



ELIMINATE REDUNDANT BACKGROUND CHECKS FOR TRANSPORTATION WORKERS

As the federal government moves to enroll thousands of maritime workers in the Transportation Worker Identification Credential (TWIC) program, redundant state background checks and worker credentials must now be eliminated. The TWIC program was created by Congress in the aftermath of the 9/11 attacks to better secure our nation's seaports and maritime vessels as part of a nationwide response to terrorist threats. Specifically, the TWIC is required for workers to obtain unescorted access to secure areas of a port or vessel. Those required to obtain a TWIC include mariners holding Coast Guard-issued credentials, truck and bus drivers, and longshore workers, among others. To receive the credential, a worker must file an application at an enrollment center, pay a fee, be vetted against the terrorist watch list, pass a criminal background check, and provide proof of U.S. citizenship or lawful immigration status.

Despite the implementation of the national TWIC program, states are still allowed to implement their own duplicative checks. For example, Florida requires workers entering a deep-water seaport to hold a Florida Uniform Port Access Credential (FUPAC). As a result, all port workers in those facilities will need both a TWIC and FUPAC to gain unescorted port access. This means fees will have to be paid twice for these overlapping programs and workers will have to undergo duplicative, mostly redundant background checks. Workers without a FUPAC will be either banned from Florida's ports or forced to be accompanied by an escort while engaging in legitimate, legal activities – even though they already possess a TWIC.

It is not unusual for the workers required to obtain a TWIC to work in more than one of the nation's 361 ports. For example, mariners are continually in transit between different terminals, ports, states and countries for long periods as they work and live aboard their vessels. Longshore workers may work at ports in different states. In addition, truck and bus drivers routinely have to enter multiple ports in multiple jurisdictions. These workers' ability to maintain employment at port facilities and the ports' ability to provide commercial services are threatened when duplicative credentialing systems increase both bureaucracy and uncertainty for workers and employers.

Obviously, personnel in the transportation sector, including those covered by the TWIC program, need to be properly vetted. But already limited resources must be properly allocated and not wasted on conducting duplicative checks and issuing more than one credential. If security officials at the state level, for example, conduct a check of a worker who has already been cleared by TSA, rechecking that same individual will only distract attention from other potential threats and could create an unworkable patchwork of standards the framers of the TWIC program wanted to avoid.

Transportation labor is committed to ensuring ports throughout the U.S. are secure. Workers' lives and jobs depend on safe and dependable transportation facilities. We agree with the need for access controls because we must exclude anyone who poses a terrorism security risk from sensitive port areas. In fact, the TWIC program was designed to create a single, high level of security in our transportation

system. Yet now the states are changing the rules again as they second guess and in some cases duplicate what is already required of workers under extremely aggressive and rigid federal TWIC requirements.

The TWIC program seeks to bring all ports, vessels and related facilities up to a benchmark level of security. To preserve this goal, state checks must be preempted by federal law to ensure one level of security and to avoid subjecting the port and maritime industry and its employees to a hodgepodge of requirements that will do little to improve security. We call on Congress and the Administration to address this problem.

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