

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3173

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IN THE SENATE OF THE UNITED STATES

JUNE 29, 2012

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center.

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. FINDINGS.**

4 Congress finds the following:

5 (1) United States workers employed at nearly  
6 2,600 marine facilities and onboard nearly 13,000  
7 United States-flag vessels are required to carry a  
8 Transportation Worker Identification Credential  
9 (TWIC) under the Maritime Transportation Security  
10 Act of 2002 (MTSA). Department of Homeland Se-  
11 curity (DHS) regulations require merchant mariners  
12 who hold a Coast Guard-issued Merchant Mariner  
13 Credential (MMC) and individuals who require  
14 unescorted access to secure areas of MTSA-regu-  
15 lated vessels and facilities to carry a TWIC.

16 (2) To date, nearly two million transportation  
17 workers have applied for and received a TWIC. Ap-  
18 plicants must pay \$132.50 to obtain the TWIC, and  
19 make two or more trips to an enrollment center to  
20 apply for, and then to pick up and activate, their  
21 TWIC.

22 (3) A TWIC is valid for a maximum of five  
23 years, at which time the cardholder must request  
24 issuance of a new card. This process requires work-  
25 ers to make an additional two or more trips to the

1 enrollment center and again pay \$132.50 to receive  
2 a new card.

3 (4) In addition to the cost of the card, workers  
4 face the burden of making two or more time-con-  
5 suming and often expensive round trips to a TWIC  
6 enrollment center. In many instances, the nearest  
7 enrollment center is hundreds of miles from a work-  
8 er's home.

9 (5) The TWIC enrollment process requiring two  
10 or more round trips to an enrollment center is not  
11 mandated by statute or by regulation. The process  
12 is driven by a DHS policy decision to align the re-  
13 quirements for TWIC issuance with standards for  
14 Personal Identity Verification (PIV) for Federal em-  
15 ployees and contractors. These standards are con-  
16 tained in Federal Information Processing Standard  
17 Publication 201 (FIPS-201).

18 (6) While DHS has made the policy decision to  
19 generally align the TWIC enrollment process with  
20 the FIPS-201 standard, the Department may elect  
21 to deviate from this standard in instances where it  
22 believes an alternative approach is more appropriate  
23 for the TWIC program.

24 (7) Unlike other Government-issued credentials  
25 that adhere to the FIPS-201 standard, the TWIC

1 is effectively a work permit for a highly-mobile pri-  
2 vate sector workforce.

3 (8) Possession of a TWIC does not allow a  
4 TWIC holder to gain unescorted access to secure  
5 areas of MTSA-regulated vessels and facilities unless  
6 the TWIC holder is authorized to do so under a  
7 Coast Guard-approved vessel or facility security  
8 plan.

9 (9) DHS has the statutory authority and regu-  
10 latory flexibility to develop an alternative process for  
11 TWIC enrollment and issuance that does not require  
12 applicants to make multiple trips to a TWIC enroll-  
13 ment center.

14 (10) Other secure Government-issued identity  
15 documents, including United States passports, can  
16 be distributed to applicants by mail.

17 (11) Congress mandated the issuance of a final  
18 rule setting forth requirements for TWIC biometric  
19 readers no later than two years after the TWIC pilot  
20 began, which would have been August 2010; such a  
21 final rule has to date not been issued.

22 **SEC. 2. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

24 (1) to avoid further imposing unnecessary and  
25 costly regulatory burdens on United States workers

1 and businesses, it is urgent that the TWIC applica-  
2 tion process be reformed by not later than the end  
3 of 2012, when hundreds of thousands of current  
4 TWIC holders will begin to face the requirement to  
5 renew their TWICs;

6 (2) the Secretary of Homeland Security should  
7 promulgate final regulations that require the deploy-  
8 ment of TWIC readers as soon as practicable, in  
9 order to ensure the TWIC program realizes its in-  
10 tended security purpose; and

11 (3) funds, which have been awarded under the  
12 Port Security Grant Program for the purpose of  
13 funding TWIC projects, shall not expire before the  
14 issuance of the final TWIC reader rule.

15 **SEC. 3. TWIC APPLICATION REFORM.**

16 Not later than 90 days after the date of the enact-  
17 ment of this Act, the Secretary of Homeland Security shall  
18 reform the process for the enrollment, activation, issuance,  
19 and renewal of a Transportation Worker Identification  
20 Credential (TWIC) to require, in total, not more than one  
21 in-person visit to a designated enrollment center except  
22 in cases in which there are extenuating circumstances, as

- 1 determined by the Secretary, requiring more than one
- 2 such in-person visit.

Passed the House of Representatives June 28, 2012.

Attest:

KAREN L. HAAS,

*Clerk.*