

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3202

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IN THE SENATE OF THE UNITED STATES

JULY 29, 2014

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Essential Transpor-  
3 tation Worker Identification Credential Assessment Act”.

4 **SEC. 2. COMPREHENSIVE SECURITY ASSESSMENT OF THE**  
5 **TRANSPORTATION SECURITY CARD PRO-**  
6 **GRAM.**

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

25 (b) **CONTENTS.**—The comprehensive assessment  
26 shall include—

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

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

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

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

23          (d) COMPTROLLER GENERAL REVIEW.—Not later  
24          than 120 days after the Secretary issues the corrective ac-

1 tion plan under subsection (c), the Comptroller General  
2 shall—

3 (1) review the extent to which such plan imple-  
4 ments—

5 (A) recommendations issued by the na-  
6 tional laboratory or maritime security univer-  
7 sity-based center, as applicable, in the assess-  
8 ment submitted under subsection (a); and

9 (B) recommendations issued by the Comp-  
10 troller General before the enactment of this Act;  
11 and

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

18 (e) TRANSPORTATION SECURITY CARD READER  
19 RULE.—

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

23 (A) the Comptroller General informs the  
24 Committees on Homeland Security and the  
25 Committee on Transportation and Infrastruc-

1           ture of the House of Representatives and Com-  
2           merce, Science and Transportation of the Sen-  
3           ate that the submission under subsection (a) is  
4           responsive to the recommendations of the  
5           Comptroller General; and

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

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

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

1 and Transportation of the Senate regarding implementa-  
2 tion of the corrective action plan.

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

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

Passed the House of Representatives July 28, 2014.

Attest:

KAREN L. HAAS,

*Clerk.*