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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To require the Administrator of the Transportation Security Administration of the United States to develop guidelines to improve returning citizens' access to the Transportation Worker Identification Credential program, to assist individuals in custody of Federal, State, and local prisons in pre-applying or preparing applications for Transportation Worker Identification Credential cards, and to assist individuals requesting an appeal or waiver of preliminary determination of ineligibility, and for other purposes.

Mr. CARTER of Louisiana introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Administrator of the Transportation Security Administration of the United States to develop guidelines to improve returning citizens' access to the Transportation Worker Identification Credential program, to assist individuals in custody of Federal, State, and local prisons in pre-applying or preparing applications for Transportation Worker Identification Credential cards, and to assist individuals requesting an appeal or waiver

of preliminary determination of ineligibility, 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. FINDINGS.**

4 Congress finds the following:

5 (1) The Maritime Transportation Security Act
6 of 2002 (in this Act referred to as “MTSA”) was in-
7 troduced following the terrorist attacks on Sep-
8 tember 11, 2001, and became Public Law 107–295
9 in 2002.

10 (2) The MTSA provided that Transportation
11 Worker Identification Credential cards (in this Act
12 referred to as “TWIC cards”) were to be issued to
13 workers who require access to secure areas of the
14 Nation’s maritime facilities and vessels.

15 (3) The Transportation Security Administration
16 (in this Act referred to as “TSA”) and the United
17 States Coast Guard jointly administer the TWIC
18 card program.

19 (4) Congress passed statutes for the TWIC pro-
20 gram that authorize the Department of Homeland
21 Security and the Transportation Security Adminis-
22 tration to review an applicant’s request for an ap-
23 peals or waiver if the Transportation Security Ad-

1 ministration determines that the individual may pose
2 a security risk.

3 (5) At year end 2021, the United States prison
4 population was 1,204,300, a 25 percent decrease
5 since 2011.

6 (6) The Louisiana Department of Public Safety
7 and Corrections releases over 13,000 individuals
8 back into the community each year and supervises
9 over 44,000 individuals.

10 (7) Securing a TWIC card as soon as possible
11 after release may provide for more opportunities for
12 employment.

13 (8) According to the Ports Association of Lou-
14 isiana, 525,000 jobs in Louisiana are tied to the
15 State's ports, and there are over 260,000 jobs in
16 Louisiana related to the oil and gas industry, many
17 of which require a valid TWIC card.

18 (9) According to the American Association of
19 Port Authorities, between 2014 and 2018, the total
20 number of jobs supported by cargo moving through
21 the America's deep-draft ports increased by more
22 than one-third, from 23,100,000 jobs to 30,800,000.

23 (10) The total economic value that United
24 States coastal ports provide in terms of revenue to
25 businesses, personal income and economic output by

1 exporters and importers rose 17 percent from
2 \$4,600,000,000 to \$5,400,000,000, representing
3 nearly 26 percent of the nation's economy.

4 (11) According to a Homeland Security Oper-
5 ational Analysis Center (HSOAC) 2019 Comprehen-
6 sive Security Assessment of the TWIC Program,
7 MTSA affects approximately 13,825 vessels, 3,270
8 facilities, and 56 Outer Continental Shelf facilities.

9 (12) According to TSA's "Transportation
10 Worker Identification Credential Appeal Timelines
11 Fiscal Year 2019 Report to Congress", 2,300,000
12 people nationwide hold the credential, which is valid
13 for 5 years.

14 (13) Employment is critical to the success of
15 those on supervision and studies show that unem-
16 ployment is a major predictor of recidivism.

17 (14) It is critical to national security to protect
18 and secure the Nation's maritime facilities and ves-
19 sels through the TWIC card process.

20 (15) It is also critical that opportunities are
21 available to those who have demonstrated rehabilita-
22 tion and are seeking a second chance.

23 (16) Brennan Center for Justice 2015 report
24 found that between 70,000,000 to 100,000,000 U.S.

1 residents, a median of 27 percent, have criminal
2 records.

3 (17) HSOAC's 2019 Comprehensive Security
4 Assessment estimates that between 99.99997 per-
5 cent and 99.997 percent of the United States popu-
6 lation are not terrorists and asserts that "Few peo-
7 ple with risk factors engage in terrorism, meaning
8 that the great majority of people with disqualifying
9 criminal histories present no terrorism risk."

10 (18) According to TSA, individuals in the cus-
11 tody of Federal, State, and local prisons are not eli-
12 gible to apply for a TWIC card until after they have
13 been released from custody.

14 (19) TSA may issue TWIC cards under the
15 current regulations to individuals with certain felony
16 convictions through the waiver process.

17 (20) The appeal and waiver process may take
18 up to 90 days, depending on the applicant's response
19 and supporting documentation, the complexity of the
20 applicant's case, and response time for TSA to re-
21 view conviction details, circumstances, proof of reha-
22 bilitation, and whether the person is in the process
23 of rehabilitation before issuing a waiver.

24 (21) Based on a sample verified by TSA, ap-
25 proximately 98 percent of total applicants are issued

1 a TWIC card, including initial and redress cases,
2 and approximately 62 percent of applicants do not
3 respond to redress.

4 (22) Applying for a TWIC card and beginning
5 the appeal and waiver process prior to a person's re-
6 lease from Federal, State, and local prisons may in-
7 crease chances of employment shortly after release.

8 **SEC. 2. DISCUSSION ON DEVELOPMENT OF GUIDELINES**
9 **AND PROCEDURES.**

10 (a) IN GENERAL.—The Administrator of the Trans-
11 portation Security Administration shall develop guidelines
12 to improve returning citizens' access to the TWIC pro-
13 gram.

14 (b) GUIDELINES.—Not later than 1 year after the
15 date of enactment of this Act, the Administrator of the
16 Transportation Security Administration shall develop
17 guidelines to assist individuals in custody of Federal,
18 State, and local prisons in pre-applying or preparing appli-
19 cations for TWIC cards and guidelines to assist individ-
20 uals requesting an appeal or waiver of preliminary deter-
21 mination of ineligibility for TWIC cards.

22 (c) BRIEFING.—Not later than 1 year after the date
23 of enactment of this Act, the Transportation Security Ad-
24 ministration of the United States shall brief Congress on
25 improvements to addressing access to the TWIC program.

1 (d) TRANSMISSION.—The clerk of the House of Rep-
2 resentatives shall transit a copy of this Act to the Com-
3 mittee on Homeland Security and Governmental Affairs
4 of the Senate, the Committee on Homeland Security of
5 the House of Representatives, the Committee on Health,
6 Education, Labor, and Pensions of the Senate, the Com-
7 mittee on Education and the Workforce of the House of
8 Representatives, the Secretary of Homeland Security, the
9 Administrator of the Transportation Security Administra-
10 tion, and the presiding officers of the Senate and House
11 of Representatives of the United States.