

112TH CONGRESS
2^D SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2012

Mrs. MILLER of Michigan (for herself, Mr. KING of New York, Mr. CUELLAR, Mr. McCAUL, and Mr. CLARKE of Michigan) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

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.

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 “Securing Maritime Ac-
5 tivities through Risk-based Targeting for Port Security
6 Act” or the “SMART Port Security Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 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. Interagency operational centers for port security.
- Sec. 108. Report on DHS aviation assets.
- Sec. 109. Small vessel threat analysis.
- Sec. 110. U.S. Customs and Border Protection workforce plan.

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. Issuance of final rule relating to Transportation Worker Identification Credential reader requirements.
- Sec. 207. Securing the Transportation Worker Identification Credential against use by unauthorized aliens.

1 SEC. 3. DEFINITIONS.

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” has the meaning given such term in section
6 2 of the Homeland Security Act of 2002 (6 U.S.C.
7 101).

8 (2) DEPARTMENT.—The term “Department”
9 means the Department of Homeland Security.

1 (3) FUNCTION.—The term “function” includes
2 authorities, powers, rights, privileges, immunities,
3 programs, projects, activities, duties, and respon-
4 sibilities.

5 (4) LOCAL GOVERNMENT.—The term “local
6 government” means—

7 (A) a county, municipality, city, town,
8 township, local public authority, school district,
9 special district, intrastate district, council of
10 governments (regardless of whether the council
11 of governments is incorporated as a nonprofit
12 corporation under State law), regional or inter-
13 state government entity, or agency or instru-
14 mentality of a local government;

15 (B) an Indian tribe or authorized tribal or-
16 ganization, or in Alaska a Native village or
17 Alaska Regional Native Corporation; and

18 (C) a rural community, unincorporated
19 town or village, or other public entity.

20 (5) PERSONNEL.—The term “personnel” means
21 officers and employees.

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of Homeland Security.

24 (7) STATE.—The term “State” means any
25 State of the United States, the District of Columbia,

1 the Commonwealth of Puerto Rico, the United
2 States Virgin Islands, Guam, American Samoa, the
3 Commonwealth of the Northern Mariana Islands,
4 and any possession of the United States.

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

8 (9) **UNITED STATES.**—The term “United
9 States”, when used in a geographic sense, means
10 any State of the United States, the District of Co-
11 lumbia, the Commonwealth of Puerto Rico, the Vir-
12 gin Islands, Guam, American Samoa, the Common-
13 wealth of the Northern Mariana Islands, any posses-
14 sion of the United States, and any waters within the
15 jurisdiction of the United States.

16 **TITLE I—DEPARTMENT OF**
17 **HOMELAND SECURITY PORT**
18 **SECURITY PROGRAMS**

19 **SEC. 101. UPDATES OF MARITIME OPERATIONS COORDINA-**
20 **TION PLAN.**

21 (a) **IN GENERAL.**—Not later than July 1, 2014, the
22 Secretary, acting through the Department’s Office of Op-
23 erations Coordination and Planning, shall submit to the
24 appropriate congressional committees a maritime oper-
25 ations coordination plan for the coordination and coopera-

1 tion of maritime operations undertaken by the agencies
2 within the Department. Such plan shall update the mari-
3 time operations coordination plan released by the Depart-
4 ment in July 2011, and shall address the following:

5 (1) Coordination of planning, integration of
6 maritime operations, and development of joint situa-
7 tional awareness of any office or agency of the De-
8 partment with responsibility for maritime homeland
9 security missions.

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

14 (3) Leveraging existing departmental coordina-
15 tion mechanisms, including the Interagency Oper-
16 ational Centers, as authorized under section 70107A
17 of title 46, United States Code, the U.S. Customs
18 and Border Protection Air and Marine Operations
19 Center, the U.S. Customs and Border Protection
20 Operational Integration Center, and other regional
21 maritime operational command centers.

22 (4) Cooperation and coordination with other
23 agencies of the Federal Government, and State and
24 local agencies, in the maritime environment, in sup-
25 port of maritime homeland security missions.

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

4 (b) ADDITIONAL UPDATES.—Not later than July 1,
5 2019, the Secretary, acting through the Department’s Of-
6 fice of Operations Coordination and Planning, shall sub-
7 mit to the appropriate congressional committees an addi-
8 tional update to the maritime operations coordination
9 plan.

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

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

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

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

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

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

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

15 (1) The most recent Departmental Quadrennial
16 Homeland Security Review, and any follow-up guid-
17 ance related to such Review.

18 (2) The Department's Annual Performance
19 Plans.

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

22 (4) Department and U.S. Customs and Border
23 Protection Strategic Plans and Resource Deploy-
24 ment Plans.

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

3 (2) Potential cost savings derived through
4 shared maintenance and logistics facilities and ac-
5 tivities.

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

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

12 (5) Acquisition and infrastructure costs for en-
13 larging current facilities as needed.

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

20 **SEC. 104. STUDY OF MARITIME SECURITY REDUNDANCIES.**

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

24 (1) conduct a review of port security and mari-
25 time law enforcement operations within the Depart-

1 ment to identify initiatives and programs with dupli-
2 cative, overlapping, or redundant goals and activi-
3 ties, including the cost of such duplication; and

4 (2) submit to the appropriate congressional
5 committees a report on the findings of the study, in-
6 cluding—

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

10 (B) an analysis of personnel, maintenance,
11 and operational costs related to unnecessarily
12 duplicative, overlapping, or redundant goals and
13 activities found in the study.

14 **SEC. 105. ACQUISITION AND STRATEGIC SOURCING OF MA-**
15 **RINE AND AVIATION ASSETS.**

16 (a) IN GENERAL.—Before initiating the acquisition
17 of any new boat or aviation asset, the Secretary shall co-
18 ordinate across the agencies of the Department, as appro-
19 priate, to—

20 (1) identify common mission requirements be-
21 fore initiating a new acquisition program; and

22 (2) standardize, to the extent practicable,
23 equipment purchases, streamline the acquisition
24 process, and conduct best practices for strategic
25 sourcing to improve control, reduce cost, and facili-

1 tate oversight of asset purchases prior to issuing a
2 Request for Proposal.

3 (b) ESTABLISHMENT OF AVIATION AND MARITIME
4 COORDINATION MECHANISM.—Not later than 180 days
5 after the date of the enactment of this Act, the Secretary
6 shall establish a coordinating mechanism for aviation and
7 maritime issues, including issues related to the acquisi-
8 tion, administration, operations, maintenance, and joint
9 management across the Department, in order to decrease
10 procurement and operational costs and increase effi-
11 ciencies.

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

15 **SEC. 106. PORT SECURITY GRANT PROGRAM MANAGEMENT.**

16 (a) DETERMINATION OF APPLICATIONS.—Section
17 70107(g) of title 46, United States Code, is amended—

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

20 “(1) IN GENERAL.—Any entity”; and

21 (2) by adding at the end the following:

22 “(2) DETERMINATION.—Notwithstanding any
23 other provision of law, the Secretary shall, not later
24 than 60 days after the date on which an applicant
25 submits a complete application for a grant under

1 this section, either approve or disapprove the appli-
2 cation.”.

3 (b) ADMINISTRATION OF COST SHARE DETERMINA-
4 TIONS.—Section 70107(c)(2) of title 46, United States
5 Code, is amended by inserting after subparagraph (C) the
6 following:

7 “(D) COST SHARE DETERMINATIONS.—
8 Notwithstanding any other provision of law, not
9 later than 60 days after the date on which an
10 applicant submits a complete application for a
11 matching requirement (other than a project
12 specified in paragraph (1)), the Secretary shall
13 either approve or disapprove the application.”.

14 (c) ADMINISTRATION OF EXTENSIONS.—Section
15 70107(i) of title 46, United States Code, is amended by
16 inserting after paragraph (4) the following:

17 “(5) EXTENSION DETERMINATIONS.—Notwith-
18 standing any other provision of law, not later than
19 60 days after the date on which an applicant sub-
20 mits a complete application for a grant extension,
21 the Secretary shall either approve or disapprove the
22 application.”.

1 **SEC. 107. INTERAGENCY OPERATIONAL CENTERS FOR**
2 **PORT SECURITY.**

3 (a) PARTICIPATING PERSONNEL.—Section
4 70107A(b)(1)(B) of title 46, United States Code, is
5 amended—

6 (1) by inserting “, not less than part-time rep-
7 resentation from U.S. Customs and Border Protec-
8 tion and U.S. Immigration and Customs Enforce-
9 ment,” after “the Coast Guard”; and

10 (2) by striking “the United States Customs and
11 Border Protection and the United States Immigra-
12 tion and Customs Enforcement,”.

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

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

20 (2) participation in such centers and by Federal
21 agencies, State and local law enforcement agencies,
22 port security agencies, and other public and private
23 sector entities, including joint daily operational co-
24 ordination, training and certifying of non-Federal
25 law enforcement personnel, and joint training exer-
26 cises;

1 (3) deployment of interoperable communications
2 equipment under subsection (e) of such section, in-
3 cluding—

4 (A) an assessment of the cost-effectiveness
5 and utility of such equipment for Federal agen-
6 cies, State and local law enforcement agencies,
7 port security agencies, and other public and pri-
8 vate sector entities;

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

13 (C) an explanation of the process in place
14 to obtain and incorporate feedback from Fed-
15 eral agencies, State and local law enforcement
16 agencies, port security agencies, and other pub-
17 lic and private sector entities that are utilizing
18 such equipment in order to better meet their
19 needs; and

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

23 (4) mission execution and mission support ac-
24 tivities of such centers, including daily coordination

1 activities, information sharing, intelligence integra-
2 tion, and operational planning.

3 **SEC. 108. REPORT ON DHS AVIATION ASSETS.**

4 (a) IN GENERAL.—Not later than one year after the
5 date of the enactment of this Act, the Comptroller General
6 of the United States shall submit to the appropriate con-
7 gressional committees a report that analyzes and com-
8 pares the costs, capabilities, and missions of different
9 aviation assets, including unmanned aerial vehicles, uti-
10 lized by the Department to assess the relative costs of un-
11 manned aerial vehicles as compared to manned aerial vehi-
12 cles, and any increased operational benefits offered by un-
13 manned aerial vehicles as compared to manned aviation
14 assets.

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

19 (1) fuel costs;

20 (2) crew and staffing costs;

21 (3) maintenance costs;

22 (4) communication and satellite bandwidth
23 costs;

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

1 (6) any other relevant costs necessary to pro-
2 vide a holistic analysis and to identify potential cost
3 savings.

4 **SEC. 109. SMALL VESSEL THREAT ANALYSIS.**

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

11 **SEC. 110. U.S. CUSTOMS AND BORDER PROTECTION WORK-**
12 **FORCE PLAN.**

13 (a) **IN GENERAL.**—Not later than one year after the
14 date of the enactment of this Act, the Secretary shall sub-
15 mit to the appropriate congressional committees a plan for
16 optimizing staffing levels for U.S. Customs and Border
17 Protection personnel to carry out the mission of the De-
18 partment, including optimal levels of U.S. Customs and
19 Border Protection staffing required to conduct all border
20 security functions.

21 (b) **METHODOLOGY.**—In preparing the staffing plan
22 required under subsection (a), the Secretary shall include
23 an evaluation that compares a risk-based allocation of
24 staffing at and between the ports of entry against a ran-
25 dom sampling model.

1 (c) CONSIDERATION OF PRIOR STAFFING RE-
2 SOURCES.—The staffing plan shall consider previous staff-
3 ing models prepared by the Department and assessments
4 of threat and vulnerabilities.

5 **TITLE II—MARITIME SUPPLY**
6 **CHAIN SECURITY**

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

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

11 (1) by amending subsection (b) to read as fol-
12 lows:

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

16 “(1) identify and address gaps and unnecessary
17 redundancies or overlaps in the roles, responsibil-
18 ities, or authorities of the agencies responsible for
19 securing the supply chain, including—

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

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

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

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

5 “(B) facilitate the efficient flow of legiti-
6 mate commerce;

7 “(C) enhance the security of the inter-
8 national supply chain; or

9 “(D) address any gaps or overlaps de-
10 scribed in paragraph (1);

11 “(3) identify and make recommendations re-
12 garding further legislative, regulatory, or organiza-
13 tional changes necessary to—

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

16 “(B) facilitate the efficient flow of legiti-
17 mate commerce;

18 “(C) enhance the security of the inter-
19 national supply chain; or

20 “(D) address any gaps or overlaps de-
21 scribed in paragraph (1);

22 “(4) provide measurable goals, including objec-
23 tives, mechanisms, and a schedule, for furthering the
24 security of commercial operations from point of ori-
25 gin to point of destination;

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

3 “(6) recommend additional incentives for vol-
4 untary measures taken by private sector entities to
5 enhance supply chain security, including additional
6 incentives for such entities participating in the Cus-
7 toms-Trade Partnership Against Terrorism in ac-
8 cordance with sections 214, 215, and 216;

9 “(7) consider the impact of supply chain secu-
10 rity requirements on small- and medium-sized com-
11 panies;

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

16 “(9) provide updated protocols for the expedi-
17 tious resumption of the flow of trade in accordance
18 with section 202;

19 “(10) review and address implementation of les-
20 sons learned from recent exercises conducted under
21 sections 114 and 115, and other international supply
22 chain security, response, or recovery exercises that
23 the Department participates in, as appropriate;

24 “(11) consider the linkages between supply
25 chain security and security programs within other

1 systems of movement, including travel security and
2 terrorism finance programs;

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

6 “(13) expand upon and relate to existing strate-
7 gies and plans for securing supply chains, including
8 the National Response Plan, the National Maritime
9 Transportation Security Plan, the National Strategy
10 for Maritime Security, and the eight supporting
11 plans of such National Strategy for Maritime Secu-
12 rity, as required by Homeland Security Presidential
13 Directive 13.”;

14 (2) in subsection (g)—

15 (A) in the header, by striking “FINAL”
16 and inserting “UPDATED”; and

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

19 “(3) FINAL REPORT.—Not later than two years
20 after the date on which the update of the strategic
21 plan is submitted under paragraph (2), the Sec-
22 retary shall submit to the appropriate congressional
23 committees a report that contains a further update
24 of the strategic plan.

1 participant’s security measures and supply chain secu-
2 rity practices if the Commissioner determines, based
3 on previously identified deficiencies in security meas-
4 ures and supply chain security practices of the C-
5 TPAT participant, that there is a significant likeli-
6 hood that such an inspection would assist in con-
7 firming the security measures in place and further
8 the validation process.”.

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

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

15 “(1) IN GENERAL.—The Secretary shall pro-
16 mote information sharing between and among the
17 Department and Tier 2 and 3 participants and other
18 private entities regarding—

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

22 “(B) means and methods of preventing, re-
23 sponding to, and mitigating consequences from
24 the vulnerabilities, attacks, and exploitations
25 described in subparagraph (A).

1 “(2) CONTENTS.—The information sharing re-
2 quired under paragraph (1) may include—

3 “(A) the creation of classified and unclas-
4 sified means of accessing information that may
5 be used by appropriately cleared personnel and
6 that will provide, as appropriate, ongoing situa-
7 tional awareness of the security of the inter-
8 national supply chain; and

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

13 **SEC. 203. RECOGNITION OF OTHER COUNTRIES’ TRUSTED**
14 **SHIPPER PROGRAMS.**

15 Section 218 of the SAFE Port Act (6 U.S.C. 968)
16 is amended by adding at the end the following new sub-
17 section:

18 “(j) RECOGNITION OF OTHER COUNTRIES’ TRUSTED
19 SHIPPER PROGRAMS.—Not later than 30 days before en-
20 tering into negotiations, and again 30 days before signing
21 an arrangement, between the United States and a foreign
22 government providing for mutual recognition of supply
23 chain security practices which might result in the utiliza-
24 tion of benefits described in section 214, 215, or 216, the
25 Secretary shall—

1 “(1) notify the appropriate congressional com-
2 mittees of the proposed terms of such arrangement;
3 and

4 “(2) determine, in consultation with the Com-
5 missioner, that the foreign government’s supply
6 chain security program provides comparable security
7 as that provided by C-TPAT.”.

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

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary shall de-
14 velop a pilot program to determine whether allowing non-
15 asset based third party logistics providers that arrange
16 international transportation of freight to participate in the
17 Customs-Trade Partnership Against Terrorism program,
18 as described in section 211 of the SAFE Port Act (6
19 U.S.C. 961), would enhance port security, combat ter-
20 rorism, prevent supply chain security breaches, or meet
21 the goals of the Customs-Trade Partnership Against Ter-
22 rorism established pursuant to section 211 of the SAFE
23 Port Act (6 U.S.C. 961).

24 (b) REQUIREMENTS.—

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

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

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

12 (c) REPORT.—Not later than 180 days after the con-
13 clusion of the pilot program, the Secretary shall submit
14 to the appropriate congressional committees a report on
15 the findings and any recommendations of the pilot pro-
16 gram concerning the participation in the Customs-Trade
17 Partnership Against Terrorism of non-asset based third
18 party logistics providers that arrange international trans-
19 portation of freight to combat terrorism and prevent sup-
20 ply chain security breaches.

21 **SEC. 205. TRANSPORTATION WORKER IDENTIFICATION**

22 **CREDENTIAL PROCESS REFORM.**

23 (a) SENSE OF CONGRESS.—To avoid further impos-
24 ing unnecessary and costly regulatory burdens on United
25 States workers and businesses, it is the sense of Congress

1 that it is urgent that the Transportation Worker Identi-
2 fication Credential (in this section referred to as the
3 “TWIC”) application process be reformed by not later
4 than the end of 2012, when hundreds of thousands of cur-
5 rent TWIC holders will begin to face the requirement to
6 renew their TWICs.

7 (b) TWIC APPLICATION REFORM.—Not later than
8 270 days after the date of the enactment of this Act, the
9 Secretary shall reform the process for the enrollment, acti-
10 vation, issuance, and renewal of a TWIC to require, in
11 total, not more than one in-person visit to a designated
12 enrollment center except in cases in which there are ex-
13 tenuating circumstances, as determined by the Secretary,
14 requiring more than one such in-person visit.

15 **SEC. 206. ISSUANCE OF FINAL RULE RELATING TO TRANS-**
16 **PORTATION WORKER IDENTIFICATION CRE-**
17 **DENTIAL READER REQUIREMENTS.**

18 (a) DEADLINE.—The Secretary shall issue the final
19 rule for installation of electronic readers to verify Trans-
20 portation Worker Identification Credentials as an access
21 control and security measure issued pursuant to the ad-
22 vanced notice of proposed rulemaking published on March
23 27, 2009 (74 Fed. Reg. 58).

24 (b) STAY OF EXPIRATIONS.—If the final rule re-
25 quired under subsection (a) is not issued by December 31,

1 2014, no expiration shall take effect for any Transpor-
2 tation Worker Identification Credential due to expire after
3 December 31, 2014, until the date on which the final rule
4 required under subsection (a) is issued.

5 (c) REVOCATION OF AUTHORITY NOT AFFECTED.—
6 This section shall not be construed to affect the authority
7 of the Secretary to revoke a Transportation Worker Iden-
8 tification Credential—

9 (1) based on information that the holder of
10 such Credential is not qualified to hold such Creden-
11 tial; or

12 (2) if such Credential is lost, damaged, or sto-
13 len.

14 **SEC. 207. SECURING THE TRANSPORTATION WORKER IDEN-**
15 **TIFICATION CREDENTIAL AGAINST USE BY**
16 **UNAUTHORIZED ALIENS.**

17 (a) PROCESS.—

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

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

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

8 (i) identity; and

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

11 (B) establish training requirements to en-
12 sure that trusted agents at TWIC enrollment
13 centers receive training to identify fraudulent
14 documents.

15 (b) EXPIRATION OF TWICs.—A TWIC expires on
16 the date of its expiration, or in the date on which the indi-
17 vidual to whom such a TWIC is issued is no longer law-
18 fully present in the United States, whichever is earlier.

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