(b) COMPONENTS.—In establishing the process
16 under subsection (a), the Secretary shall—

17 “(1) publish a list of documents that will iden-
18 tify non-United States citizen TWIC applicants and
19 verify the immigration statuses of such applicants by
20 requiring each such applicant to produce a document
21 or documents that demonstrate—

22 “(A) identity; and

23 “(B) proof of lawful presence in the United
24 States; and

1 “(2) establish training requirements to ensure
2 that trusted agents at TWIC enrollment centers re-
3 ceive training to identify fraudulent documents.

4 “(c) EXPIRATION OF TWICs.—A TWIC expires on
5 the date of its expiration, or on the date on which the
6 individual to whom such a TWIC is issued is no longer
7 lawfully present in the United States, whichever is ear-
8 lier.”.

9 (b) LOCATION AND REPORTING STRUCTURE.—The
10 Secretary of Homeland Security may not change the loca-
11 tion or reporting structure of the Office of Biometric Iden-
12 tity Management (established pursuant to section 420 of
13 the Homeland Security Act of 2002, as added by sub-
14 section (a) of this section) unless the Secretary of Home-
15 land Security receives prior authorization from Congress
16 permitting such change.

17 (c) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of the Homeland Security Act is amended
19 by adding after the item relating to section 419 the fol-
20 lowing new item:

“Sec. 420. Establishment of the Office of Biometric Identity Management.

“Sec. 420A. Border Security Joint Task Forces.

“Sec. 420B. Updates of maritime operations coordination plan.

“Sec. 420C. U.S. Customs and Border Protection Office of Air and Marine Op-
erations asset deployment.

“Sec. 420D. Securing the Transportation Worker Identification Credential
against use by unauthorized aliens.”.

1 **SEC. 3. COST-BENEFIT ANALYSIS OF CO-LOCATING OPER-**
2 **ATIONAL ENTITIES.**

3 (a) IN GENERAL.—For all locations in which U.S.
4 Customs and Border Protection’s Office of Air and Marine
5 Operations operates that are within 45 miles of locations
6 where any other Department of Homeland Security agen-
7 cy also operates air and marine assets, the Secretary of
8 Homeland Security shall conduct a cost-benefit analysis
9 to consider the potential cost of and savings derived from
10 co-locating aviation and maritime operational assets of the
11 respective agencies of the Department. In analyzing such
12 potential cost savings achieved by sharing aviation and
13 maritime facilities, such analysis shall consider, at a min-
14 imum, the following factors:

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

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

20 (3) Joint use of base and facility infrastructure,
21 such as runways, hangars, control towers, operations
22 centers, piers and docks, boathouses, and fuel de-
23 pots.

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

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 missions con-
8 ducted.

9 (E) The number of missions 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 missions fulfilled by
19 the entities specified in subparagraph (E).

20 (2) Mission impact, feasibility, and cost, includ-
21 ing future cost savings, of consolidating DSF capa-
22 bilities, including the following scenarios:

23 (A) Combining DSFs, primarily focused on
24 counterdrug operations, under one centralized
25 command.

1 (B) Distributing counter-terrorism and
2 anti-terrorism capabilities to DSFs in each
3 major United States port.

4 (C) Establishing an enhanced DSF in the
5 highest risk port on the East coast of the
6 United States and the highest risk port on the
7 West coast of the United States that would be
8 capable of supplementing DSF capabilities in
9 other ports on each of such coasts for high
10 threat operations.

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

17 **SEC. 5. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**
18 **RORISM IMPROVEMENT.**

19 (a) C-TPAT EXPORTERS.—Section 212 of the Secu-
20 rity and Accountability for Every Port Act of 2006 (6
21 U.S.C. 962) is amended by inserting “exporters,” after
22 “Importers,”.

23 (b) RECOGNITION OF OTHER COUNTRIES’ TRUSTED
24 SHIPPER PROGRAMS.—

1 **SEC. 6. STRATEGIC PLAN TO ENHANCE THE SECURITY OF**
2 **THE INTERNATIONAL SUPPLY CHAIN.**

3 Paragraph (2) of subsection (g) of section 201 (6
4 U.S.C. 941) by amending paragraph (2) to read as fol-
5 lows:

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 described in paragraph (1).”.

12 **SEC. 7. CONTAINER SECURITY INITIATIVE.**

13 Subsection (1) of section 205 of the SAFE Port Act
14 (6 U.S.C. 945) is amended—

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

20 (2) by striking paragraph (2).

21 **SEC. 8. REPEALS.**

22 The following provisions of the SAFE Port Act (Pub-
23 lic Law 109–347) are repealed:

24 (1) Section 105 (and the item relating to such
25 section in the table of contents of such Act).

26 (2) Subsection (c) of section 108.

1 (3) Subsections (c), (d), and (e) of section 121
2 (6 U.S.C. 921).

3 (4) Section 122 (6 U.S.C. 922) (and the item
4 relating to such section in the table of contents of
5 such Act).

6 (5) Section 126 (6 U.S.C. 925) (and the item
7 relating to such section in the table of contents of
8 such Act).

9 (6) Section 127 (and the item relating to such
10 section in the table of contents of such Act).

11 (7) Subsection (d) of section 231 (6 U.S.C.
12 981).

13 (8) Subsection (e) of section 233 (6 U.S.C.
14 983).

15 (9) Section 235 (6 U.S.C. 984) (and the item
16 relating to such section in the table of contents of
17 such Act).

18 (10) Section 701 (and the item relating to such
19 section in the table of contents of such Act).

20 (11) Section 708 (and the item relating to such
21 section in the table of contents of such Act).