

In the Senate of the United States,

December 10 (legislative day, December 9), 2016.

Resolved, That the bill from the House of Representatives (H.R. 710) entitled “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.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. TRANSPORTATION WORKER IDENTIFICATION***

2 ***CREDENTIAL SECURITY CARD PROGRAM IM-***

3 ***PROVEMENTS AND ASSESSMENT.***

4 *(a) CREDENTIAL IMPROVEMENTS.—*

5 *(1) IN GENERAL.—Not later than 60 days after*
6 *the date of enactment of this Act, the Administrator*
7 *of the Transportation Security Administration shall*
8 *commence actions, consistent with section 70105 of*
9 *title 46, United States Code, to improve the Transpor-*

1 *tation Security Administration's process for vetting*
2 *individuals with access to secure areas of vessels and*
3 *maritime facilities.*

4 (2) *REQUIRED ACTIONS.—The actions described*
5 *under paragraph (1) shall include—*

6 (A) *conducting a comprehensive risk anal-*
7 *ysis of security threat assessment procedures, in-*
8 *cluding—*

9 (i) *identifying those procedures that*
10 *need additional internal controls; and*

11 (ii) *identifying best practices for qual-*
12 *ity assurance at every stage of the security*
13 *threat assessment;*

14 (B) *implementing the additional internal*
15 *controls and best practices identified under sub-*
16 *paragraph (A);*

17 (C) *improving fraud detection techniques,*
18 *such as—*

19 (i) *by establishing benchmarks and a*
20 *process for electronic document validation;*

21 (ii) *by requiring annual training for*
22 *Trusted Agents; and*

23 (iii) *by reviewing any security threat*
24 *assessment-related information provided by*
25 *Trusted Agents and incorporating any new*

1 *threat information into updated guidance*
2 *under subparagraph (D);*

3 *(D) updating the guidance provided to*
4 *Trusted Agents regarding the vetting process and*
5 *related regulations;*

6 *(E) finalizing a manual for Trusted Agents*
7 *and adjudicators on the vetting process; and*

8 *(F) establishing quality controls to ensure*
9 *consistent procedures to review adjudication de-*
10 *isions and terrorism vetting decisions.*

11 *(3) REPORT.—Not later than 2 years after the*
12 *date of enactment of this Act, the Inspector General*
13 *of the Department of Homeland Security shall submit*
14 *a report to Congress that evaluates the implementa-*
15 *tion of the actions described in paragraph (1).*

16 ***(b) COMPREHENSIVE SECURITY ASSESSMENT OF THE***
17 ***TRANSPORTATION SECURITY CARD PROGRAM.—***

18 *(1) IN GENERAL.—Not later than 60 days after*
19 *the date of enactment of this Act, the Secretary of*
20 *Homeland Security shall commission an assessment*
21 *of the effectiveness of the transportation security card*
22 *program (referred to in this section as “Program”)*
23 *required under section 70105 of title 46, United*
24 *States Code, at enhancing security and reducing secu-*

1 *urity risks for facilities and vessels regulated under*
2 *chapter 701 of that title.*

3 (2) *LOCATION.—The assessment commissioned*
4 *under paragraph (1) shall be conducted by a research*
5 *organization with significant experience in port or*
6 *maritime security, such as—*

7 (A) *a national laboratory;*

8 (B) *a university-based center within the*
9 *Science and Technology Directorate’s centers of*
10 *excellence network; or*

11 (C) *a qualified federally-funded research*
12 *and development center.*

13 (3) *CONTENTS.—The assessment commissioned*
14 *under paragraph (1) shall—*

15 (A) *review the credentialing process by de-*
16 *termining—*

17 (i) *the appropriateness of vetting*
18 *standards;*

19 (ii) *whether the fee structure ade-*
20 *quately reflects the current costs of vetting;*

21 (iii) *whether there is unnecessary re-*
22 *dundancy or duplication with other*
23 *Federal- or State-issued transportation se-*
24 *curity credentials; and*

1 *(iv) the appropriateness of having var-*
2 *ied Federal and State threat assessments*
3 *and access controls;*

4 *(B) review the process for renewing applica-*
5 *tions for Transportation Worker Identification*
6 *Credentials, including the number of days it*
7 *takes to review application, appeal, and waiver*
8 *requests for additional information; and*

9 *(C) review the security value of the Pro-*
10 *gram by—*

11 *(i) evaluating the extent to which the*
12 *Program, as implemented, addresses known*
13 *or likely security risks in the maritime and*
14 *port environments;*

15 *(ii) evaluating the potential for a non-*
16 *biometric credential alternative;*

17 *(iii) identifying the technology, busi-*
18 *ness process, and operational impacts of the*
19 *use of the transportation security card and*
20 *transportation security card readers in the*
21 *maritime and port environments;*

22 *(iv) assessing the costs and benefits of*
23 *the Program, as implemented; and*

24 *(v) evaluating the extent to which the*
25 *Secretary of Homeland Security has ad-*

1 *dressed the deficiencies in the Program*
2 *identified by the Government Accountability*
3 *Office and the Inspector General of the De-*
4 *partment of Homeland Security before the*
5 *date of enactment of this Act.*

6 (4) *DEADLINES.*—*The assessment commissioned*
7 *under paragraph (1) shall be completed not later than*
8 *1 year after the date on which the assessment is com-*
9 *missioned.*

10 (5) *SUBMISSION TO CONGRESS.*—*Not later than*
11 *60 days after the date that the assessment is com-*
12 *pleted, the Secretary of Homeland Security shall sub-*
13 *mit to the Committee on Commerce, Science, and*
14 *Transportation and the Committee on Homeland Se-*
15 *curity and Governmental Affairs of the Senate and*
16 *the Committee on Homeland Security and the Com-*
17 *mittee on Transportation and Infrastructure of the*
18 *House of Representatives the results of the assessment*
19 *commissioned under this subsection.*

20 (c) *CORRECTIVE ACTION PLAN; PROGRAM RE-*
21 *FORMS.*—*If the assessment commissioned under subsection*
22 *(b) identifies a deficiency in the effectiveness of the Pro-*
23 *gram, the Secretary of Homeland Security, not later than*
24 *60 days after the date on which the assessment is completed,*
25 *shall submit a corrective action plan to the Committee on*

1 *Commerce, Science, and Transportation and the Committee*
2 *on Homeland Security and Governmental Affairs of the*
3 *Senate, the Committee on Homeland Security and the Com-*
4 *mittee on Transportation and Infrastructure of the House*
5 *of Representatives that—*

6 (1) *responds to findings of the assessment;*

7 (2) *includes an implementation plan with bench-*
8 *marks;*

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

11 (4) *shall be considered in any rulemaking by the*
12 *Department of Homeland Security relating to the*
13 *Program.*

14 (d) *INSPECTOR GENERAL REVIEW.—If a corrective ac-*
15 *tion plan is submitted under subsection (c), the Inspector*
16 *General of the Department of Homeland Security shall—*

17 (1) *not later than 120 days after the date of such*
18 *submission, review the extent to which such plan im-*
19 *plements the requirements under subsection (c); and*

20 (2) *not later than 18 months after the date of*
21 *such submission, and annually thereafter for 3 years,*
22 *submit a report to the congressional committees set*

- 1 *forth in subsection (c) that describes the progress of*
- 2 *the implementation of such plan.*

Attest:

Secretary.

114TH CONGRESS
2^D SESSION

H.R. 710

AMENDMENT