

DIRECTING 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

JUNE 15, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. KING of New York, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 3173]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3173) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

Congress finds the following:

(1) United States workers employed at nearly 2,600 marine facilities and on-board nearly 13,000 United States-flag vessels are required to carry a Transportation Worker Identification Credential (TWIC) under the Maritime Transportation Security Act of 2002 (MTSA). Department of Homeland Security (DHS) regulations require merchant mariners who hold a Coast Guard-issued Merchant Mariner Credential (MMC) and individuals who require unescorted access to secure areas of MTSA-regulated vessels and facilities to carry a TWIC.

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

(3) A TWIC is valid for a maximum of five years, at which time the cardholder must request issuance of a new card. This process requires workers to make an additional two or more trips to the enrollment center and again pay \$132.50 to receive a new card.

(4) In addition to the cost of the card, workers face the burden of making two or more time-consuming and often expensive round trips to a TWIC enrollment center. In many instances, the nearest enrollment center is hundreds of miles from a worker's home.

(5) The TWIC enrollment process requiring two or more round trips to an enrollment center is not mandated by statute or by regulation. The process is driven by a DHS policy decision to align the requirements for TWIC issuance with standards for Personal Identity Verification (PIV) for Federal employees and contractors. These standards are contained in Federal Information Processing Standard Publication 201 (FIPS-201).

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

(7) Unlike other Government-issued credentials that adhere to the FIPS-201 standard, the TWIC is effectively a work permit for a highly-mobile private sector workforce.

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

(9) DHS has the statutory authority and regulatory flexibility to develop an alternative process for TWIC enrollment and issuance that does not require applicants to make multiple trips to a TWIC enrollment center.

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

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

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) to avoid further imposing unnecessary and costly regulatory burdens on United States workers and businesses, it is urgent that the TWIC application process be reformed by not later than the end of 2012, when hundreds of thousands of current TWIC holders will begin to face the requirement to renew their TWICs;

(2) the Secretary of Homeland Security should promulgate final regulations that require the deployment of TWIC readers as soon as practicable, in order to ensure the TWIC program realizes its intended security purpose; and

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

SEC. 3. TWIC APPLICATION REFORM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall 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 except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

PURPOSE AND SUMMARY

The purpose of H.R. 3173 is 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.

BACKGROUND AND NEED FOR LEGISLATION

The Transportation Worker Identification Credential (TWIC) program was established to ensure all individuals who require admittance into secure areas of regulated maritime facilities and vessels are properly vetted and do not pose a threat to maritime and supply chain security.

Current TWIC requirements require that applicants go to an enrollment center twice to complete the application and confirm the biometric information embedded into the card. The Committee believes that this is an onerous burden for workers in the maritime industry, such as merchant vessel operators and truck drivers, who must obtain the credential for employment.

Individuals in need of a TWIC card often work long hours with little down time. Many cannot afford to take extended periods of time off to go to an enrollment center, in some cases located hundreds of miles away, on two different occasions.

The Committee believes that the Secretary of Homeland Security should reform the TWIC process before the end of 2012, when the TWICs first issued in 2007 will need to be renewed allowing applicants to complete the process with only one in-person visit.

HEARINGS

Although no hearings were directly held on H.R. 3173 during the 112th Congress, TWIC was discussed at multiple hearings.

On June 14, 2011, the Subcommittee on Border and Maritime Security held a hearing entitled “Securing the Nation’s Ports and Maritime Border—A Review of the Coast Guard Post—9/11 Homeland Security Missions.” The Subcommittee received testimony from Admiral Robert J. Papp, Jr., Commandant of the U.S. Coast Guard.

COMMITTEE CONSIDERATION

The Committee met on May 9, 2012, to consider H.R. 3173, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The Committee adopted H.R. 3173, as amended, by unanimous consent.

The following amendments were offered:

An amendment offered by MS. SANCHEZ (#1); was AGREED TO by unanimous consent.

At the end of section 1, add

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

Amend section 2 with a new section entitled “Sec. 2. Sense of Congress.”

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 3173.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3173 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

JUNE 8, 2012.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3173, 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.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 3173—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

The Maritime Transportation Security Act (Public Law 107–295) directs the Secretary of Homeland Security to prohibit unauthorized individuals from accessing secure areas of ports, vessels, facilities on the Outer Continental Shelf, and all credentialed merchant mariners. To meet that requirement, the Transportation Security Administration (TSA) issues credentials with biometric information (known as Transportation Worker Identification Credentials, or TWICs) to workers who require unescorted access to such areas.

Under current administrative procedures, obtaining a TWIC requires at least two in-person visits to a TWIC enrollment center. H.R. 3173 would direct the Secretary of Homeland Security to reform those procedures to ensure that individuals seeking a TWIC would need to make one such in-person visit.

The costs of implementing reformed TWIC procedures under H.R. 3173 are uncertain and would depend on specific changes that TSA would make. Current law directs TSA to collect and spend cost-based fees from TWIC applicants to administer the program. For this estimate, CBO assumes that TSA would revise fees to offset any change in TSA's costs to administer the TWIC program under H.R. 3173. Any such changes to offsetting receipts from such fees and subsequent spending would be considered direct spending; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any resulting net changes in direct spending under H.R. 3173 would not be significant in any year. Enacting the bill would not affect revenues.

H.R. 3173 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 3173 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

The performance goal and objective of H.R. 3173 is the reform of the TWIC application process to allow applicants to obtain a TWIC with only one in-person visit.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 3173 does not preempt any State, local, or Tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Findings

Congress finds the following:

United States workers employed at nearly 2,600 marine facilities and onboard nearly 13,000 United States-flag vessels are required to carry a Transportation Worker Identification Credential (TWIC) under the Maritime Transportation Security Act of 2002.

Nearly two million transportation workers have applied for and received a TWIC. Applicants must pay \$132.50 to obtain the TWIC, and make two or more trips to an enrollment center to apply for, and then to pick up and activate, their TWIC.

Workers face the burden of making two or more time-consuming and often expensive round trips to a TWIC enrollment center. In many instances, the nearest enrollment center is hundreds of miles from a worker's home.

The TWIC enrollment process requiring two or more round trips to an enrollment center is not mandated by statute or regulation. The process is driven by a Department of Homeland Security policy decision to align the requirements for TWIC issuance with standards for Personal Identity Verification for Federal employees and contractors.

The Department may elect to deviate from this standard if it believes an alternative approach is more appropriate for the TWIC program. DHS has the statutory authority and regulatory flexibility to develop an alternative process for TWIC enrollment and issuance that does not require applicants to make multiple trips to a TWIC enrollment center.

Congress mandated the issuance of a final rule setting forth requirements for TWIC biometric readers no later than two years after the TWIC pilot began, which would have been August 2010; to date, no final rule has been issued.

Section 2. Sense of Congress

This section establishes that it is the sense of Congress that the TWIC application process be reformed by not later than the end of 2012, when current TWIC holders will be required to renew their TWICs, and the Secretary of Homeland Security should promulgate final regulations that require the deployment of TWIC readers as soon as practicable. Additionally, Port Security Grant funds allo-

cated for the purpose of funding TWIC projects shall not expire before the issuance of the final TWIC reader rule.

Section 3. TWIC Application reform

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall reform the process for the enrollment, activation, and renewal of a TWIC to require, not more than one in-person visit to a designated enrollment center, except in cases in which there are extenuating circumstances, as determined by the Secretary.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 3173 makes no changes to existing law.

