

## Calendar No. 436

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 710****[Report No. 114-244]**

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2015

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

APRIL 22, 2015

Committee discharged; referred to the Committee on Commerce, Science, and  
Transportation

APRIL 25, 2016

Reported by Mr. THUNE, with an amendment

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

**AN ACT**

To require the Secretary of Homeland Security to prepare  
a comprehensive security assessment of the transpor-  
tation security card program, 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 “Essential Transpor-  
5 tation Worker Identification Credential Assessment Act”.

1 **SEC. 2. COMPREHENSIVE SECURITY ASSESSMENT OF THE**  
2 **TRANSPORTATION SECURITY CARD PRO-**  
3 **GRAM.**

4 (a) **IN GENERAL.**—Not later than 1 year after the  
5 date of enactment of this Act, the Secretary of Homeland  
6 Security shall submit to the Committee on Homeland Se-  
7 curity and the Committee on Transportation and Infra-  
8 structure of the House of Representatives, the Committee  
9 on Commerce, Science, and Transportation of the Senate,  
10 and the Comptroller General of the United States a com-  
11 prehensive assessment of the effectiveness of the transpor-  
12 tation security card program under section 70105 of title  
13 46, United States Code, at enhancing security and redu-  
14 ing security risks for facilities and vessels regulated pursu-  
15 ant to section 102 of Public Law 107–295. Such assess-  
16 ment shall be conducted by a national laboratory that, to  
17 the extent practicable, is within the Department of Home-  
18 land Security laboratory network with expertise in mari-  
19 time security or by a maritime security university-based  
20 center within the Department of Homeland Security cen-  
21 ters of excellence network.

22 (b) **CONTENTS.**—The comprehensive assessment  
23 shall include—

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

1           (2) an evaluation of the extent to which defi-  
2           ciencies identified by the Comptroller General have  
3           been addressed; and

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

6           (c) **CORRECTIVE ACTION PLAN; PROGRAM RE-**  
7 **FORMS.**—Not later than 60 days after the Secretary sub-  
8 mits the assessment under subsection (a), the Secretary  
9 shall submit a corrective action plan to the Committee on  
10 Homeland Security and the Committee on Transportation  
11 and Infrastructure of the House of Representatives and  
12 the Committee on Commerce, Science, and Transportation  
13 of the Senate that responds to the assessment under sub-  
14 section (b). The corrective action plan shall include an im-  
15 plementation plan with benchmarks, may include pro-  
16 grammatic reforms, revisions to regulations, or proposals  
17 for legislation, and shall be considered in any rule making  
18 by the Department relating to the transportation security  
19 card program.

20           (d) **COMPTROLLER GENERAL REVIEW.**—Not later  
21 than 120 days after the Secretary issues the corrective ac-  
22 tion plan under subsection (c), the Comptroller General  
23 shall—

24           (1) review the extent to which such plan imple-  
25           ments—

1           (A) recommendations issued by the na-  
2           tional laboratory or maritime security univer-  
3           sity-based center, as applicable, in the assess-  
4           ment submitted under subsection (a); and

5           (B) recommendations issued by the Comp-  
6           troller General before the enactment of this Act;  
7           and

8           (2) inform the Committee on Homeland Secu-  
9           rity and the Committee on Transportation and In-  
10          frastructure of the House of Representatives and the  
11          Committee on Commerce, Science, and Transpor-  
12          tation of the Senate as to the responsiveness of such  
13          plan to such recommendations.

14          (e) TRANSPORTATION SECURITY CARD READER  
15          RULE.—

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

19           (A) the Comptroller General informs the  
20          Committees on Homeland Security and the  
21          Committee on Transportation and Infrastruc-  
22          ture of the House of Representatives and Com-  
23          merce, Science and Transportation of the Sen-  
24          ate that the submission under subsection (a) is

1 responsive to the recommendations of the  
2 Comptroller General; and

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

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

14 (f) COMPTROLLER GENERAL OVERSIGHT.—Not less  
15 than 18 months after the date of the issuance of the cor-  
16 rective action plan under subsection (e), and every 6  
17 months thereafter during the 3-year period following the  
18 date of the issuance of the first report under this sub-  
19 section, the Comptroller General shall report to the Com-  
20 mittee on Homeland Security and the Committee on  
21 Transportation and Infrastructure of the House of Rep-  
22 resentatives and the Committee on Commerce, Science,  
23 and Transportation of the Senate regarding implementa-  
24 tion of the corrective action plan.

1 **SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.**

2 No additional funds are authorized to be appro-  
3 priated to carry out this Act and the amendments made  
4 by this Act, and this Act and such amendments shall be  
5 carried out using amounts otherwise available for such  
6 purpose.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Essential Transpor-*  
9 *tation Worker Identification Credential Assessment Act”.*

10 **SEC. 2. COMPREHENSIVE SECURITY ASSESSMENT OF THE**  
11 **TRANSPORTATION WORKER IDENTIFICATION**  
12 **CREDENTIAL PROGRAM.**

13 *(a) IN GENERAL.—Not later than 60 days after the*  
14 *date of the enactment of this Act, the Secretary of Homeland*  
15 *Security shall commission a 2-phase comprehensive assess-*  
16 *ment of the effectiveness of the Transportation Worker Iden-*  
17 *tification Credential Program (referred to in this section*  
18 *as the “TWIC Program” under section 70105 of title 46,*  
19 *United States Code) at enhancing security and reducing se-*  
20 *curity risks for facilities and vessels regulated pursuant to*  
21 *chapter 701 of title 46, United States Code.*

22 *(b) LOCATION.—The assessment commissioned pursu-*  
23 *ant to subsection (a) shall be conducted by a national lab-*  
24 *oratory or a university-based center within the Department*  
25 *of Homeland Security centers of excellence network.*

1           (c) *CONTENTS.*—*The assessment commissioned pursu-*  
2 *ant to subsection (a) shall include—*

3           (1) *in phase 1, a review of the credentialing*  
4 *process, including—*

5                   (A) *the appropriateness of vetting stand-*  
6 *ards;*

7                   (B) *whether the fee structure adequately re-*  
8 *fects the current costs of vetting; and*

9                   (C) *whether there is unnecessary overlap be-*  
10 *tween other transportation security credentials;*

11           (2) *in phase 2, which shall follow the implemen-*  
12 *tation of the TWIC reader rule—*

13                   (A) *an evaluation of the extent to which the*  
14 *TWIC Program, as implemented, addresses*  
15 *known or likely security risks in the maritime*  
16 *environment; and*

17                   (B) *the technology, business process, and*  
18 *operational impacts of the use of the transpor-*  
19 *tation worker identification credentials and*  
20 *TWIC readers in the maritime environment;*

21           (3) *an evaluation of the extent to which defi-*  
22 *ciencies identified by the Comptroller General have*  
23 *been addressed; and*

24           (4) *a cost-benefit analysis of the TWIC Program,*  
25 *as implemented.*

1           (d) *CORRECTIVE ACTION PLAN; PROGRAM RE-*  
2 *FORMS.*—*If, as part of the assessment submitted by the Sec-*  
3 *retary under subsection (a), the Secretary identifies a defi-*  
4 *ciency in effectiveness of the TWIC Program, the Secretary,*  
5 *not later than 120 days after such submission, shall submit*  
6 *a corrective action plan to the Committee on Commerce,*  
7 *Science, and Transportation of the Senate, the Committee*  
8 *on Homeland Security of the House of Representatives, and*  
9 *the Committee on Transportation and Infrastructure of the*  
10 *House of Representatives that—*

11                   (1) *responds to findings of the assessment com-*  
12 *missioned under this section;*

13                   (2) *includes an implementation plan with bench-*  
14 *marks;*

15                   (3) *may include programmatic reforms, revisions*  
16 *to regulations, or proposals for legislation; and*

17                   (4) *shall be considered in any rulemaking by the*  
18 *Department of Homeland Security relating to the*  
19 *TWIC Program.*

20           (e) *INSPECTOR GENERAL REVIEW.*—*If a corrective ac-*  
21 *tion plan is required under subsection (d), the Inspector*  
22 *General of the Department of Homeland Security, not later*  
23 *than 120 days after the submission of such plan, shall—*

24                   (1) *review the extent to which such plan imple-*  
25 *ments—*



1           (A) recommendations issued by the national  
2           laboratory or university-based center of excel-  
3           lence, as applicable, in the assessment submitted  
4           under subsection (a); and

5           (B) recommendations issued by the Comp-  
6           troller General before the date of the enactment  
7           of this Act; and

8           (2) notify the Committee on Commerce, Science,  
9           and Transportation of the Senate, the Committee on  
10          Homeland Security of the House of Representatives,  
11          and the Committee on Transportation and Infrastruc-  
12          ture of the House of Representatives about the respon-  
13          siveness of such plan to such recommendations.

14          (f) *TRANSPORTATION WORKER IDENTIFICATION CRE-*  
15          *DENTIAL RULES.*—

16               (1) *IN GENERAL.*—*The Secretary of Homeland*  
17               *Security may not issue additional rules relating to*  
18               *the issuance of transportation worker identification*  
19               *credentials or the use of TWIC readers until—*

20                       (A) *the Inspector General of the Department*  
21                       *of Homeland Security notifies the Committee on*  
22                       *Commerce, Science, and Transportation of the*  
23                       *Senate, the Committee on Homeland Security of*  
24                       *the House of Representatives, and the Committee*  
25                       *on Transportation and Infrastructure of the*

1           *House of Representatives that the submission*  
2           *under subsection (d) is responsive to the rec-*  
3           *ommendations of the Inspector General; and*

4                     *(B) the Secretary issues an updated list of*  
5           *TWIC readers that are compatible with active*  
6           *transportation worker security credentials.*

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

13          (g) *INSPECTOR GENERAL OVERSIGHT.*—*Not later than*  
14          *18 months after the date of the issuance of the corrective*  
15          *action plan under subsection (d), and every 6 months there-*  
16          *after during the 3-year period following the date of the*  
17          *issuance of the first report under this subsection, the Inspec-*  
18          *tor General shall submit a report to the Committee on Com-*  
19          *merce, Science, and Transportation of the Senate, the Com-*  
20          *mittee on Homeland Security of the House of Representa-*  
21          *tives, and the Committee on Transportation and Infrastruc-*  
22          *ture of the House of Representatives that describes imple-*  
23          *mentation of such plan.*

1 **SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.**

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

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