

Union Calendar No. 371

112TH CONGRESS
2^D SESSION

H. R. 3173

[Report No. 112-523]

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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2011

Mr. SCALISE (for himself, Mr. YOUNG of Alaska, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, and Mr. RICHMOND) introduced the following bill; which was referred to the Committee on Homeland Security

JUNE 15, 2012

Additional sponsors: Mr. LUETKEMEYER, Ms. HAHN, Mr. YOUNG of Indiana, Mrs. BIGGERT, Mr. GRIMM, Mr. GENE GREEN of Texas, Mr. RUPPERSBERGER, Mr. COHEN, Ms. MCCOLLUM, Mr. RAHALL, Mr. HANNA, Ms. RICHARDSON, Mr. HARRIS, Mr. GRAVES of Missouri, Mr. LARSEN of Washington, Mr. KINZINGER of Illinois, Mr. JOHNSON of Ohio, Mr. WITTMAN, Mr. DEFazio, Mr. JONES, Mr. LATOURETTE, Mr. MICHAUD, Mr. MCCAUL, Mr. NUNNELEE, Ms. HIRONO, Mr. HARPER, Ms. HANABUSA, Mr. CARNAHAN, Mr. HIGGINS, Ms. LORETTA SANCHEZ of California, Mr. SIRES, Mr. LOBIONDO, Mr. GUINTA, Mr. SCHRADER, Mr. McDERMOTT, Mr. RIGELL, and Mr. PALAZZO

JUNE 15, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on October 12, 2011]

A BILL

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 Secu-*
11 *rity (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-regulated*
15 *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 workers*
25 *to make an additional two or more trips to the enroll-*

1 *ment center and again pay \$132.50 to receive a new*
2 *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 en-*
7 *rollment center is hundreds of miles from a worker's*
8 *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 is*
12 *driven by a DHS policy decision to align the require-*
13 *ments for TWIC issuance with standards for Personal*
14 *Identity Verification (PIV) for Federal employees and*
15 *contractors. These standards are contained in Federal*
16 *Information Processing Standard Publication 201*
17 *(FIPS-201).*

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

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

1 *effectively a work permit for a highly-mobile private*
2 *sector workforce.*

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

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

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

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

21 **SEC. 2. SENSE OF CONGRESS.**

22 *It is the sense of Congress that—*

23 (1) *to avoid further imposing unnecessary and*
24 *costly regulatory burdens on United States workers*
25 *and businesses, it is urgent that the TWIC applica-*

1 *tion process be reformed by not later than the end of*
2 *2012, when hundreds of thousands of current TWIC*
3 *holders will begin to face the requirement to renew*
4 *their TWICs;*

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

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

14 **SEC. 3. TWIC APPLICATION REFORM.**

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

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