

with a CEO to manage the day-to-day operations of VOA and other federally run operations.

As we learned during last year's hearing, there was growing concern of micromanagement by the Broadcasting Board of Governors and the challenge of achieving a quorum at the board meetings needed to make operational decisions. This will put the Board of Governors in a more advisory role.

Further, the bill will consolidate the non-Federal broadcasters under the same umbrella, known as the Freedom News Network, achieving economies of scale, saving money, as the chairman has indicated, and allowing for closer collaboration on other more global efforts.

Importantly, this legislation maintains the requirement that U.S. Federal programs serve as an objective source of news and information and not as a mouthpiece for U.S. foreign policy.

This bill has been a collaborative effort that included outreach and input from key stakeholders, including the board itself, the broadcasters, and agency staff. This is the kind of bipartisan oversight on which we should be focusing. I wish more committees in this body would follow this example.

Once again, I thank Chairman ROYCE and Ranking Member ELIOT ENGEL for their bipartisan leadership and for bringing our committee, once again, together on this very important piece of legislation.

Having no further speakers on this side, Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I just will close with this because we had testimony before the Foreign Affairs Committee last summer by the former BBG Governor, Enders Wimbush. And I wanted to quote what he said:

Today's problem is not enough information but the opposite. Most places, even some enduring the repression of nasty regimes, get plenty, much of it junk. This is the new competitive landscape for U.S. international broadcasting. Our competitors, too, have multiplied, while our allies have retreated. One would think that American strategists would sharpen their spears to compete in this world. Yet the opposite seems to be happening, again, due in large part to the incoherence of the BBG. It is incapable of articulating a set of media strategies, and it has no way to attach whatever measures it does adapt to larger U.S. national objectives.

So as you can tell, the current bureaucratic umbrella overseeing U.S. international broadcasters is deeply flawed. That is why this bill is so important. We need our international broadcasters to succeed in their missions. We want the Voice of America to—I am going to quote President Kennedy here—“tell America's story to the world.” We want our surrogate broadcasters to tell the stories to people in closed societies that their own governments won't tell them. And we want the American taxpayers to see a return on the generous investment they have been making in international broadcasting. This legislation does that, and I urge all of the Members to support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 4490, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ESSENTIAL TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL ASSESSMENT ACT

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3202) to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3202

*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 “Essential Transportation Worker Identification Credential Assessment Act”.

#### SEC. 2. COMPREHENSIVE SECURITY ASSESSMENT OF THE TRANSPORTATION SECURITY CARD PROGRAM.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Comptroller General of the United States a comprehensive assessment of the effectiveness of the transportation security card program under section 70105 of title 46, United States Code, at enhancing security and reducing security risks for facilities and vessels regulated pursuant to section 102 of Public Law 107-295. Such assessment shall be conducted by a national laboratory that, to the extent practicable, is within the Department of Homeland Security laboratory network with expertise in maritime security or by a maritime security university-based center within the Department of Homeland Security centers of excellence network.

(b) CONTENTS.—The comprehensive assessment shall include—

(1) an evaluation of the extent to which the program, as implemented, addresses known or likely security risks in the maritime environment;

(2) an evaluation of the extent to which deficiencies identified by the Comptroller General have been addressed; and

(3) a cost-benefit analysis of the program, as implemented.

(c) CORRECTIVE ACTION PLAN; PROGRAM REFORMS.—Not later than 60 days after the Secretary submits the assessment under subsection (a), the Secretary shall submit a corrective action plan to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation

of the Senate that responds to the assessment under subsection (b). The corrective action plan shall include an implementation plan with benchmarks, may include programmatic reforms, revisions to regulations, or proposals for legislation, and shall be considered in any rule making by the Department relating to the transportation security card program.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the Secretary issues the corrective action plan under subsection (c), the Comptroller General shall—

(1) review the extent to which such plan implements—

(A) recommendations issued by the national laboratory or maritime security university-based center, as applicable, in the assessment submitted under subsection (a); and

(B) recommendations issued by the Comptroller General before the enactment of this Act; and

(2) inform the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate as to the responsiveness of such plan to such recommendations.

(e) TRANSPORTATION SECURITY CARD READER RULE.—

(1) IN GENERAL.—The Secretary of Homeland Security may not issue a final rule requiring the use of transportation security card readers until—

(A) the Comptroller General informs the Committees on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and Commerce, Science and Transportation of the Senate that the submission under subsection (a) is responsive to the recommendations of the Comptroller General; and

(B) the Secretary issues an updated list of transportation security card readers that are compatible with active transportation security cards.

(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply with respect to any final rule issued pursuant to the notice of proposed rulemaking on Transportation Worker Identification Credential (TWIC)-Reader Requirements published by the Coast Guard on March 22, 2013 (78 Fed. Reg. 17781).

(f) COMPTROLLER GENERAL OVERSIGHT.—Not less than 18 months after the date of the issuance of the corrective action plan under subsection (c), and every six months thereafter during the 3-year period following the date of the issuance of the first report under this subsection, the Comptroller General shall report to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding implementation of the corrective action plan.

#### SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise available for such purpose.

The SPEAKER pro tempore (Mr. BYRNE). Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. 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 gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. I yield myself as much time as I may consume.

Mr. Speaker, I rise in very strong support of H.R. 3202, which is called the Essential Transportation Worker Identification Credential Assessment Act, commonly referred to as TWIC, which I will now call TWIC. That is a mouthful.

First, I would certainly like to thank the gentlewoman from Texas (Ms. JACKSON LEE) for introducing this very thoughtful legislation. She has really worked very diligently on this in a very bipartisan way. We have worked together to move this legislation through our subcommittee and through the full Committee on Homeland Security.

□ 1600

This bill will really help Congress determine the value of the TWIC program and simultaneously allow the department to proceed apace with finalizing the long-awaited card reader rule.

I mentioned I am a cosponsor of this bill because it really responds to key recommendations of the GAO that the TWIC program should have a baseline security assessment before the program moves forward.

As many of my colleagues with ports in their districts know, TWIC is a port security program that has been wrought with constant delays and questions about its overall security value.

Last year, the Border and Maritime Subcommittee that I am honored to chair held a hearing with the Coast Guard, with the TSA, and with the GAO on the TWIC program and the ongoing concerns that we have with it, and this legislation, Mr. Speaker, is really a result of that oversight.

Now, it may be hard to believe, but more than a decade after the legislation that required TWIC was first enacted, there has been no security or effectiveness assessment of the program to assess the underlying assumptions of the security and access control concerns that the card was intended to mitigate.

This bill seeks to answer the simple question: How, if at all, does TWIC improve maritime security? It should have been one of the very first things that the department did when it began to implement this program, and this bill ensures that it finally gets done.

The TWIC card was initially designed to prevent terrorists from gaining access to sensitive parts of our Nation's ports through the use of biometric-enabled credentials. However, with no biometric reader regulations in place,

the TWIC card currently is used really as a flash pass, since most facilities and vessels are neither currently required to nor voluntarily utilize biometric readers. The lack of biometric readers, therefore, limits the effectiveness of this program.

For several years, members of the Homeland Security Committee have been calling on the department to release the card reader rule to provide some certainty to workers and to industry. We finally received the notice of proposed rulemaking over a year ago, which would require TWIC readers to be used at the riskiest 5 percent of all the TWIC-regulated vessels and facilities, and this comes, Mr. Speaker, nearly 6 years after workers were first required to pay for and to obtain a TWIC card.

The delays are so significant that workers have already had to renew their biometric credentials in the time that it has taken to issue regulations on credential readers to actually utilize this biometric-enabled technology.

While we certainly all agree that there is huge room for improvement with the TWIC program, putting it on hold for several more years, we think, would do more harm than good. The business community has been preparing for this TWIC rule for several years.

This bill will give them certainty about the requirements of the program. It also allows the Coast Guard and the TSA to continue their efforts to deliver the port security program that Congress enacted several years ago.

Finally, H.R. 3202 requires the GAO to perform consistent reviews of the TWIC program and to follow the changes the department makes as a result of the required assessment. This added level of review will provide Congress, especially the members of our committee, with progress updates for future legislative action.

The proposed rule and open GAO recommendations lead to some very basic questions about mitigating threats, risk, and vulnerability at our Nation's ports and how the TWIC program should be used effectively to prevent a potential terrorist attack. We certainly have an obligation to get this right.

Mr. Speaker, I would urge my colleagues to support H.R. 3202, and I reserve the balance of my time.

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, July 8, 2014.

Hon. MICHAEL T. MCCAUL,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act, as ordered reported, with amendment, by the Committee on Homeland Security on June 11, 2014. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite floor consideration of H.R. 3202, the Committee on Transportation

and Infrastructure will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee report on H.R. 3202 and into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

BILL SHUSTER,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, July 8, 2014.

Hon. BILL SHUSTER,  
Chairman, Committee on Transportation and  
Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for your letter regarding the Committee on Transportation and Infrastructure's jurisdictional interest in H.R. 3202, the "Essential Transportation Worker Identification Credential Assessment Act."

I agree that the Committee on Transportation and Infrastructure has a jurisdictional interest in the United States Coast Guard, and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of H.R. 3202. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation, should such a conference be convened.

Finally, I will include a copy of your letter and this response in the report accompanying H.R. 3202 and in the Congressional Record during consideration of this bill on the Floor. Thank you again for your cooperation.

Sincerely,

MICHAEL T. MCCAUL,  
Chairman.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act and yield myself such time as I may consume.

Mr. Speaker, again, I rise in strong support of my bill, H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act and, again, want to offer my appreciation to Chairwoman MILLER of the committee, that I am the ranking member of, for her collaboration, cooperation, and commitment to America's security and working together in a bipartisan manner not only at the subcommittee level, but at the full committee level.

Again, thanking Mr. MCCAUL, the chairman of the full committee, and Mr. THOMPSON, the ranking member of the full committee, I would offer to say that Homeland Security has put national security first beyond any of our partisan desires, so I am grateful for that as we move this legislation forward.

I would like to think that both Chairwoman MILLER and myself believe that there is a value to the TWIC card. Even this weekend, as I was in my district canvassing an area about crime issues, a gentleman came out and said: I have a house here, I am training individuals how to apply for the TWIC card.

I couldn't believe it. In a neighborhood, there was someone who was trying to get resources to train people to get a TWIC card because they knew how valuable it was if you want to work in the Nation's ports.

It is valuable, but I want to acknowledge the card reader pilot results are unreliable, and security benefits need to be reassessed. This was done by the GAO in May 2013. I would just like to read these words from what the GAO recommended:

Congress should halt DHS' efforts to promulgate a final regulation until the successful completion of a security assessment of the effectiveness of using TWIC.

Here is an issue where Congress rose to the occasion, and this is this legislation, to be able to respond to make something better. When Congress enacted the SAFE Port Act in 2006, we directed the Secretary of Homeland Security to implement a biometric credential program to ensure that individuals with unescorted access to sensitive areas of ports and vessels were vetted and known.

I think there is enough evidence for us to know that terror can come in many forms, and we know that by some of the terrible incidents that have occurred—the incident in Yemen where one of our ships was attacked—so we know how difficult securing these large areas and vessels are.

However, we learned that, as implemented by TSA and the Coast Guard, there are weaknesses in the program. Indeed, the Government Accountability Office has identified serious shortcomings with the TWIC program, as implemented, that may undermine the program's intended purpose and make it difficult to justify costs, particularly the costs to workers.

I want to emphasize workers because when we first began this program, there were a number of us on the committee who wanted to do several things, wanted to provide more centers where TWIC cards could be accessible because many of the longshoremen and other workers were finding it difficult in their schedule to be able to secure one.

I secured a TWIC card to be able to determine how the process works. The biometrics issue came out from the 9/11 reports. It was suggested that biometrics would be the way to go, and so the TWIC card was designed that way, to deal with biometrics.

Unfortunately, all those efforts of trying to make it accessible didn't answer the question of whether or not it was going to be effective. Again, I remember trying to get around-the-clock

sites where longshoremen and others who worked in these areas could get it, according to their shifts. Some of them are out for many days and months at a time.

Specifically, GAO's review of the pilot tests aimed at assessing the technology and operational impact of using the TWIC with card readers show that the test results were incomplete, inaccurate, and unreliable for informing Congress and for developing a regulation about the readers.

GAO found that challenges related to pilot planning, data collection, and reporting effected the completeness, accuracy, and reliability of the pilot results. GAO determined that these issues call into question the program's premise and effectiveness in enhancing security.

In response, I introduced H.R. 3202, with the support of subcommittee Chairwoman MILLER as an original cosponsor, to ensure that Congress received an independent—I want to make it very clear that this is very important—an independent scientific assessment of the program and to require the Secretary to ensure a corrective action plan in response to the assessment. The required assessment should give Congress the information it needs to determine how best to proceed with the program.

I want to point out that in committee, language was integrated that clarified that any pending rulemaking would not be impacted by this bill and refine the scope of the assessment we are seeking, made it more pointed, and made it very clear that any rulemaking would not be interfered with.

I think that is the right way for Congress to work. The department has said that the final rule for biometric readers will be published in January 2015.

Mr. Speaker, I am hoping that we can continue to be on that schedule. We were hoping that it was going to be earlier, but we hope that this report will be more helpful to Congress in determining how, ultimately, this program will work.

There is great interest in the final rule; particularly, there is interest in how many ports and vessels will be required to install readers for biometric cards.

If the final rule requires only a limited number of vessels in ports to have biometrics readers, as has been previously proposed by the department, we will certainly need to have a discussion about what this means for the approximately 2 million truckers, longshoremen, and port workers who today are required to carry biometric cards to do their jobs.

We want an effective system. I believe it could be effective. I believe it is valuable. I believe people should be carded going into security areas or sensitive areas, and I think we have gotten our workers to be able to understand it as well, if it works right for them.

So we will look forward to this process where we continue to collaborate,

and this legislation will be helpful as such.

Mr. Speaker, I would like to just have some closing remarks to emphasize that the idea of the Transportation Worker Identification card, the TWIC card, was to promote security and standardization.

It was a common credential that enables facility and vessel operators, as well as Federal, State, local, tribal, and territorial law enforcement entities to verify the identity of individuals, a step that was not feasible prior to TWIC implementation, with potentially thousands of different facility-specific credentials, which is why many of us supported—and I strongly support—the TWIC card. I want it to work.

TWIC also allows transportation workers to move among facilities, vessels, and geographic regions as needed for routine demands during emergencies while still maintaining security. In the interest of security and in order to provide proper stewardship of appropriated funds and collected TWIC funds or fees, this legislation was introduced, the Essential Transportation Worker Identification Credential Assessment Act, to really get a better investment for our money.

I am looking forward to a comprehensive assessment that will, in essence, be done by a not-for-profit laboratory and so that the many problems and vulnerabilities that persist in this program can be either eliminated or corrected.

We want to work with our, if you will, our partners, the Coast Guard, the Transportation Security Agency, and many others. As we all know, national security has to be for all of us our highest priority, particularly Members of Congress, and it certainly is for those of us in the Homeland Security Committee.

So I would ask my colleagues, again, to support H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act, and move us closer to completing our commitment after 9/11, which is to make this country the most secure country in the world.

Mr. Speaker, I thank, again, my chairwoman and collaborator, Mrs. MILLER, for her assistance.

Mr. Speaker, I rise in strong support of my bill, H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act.

When Congress enacted the SAFE Ports Act in 2006, we directed the Secretary of Homeland Security to implement a biometric credential program to ensure that individuals with unescorted access to sensitive areas in ports and vessels were vetted and known.

However, we have learned that, as implemented by TSA and the Coast Guard, there are weaknesses in the program.

Indeed, the Government Accountability Office has identified serious shortcomings with the TWIC program, as implemented, that may undermine the program's intended purpose and make it difficult to justify program costs, particularly the costs to workers.

Specifically, GAO's review of the pilot test aimed at assessing the technology and operational impact of using the TWIC with card readers showed that the test's results were incomplete, inaccurate, and unreliable for informing Congress and for developing a regulation about the readers.

GAO found that challenges related to pilot planning, data collection, and reporting affected the completeness, accuracy, and reliability of the pilot results.

GAO determined that these issues call into question the program's premise and effectiveness in enhancing security.

In response, I introduced H.R. 3202, with the support of Subcommittee Chairman MILLER as an original cosponsor, to ensure that Congress receives an independent scientific assessment of the program and to require the Secretary to issue a corrective action plan in response to the assessment.

The required assessment should give Congress the information it needs to determine how best to proceed with the program.

I want to point out that in Committee, language was integrated to ensure that clarified that pending rulemaking would not be impacted by the bill and refined the scope of the assessment we are seeking.

The Department has said that the final rule for biometric readers will be published in January 2015.

There is great interest in that final rule, particularly there is interest in how many ports and vessels will be required to install readers for biometric cards.

If the final rule requires only a limited number of vessels and ports to have biometric readers, as has been previously proposed by the Department, we will certainly need to have a discussion about what this means for the approximately 2 million truckers, longshoremen and port workers who today are required to carry biometric cards to do their jobs.

In closing, I want to express my appreciation to Chairman MILLER for the bipartisan nature of the work on this and all the bills that originate in our Subcommittee and thank you and your staff for their cooperation.

As a Houstonian, I have a special appreciation for what is at stake. We owe it to the men and women that rely on our Nation's ports for their livelihoods to get this right.

With that Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I certainly want to associate myself with many of the comments that my ranking member on the subcommittee has made in regards to maritime security. It is interesting on Homeland Security, both our subcommittee and the full committee as well, how we do work in a very bipartisan fashion.

Really, the first and foremost responsibility of the Federal Government is to provide for the common defense, whether it's national security or homeland security. With all the issues that are facing our Nation, we think about the potential for terrorist attacks, and this piece of legislation really focusing on the maritime security of our ports throughout our Nation is, I think, so incredibly important, and so I am just delighted that we were finally able to bring it to the floor.

I would certainly, again, urge all my colleagues to support this very strong, very bipartisan piece of legislation, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 3202, the "Essential Transportation Worker Identification Credential Assessment Act," introduced by the Ranking Member of the Committee on Homeland Security's Subcommittee on Border and Maritime, Rep. SHEILA JACKSON LEE.

H.R. 3202 seeks to ensure that Transportation Worker Identification Credential program, as implemented by TSA and the Coast Guard, deliver the security benefits that Congress envisioned in the SAFE Port Act of 2006.

We have worked hard, on a bipartisan basis, to make this program work.

However, as documented in multiple reports on the program produced by the Government Accountability Office, TWIC has not lived up to our expectations.

Meanwhile, working-class Americans whose livelihoods depend on accessing ports and vessels have borne the costs of this troubled program.

Longshoremen, truck drivers, and others are paying hard-earned money for biometric cards that may offer only limited security value.

The bill before us today would require an independent assessment of the TWIC program and mandate the Secretary issue a corrective action plan in response to the assessment.

The required assessment should give Congress the information it needs to determine how best to proceed with the program.

The bill does not, however, delay the long-overdue final rule for deployment of TWIC readers, which is expected to limit significantly the ports required to utilize biometric readers.

If that is the case, and depending on the outcome of the assessment required by the bill, Congress may need to examine whether requiring workers who do not need to access ports with biometric readers should continue to be required to purchase a biometric credential.

For today, I look forward to speedy approval of this bill by the House and hope it will be considered by the Senate and signed by the President in short order.

With that, Mr. Speaker, I urge my colleagues to support H.R. 3202, the "Essential Transportation Worker Identification Credential Assessment Act."

Mr. MCCAUL. Mr. Speaker, I rise in support of H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act. This measure responds to a key recommendation made by the Government Accountability Office, to conduct a security assessment of the effectiveness of the Transportation Worker Identification Credential (TWIC).

The TWIC program is a joint-run program in the Department of Homeland Security between the U.S. Coast Guard and the Transportation Security Administration. The program, which is intended to provide secure access control, uses biometric credentials to limit access to secure areas of ports or vessels only to those individuals that actually need access. Unfortunately, the TWIC program remains incomplete, which has resulted in significant uncertainty for our nation's transportation and maritime industry.

While regulations were in place beginning in 2007 for maritime workers to purchase the bi-

ometric credentials, regulations requiring the issuance of card readers remain incomplete, and have been significantly delayed. These delays come despite the issuance of a Notice of Proposed Rulemaking more than a year ago to finally issue biometric readers. However, no final rule has been issued. The significant program delays have resulted in maritime workers having to pay to renew their credentials after five years, despite no biometric readers being required within that timeframe. These delays, coupled with a scathing GAO recommendation calling into question the underlying security value of the TWIC program, raise very serious questions about the future of this program.

It is therefore important that Congress pass this legislation, which is responsive to the GAO's most recent recommendation on the program: an independent security assessment of the TWIC program. It is my hope that the Congress will observe the findings of this assessment, and consider reforming this program, if necessary.

I thank the Chair and Ranking Member of the Border and Maritime Security Subcommittee, Mrs. MILLER of Michigan and Ms. JACKSON-LEE of Texas, for their important oversight and legislative work on this issue.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, the Ranking Member of the Border and Maritime Security Subcommittee, and the author of the legislation, I rise in strong and enthusiastic support of H.R. 3202, the "Essential Transportation Worker Identification Credential Assessment Act."

The Essential Transportation Worker Identification Credential Assessment Act directs the Secretary of Homeland Security (DHS) to submit to Congress and the Comptroller General (GAO) a comprehensive assessment of the effectiveness of the transportation security card program at enhancing security or reducing security risks for maritime facilities and vessels.

I introduced, H.R. 3202, in response to this GAO TWIC Report on the Weaknesses in the Transportation Worker Identification Credential (TWIC) Reader Pilot program that impacted the accuracy, and reliability of the system.

The GAO report stated that data collection and retention was done in an incomplete and inconsistent manner during the pilot, further undermining the completeness, accuracy, and reliability of the data collected at pilot sites.

Problems identified included by the GAO report included:

Installed TWIC readers and access control systems could not collect required data on TWIC reader use, and TSA and the independent test agent did not employ effective compensating data collection measures.

Reported transaction data did not match underlying documentation.

Pilot documentation did not contain complete TWIC reader and access control system characteristics.

Transportation Security Administration (TSA) and the independent test agent did not record clear baseline data for comparing operational performance at access points with TWIC readers.

TSA and the independent test agent did not collect complete data on malfunctioning TWIC cards.

Pilot participants did not document instances of denied access.

TSA and the independent test agent did not collect consistent data on the operational impact of using TWIC cards with readers.

Pilot site reports did not contain complete information about installed TWIC readers' and access control systems' design.

The seeks to address the problems outlined in the GAO report by directing the Secretary to issue a corrective action plan based on the assessment that responds to the findings of a cost-benefit analysis of the program and enhances security or reduces security risk for such facilities and vessels.

Following the assessment the Comptroller General, within 120 days must: review the extent to which the submissions implement certain recommendations issued by the Comptroller General, and inform Congress as to the responsiveness of the submission.

Prohibits the Secretary from issuing a final rule requiring the use of transportation security card readers until: the Comptroller General informs Congress that the submission is substantially responsive to the GAO recommendations, and the Secretary issues an updated list of transportation security card readers that are compatible with active transportation security cards.

My Congressional District is located in Houston Texas, which is home to one of the world's busiest ports.

The Port of Houston is critical infrastructure: According to the Department of Commerce in 2012, Texas exports totaled \$265 billion.

The Port of Houston is a 25-mile-long complex of diversified public and private facilities located just a few hours' sailing time from the Gulf of Mexico.

In 2012 ship channel-related businesses contribute 1,026,820 jobs and generate more than \$178.5 billion in statewide economic impact.

For the past 11 consecutive years, Texas has outpaced the rest of the country in exports.

1st ranked US port in foreign tonnage  
2nd ranked US port in total tonnage  
7th ranked US container port by total TEUs in 2012

Largest Texas port with 46% of market share by tonnage

Largest Texas container port with 96% market share in containers by total TEUs in 2012

Largest Gulf Coast container port, handling 67% of US Gulf Coast container traffic in 2012

2nd ranked US port in terms of cargo value (based on CBP Customs port definitions)

The Government Accountability Office (GAO), reports that this port, and its waterways, and vessels are part of an economic engine handling more than \$700 billion in merchandise annually.

The Port of Houston houses approximately 100 steamship lines offering services that link Houston with 1,053 ports in 203 countries.

The Port of Houston has \$15 billion petrochemical complex, the largest in the nation and second largest worldwide.

The bill will address the underlying concerns regarding Transportation Worker Identification Credentials documented by the Government Accountability Office report published in May 2013.

When Congress enacted the SAFE Ports Act in 2006, we directed the Secretary of Homeland Security to implement a biometric credential program to ensure that individuals with unescorted access to sensitive areas in ports and vessels were vetted and known.

However, under the Homeland Security Committee's oversight responsibilities we

learned that, as implemented by TSA and the Coast Guard, there are weaknesses in the program.

One of the greatest engines our economy has is the Port of Houston, which hosts a \$15 billion petrochemical complex, the largest in the nation and second largest worldwide?

The Port of Houston petrochemical complex supplies over 40 percent of the nation's base petrochemical manufacturing capacity.

What happens at the Port of Houston affects the entire nation.

For this reason, I introduced H.R. 3202, with the support of Subcommittee Chairman MILLER as an original cosponsor, to ensure that Congress receives an independent scientific assessment of the program and to require the Secretary to issue a corrective action plan in response to the assessment.

Indeed, the Government Accountability Office has identified serious shortcomings with the TWIC program, as implemented, that may undermine the program's intended purpose and make it difficult to justify program costs, particularly the costs to workers.

Other considerations for security are in the infrastructure necessary to make sure that there is an ability to electronically check the credential of workers as they enter ports.

The required assessment should give Congress the information it needs to determine how best to proceed with the program.

I want to point out that in Committee, language was integrated to ensure that clarified that pending rulemaking would not be impacted by the bill and refined the scope of the assessment we are seeking.

The Department has said that the final rule for biometric readers will be published in January 2015.

There is great interest in that final rule, particularly there is interest in how many ports and vessels will be required to install readers for biometric cards.

If the final rule requires only a limited number of vessels and ports to have biometric readers, as has been previously proposed by the Department, we will certainly need to have a discussion about what this means for the approximately 2 million truckers, longshoremen and port workers who today are required to carry biometric cards to do their jobs.

#### BILL BACKGROUND

The nationwide recognition of the Transportation Worker Identification Credential (TWIC) promotes security and standardization.

A common credential enables facility and vessel operators as well as federal, state, local, tribal, and territorial law enforcement entities to verify the identity of individuals—a step that was not feasible prior to TWIC implementation with potentially thousands of different facility-specific credentials.

TWIC also allows transportation workers to move among facilities, vessels, and geographic regions as needed for routine market demands and during emergencies, while still maintaining security.

"In the interest of security and in order to provide proper stewardship of appropriated funds and collected TWIC fees, I introduced legislation to insist that DHS demonstrate how the TWIC Program will improve maritime security.

The Transportation Worker Identification Credential Assessment Act will require the Secretary of Homeland Security to complete and submit to Congress and GAO a com-

prehensive assessment of the effectiveness of the TWIC Program at enhancing or reducing security risks for maritime facilities and vessels.

The comprehensive assessment will be completed by an independent, not-for-profit laboratory.

Many problems and vulnerabilities persist and will have to be resolved if the TWIC Program is to ever realize the security benefits envisioned by Congress.

I want to express my appreciation to Chairman MILLER for the bipartisan nature of the work on this and all the bills that originate in our Subcommittee and thank you and your staff for their cooperation.

I ask my colleagues on both sides of the aisle to strongly support this bipartisan bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3202, 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. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### UNITED STATES CUSTOMS AND BORDER PROTECTION AUTHORIZATION ACT

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3846) to provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3846

*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 "United States Customs and Border Protection Authorization Act".

#### SEC. 2. ESTABLISHMENT OF UNITED STATES CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended to read as follows:

**"SEC. 411. ESTABLISHMENT OF UNITED STATES CUSTOMS AND BORDER PROTECTION; COMMISSIONER, DEPUTY COMMISSIONER, AND OPERATIONAL OFFICES.**

**"(a) IN GENERAL.**—There is established in the Department an agency to be known as United States Customs and Border Protection.

**"(b) COMMISSIONER OF UNITED STATES CUSTOMS AND BORDER PROTECTION.**—There shall be at the head of United States Customs and Border Protection a Commissioner of United States Customs and Border Protection (in this section referred to as the 'Commissioner'), who shall be appointed by the President, by and with the advice and consent of the Senate.