To require online enrollment for the PreCheck Program of the Transportation Security Administration.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2020

Mrs. BLACKBURN (for herself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require online enrollment for the PreCheck Program of the Transportation Security Administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ONLINE ENROLLMENT FOR PRECHECK PROGRAM.

(a) In General.—Section 44919 of title 49, United States Code, is amended—

(1) by redesignating subsections (e) through (l) as subsections (f) through (m), respectively; 

(2) by inserting after subsection (d) the following:
“(e) ONLINE ENROLLMENT PROCESS.—Notwithstanding subsections (e) and (d), before a private sector entity with which the Administrator enters into an agreement under subsection (b) may operate under that agreement, the Administrator shall ensure that the entity provides, as the entity’s primary enrollment technology solution, a secure end-to-end online web or mobile application enrollment capability that leverages electronic technologies to remotely capture biometrics and validate identity documents.”; and

(3) by adding at the end the following:

“(n) ELIGIBILITY OF CERTAIN INDIVIDUALS FOR RENEWAL OF ENROLLMENT.—

“(1) IN GENERAL.—In carrying out subsection (e), the Administrator shall ensure that any individual who enrolled in the PreCheck Program under the Universal Enrollment Services program is eligible for renewal of the individual’s enrollment under the renewal process of the Universal Enrollment Services program (as in effect on the day before the date of the enactment of this subsection).

“(2) SHARING OF INFORMATION.—The Administrator shall share with a private sector entity with which the Administrator enters into an agreement under subsection (b) information about an individual
who enrolled in the PreCheck Program under the
Universal Enrollment Services program and whose
enrollment has expired only after—

“(A) the Administrator provides to the in-
dividual—

“(i) full disclosure regarding collec-
tion, maintenance, and sharing of the in-
formation; and

“(ii) the option to opt out of sharing
that information; and

“(B) the individual provides affirmative
consent for the sharing of that information.”.

(b) IMPLEMENTATION.—

(1) MEMORANDUM OF UNDERSTANDING RE-
QUIRED.—Not later than 120 days after the date of
the enactment of this Act, the Secretary of Home-
land Security and the Attorney General shall enter
into a memorandum of understanding with respect
to cooperatively evaluating and approving a capa-
bility for remote collection of biometric information
from a mobile device and associated vetting of indi-
viduals’ criminal histories for trusted traveler enroll-
ment programs of the Transportation Security Ad-
ministration.
(2) Progress report.—Not later than 180
days after entering into the memorandum of under-
standing required under paragraph (1), the Sec-
etary of Homeland Security and the Attorney Gen-
eral shall jointly submit to the Committee on Com-
merce, Science, and Transportation of the Senate
and the Committee on Homeland Security of the
House of Representatives a report on—

(A) the progress made in establishing the
standard for the capability described in para-
graph (1); and

(B) the timeline for approval of the stand-
ard by the Secretary of Commerce and the Di-
rector of the Federal Bureau of Investigation.

(3) Implementation plan.—Not later than
180 days after the standard described in paragraph
(2) has been approved by the Secretary of Com-
merce and the Director of the Federal Bureau of In-
Investigation, the Administrator of the Transportation
Security Administration shall submit to Congress
and the Comptroller General of the United States a
plan for the implementation of the enrollment capa-
bility required by subsection (e) of section 44919 of
title 49, United States Code, as added by subsection
(a), that—
(A) identifies appropriate security and privacy protections; and

(B) includes a strategy for ensuring that the private sector entities with which the Administrator enters into agreements under subsection (b) of such section 44919 will—

(i) operate locations for enrollment in the PreCheck Program that are geographically dispersed from locations required for enrollment under the Universal Enrollment Services program; or

(ii) otherwise increase enrollment beyond existing capabilities and current geographic markets.

(4) REVIEW BY GOVERNMENT ACCOUNTABILITY OFFICE.—

(A) REVIEW OF STANDARD.—Not later than 180 days after the standard described in paragraph (2) has been approved by the Secretary of Commerce and the Director of the Federal Bureau of Investigation, the Comptroller General of the United States shall—

(i) review the standard; and
(ii) assess its efficacy to be used for vetting for enrollment in the PreCheck program.

(B) Review of Implementation Plan.—Not later than 180 days after receiving the plan required by paragraph (3), the Comptroller General shall conduct a review of the plan and the implementation of the plan to ensure that appropriate privacy and security protections are maintained.

(c) Rule of Construction.—Nothing in this section or an amendment made by this section may be construed to preclude an individual enrolled in the PreCheck Program as of the date of the enactment of this Act from choosing to enroll in another trusted traveler program of the Transportation Security Administration.