

Calendar No. 484

118TH CONGRESS
2D SESSION

S. 3959

To require the Transportation Security Administration to streamline the enrollment processes for individuals applying for a Transportation Security Administration security threat assessment for certain programs, including the Transportation Worker Identification Credential and Hazardous Materials Endorsement Threat Assessment programs of the Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2024

Mr. WICKER (for himself, Mr. KING, Mrs. FISCHER, Mr. TESTER, Mr. BOOZMAN, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 1, 2024

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To require the Transportation Security Administration to streamline the enrollment processes for individuals applying for a Transportation Security Administration security threat assessment for certain programs, including the Transportation Worker Identification Credential and Hazardous Materials Endorsement Threat Assessment programs of the Administration, 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. SHORT TITLE.**

4 This Act may be cited as the “Transportation Secu-
5 rity Screening Modernization Act”.

6 **SEC. 2. STREAMLINING OF APPLICATIONS FOR CERTAIN**
7 **SECURITY THREAT ASSESSMENT PROGRAMS**
8 **OF THE TRANSPORTATION SECURITY ADMIN-**
9 **ISTRATION.**

10 (a) STREAMLINING.—

11 (1) IN GENERAL.—Not later than 2 years after
12 the date of the enactment of this Act, the Adminis-
13 trator of the Transportation Security Administration
14 (in this section referred to as the “TSA”) shall take
15 such actions as are necessary, including issuance of
16 an interim final rule if needed, to streamline the
17 procedures for individuals applying for or renewing
18 enrollment in more than one TSA security threat as-
19 sessment program, in particular, the TWIC and
20 HAZMAT Endorsement programs, and any other
21 credentialing programs as determined by the Admin-
22 istrator, by—

23 (A) permitting an individual to enroll at
24 any TSA authorized enrollment center once for
25 a threat assessment program endorsement and

1 use the application, including associated biomet-
2 ric and biographic data, as well as information
3 generated by TSA's vetting, for one of such
4 programs to enroll in any other of such pro-
5 grams;

6 (B) permitting an individual to visit any
7 TSA authorized enrollment center and enroll in
8 more than one TSA security threat assessment
9 program at the same time for a fee that is less
10 than the cumulative fee that would otherwise be
11 incurred for each such program separately;

12 (C) permitting an individual to undergo a
13 streamlined and expeditious renewal process;

14 (D) aligning the expiration of an individ-
15 ual's successful, valid eligibility determination
16 with the expiration of that individual's eligi-
17 bility to participate in subsequent TSA security
18 threat assessment programs to which the indi-
19 vidual applies;

20 (E) providing to States the expiration
21 dates for each individual's TSA security threat
22 assessment to ensure a commercial driver's li-
23 cense of an individual who holds a HAZMAT
24 Endorsement does not indicate the individual is
25 authorized to transport hazardous materials

1 after the expiration date of the enrollment of
 2 the individual in the HAZMAT Endorsement
 3 security threat assessment program if such
 4 commercial driver's license has an expiration
 5 date that is different from the expiration date
 6 of such enrollment; and

7 (F) enrolling an individual in a subsequent
 8 TSA security threat assessment program at the
 9 minimum cost necessary for the TSA to cover
 10 printing costs and costs associated with the col-
 11 lection of any additional biometric and bio-
 12 graphic data in accordance with paragraph (3).

13 (2) STATE REQUIREMENTS FOR STREAM-
 14 LINING.—Not later than 6 months after the date of
 15 the enactment of this Act, the States shall carry out
 16 the responsibilities of the States pursuant to section
 17 5103a of title 49, United States Code.

18 (3) SPECIAL RULE.—If an individual under this
 19 subsection is at different times applying for or re-
 20 newing enrollment in more than one TSA security
 21 threat assessment program, such individual may be
 22 required to revisit a TSA authorized enrollment cen-
 23 ter for the collection of additional data, such as bio-
 24 metries, necessary for any such program that were

1 not so collected in connection with any other such
2 program.

3 (b) PUBLICATION.—The Administrator of the TSA
4 shall post on a publicly available website of the TSA infor-
5 mation relating to the streamlining of the enrollment proc-
6 esses for individuals applying for more than one TSA secu-
7 rity threat assessment program described in subsection
8 (a).

9 (c) EXPEDITED RULEMAKING.—Notwithstanding
10 sections 551 through 559 of title 5, United States Code,
11 nothing in this section shall require notice and comment
12 rulemaking, and to the extent it is necessary to add addi-
13 tional requirements for which limited rulemaking may be
14 advisable, the Administrator of the TSA shall implement
15 such requirements through publication of an interim final
16 rule.

17 (d) BRIEFING.—Not later than 180 days after the
18 date of the enactment of this Act, the Administrator of
19 the TSA shall brief Congress on progress made toward
20 the implementation of this section.

21 (e) DEFINITIONS.—In this section:

22 (1) HAZMAT ENDORSEMENT.—The term
23 “HAZMAT Endorsement” means the Hazardous
24 Materials Endorsement Threat Assessment program

1 authorized under section 5103a of title 49, United
 2 States Code.

3 (2) TWIC.—The term “TWIC” means the
 4 Transportation Worker Identification Credential au-
 5 thorized under section 70105 of title 46, United
 6 States Code.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Transportation Security*
 9 *Screening Modernization Act of 2024”.*

10 **SEC. 2. DEFINITIONS.**

11 *In this Act:*

12 (1) ADMINISTRATOR.—The term “Adminis-
 13 trator” means the Administrator of the Transpor-
 14 tation Security Administration.

15 (2) HAZMAT ENDORSEMENT.—The term
 16 “HAZMAT Endorsement” means the Hazardous Ma-
 17 terials Endorsement Threat Assessment program au-
 18 thorized under section 5103a of title 49, United States
 19 Code.

20 (3) STATE.—The term “State” means each of the
 21 several States, the District of Columbia, and the terri-
 22 tories and possessions of the United States.

23 (4) TSA.—The term “TSA” means the Trans-
 24 portation Security Administration.

1 (5) *TWIC*.—The term “*TWIC*” means the *Trans-*
 2 *portation Worker Identification Credential* authorized
 3 under section 70105 of title 46, United States Code.

4 **SEC. 3. STREAMLINING OF APPLICATIONS FOR CERTAIN SE-**
 5 **CURITY THREAT ASSESSMENT PROGRAMS OF**
 6 **THE TRANSPORTATION SECURITY ADMINIS-**
 7 **TRATION.**

8 (a) *STREAMLINING*.—

9 (1) *IN GENERAL*.—Not later than 2 years after
 10 the date of the enactment of this Act, the Adminis-
 11 trator shall take such actions as are necessary, includ-
 12 ing issuance of an interim final rule if needed, to
 13 streamline the procedures for individuals applying for
 14 or renewing enrollment in more than one TSA secu-
 15 rity threat assessment program, in particular, the
 16 *TWIC* and *HAZMAT* Endorsement programs, and
 17 any other credentialing programs as determined by
 18 the Administrator, by—

19 (A) permitting an individual to enroll at
 20 any TSA authorized enrollment center once for a
 21 threat assessment program endorsement and use
 22 the application, including associated biometric
 23 and biographic data, as well as information gen-
 24 erated by TSA’s vetting, for one of such pro-
 25 grams to enroll in any other of such programs;

1 (B) permitting an individual to visit any
2 TSA authorized enrollment center and enroll in
3 more than one TSA security threat assessment
4 program at the same time for a fee that is less
5 than the cumulative fee that would otherwise be
6 incurred for each such program separately;

7 (C) permitting an individual to undergo a
8 streamlined and expeditious renewal process;

9 (D) aligning the expiration of an individ-
10 ual's successful, valid eligibility determination
11 with the expiration of that individual's eligi-
12 bility to participate in subsequent TSA security
13 threat assessment programs to which the indi-
14 vidual applies;

15 (E) providing to States the expiration dates
16 for each individual's TSA security threat assess-
17 ment to ensure a commercial driver's license of
18 an individual who holds a HAZMAT Endorse-
19 ment does not indicate the individual is author-
20 ized to transport hazardous materials after the
21 expiration date of the enrollment of the indi-
22 vidual in the HAZMAT Endorsement security
23 threat assessment program if such commercial
24 driver's license has an expiration date that is

1 *different from the expiration date of such enroll-*
 2 *ment; and*

3 *(F) enrolling an individual in a subsequent*
 4 *TSA security threat assessment program at the*
 5 *minimum cost necessary for the TSA to cover*
 6 *printing, issuance, and case management costs,*
 7 *costs associated with the collection of any addi-*
 8 *tional biometric and biographic data in accord-*
 9 *ance with paragraph (3), and other costs that*
 10 *are not duplicative.*

11 (2) *STATE REQUIREMENTS FOR STREAM-*
 12 *LINING.—Not later than 6 months after the date of the*
 13 *enactment of this Act, the States shall carry out the*
 14 *responsibilities of the States pursuant to section*
 15 *5103a of title 49, United States Code.*

16 (3) *SPECIAL RULE.—If an individual under this*
 17 *subsection is at different times applying for or renew-*
 18 *ing enrollment in more than one TSA security threat*
 19 *assessment program, such individual may be required*
 20 *to revisit a TSA authorized enrollment center for the*
 21 *collection of additional data, such as biometrics, nec-*
 22 *essary for any such program that were not so collected*
 23 *in connection with any other such program.*

24 (b) *PUBLICATION.—The Administrator shall post on a*
 25 *publicly available website of the TSA information relating*

1 *to the streamlining of the enrollment processes for individ-*
 2 *uals applying for more than one TSA security threat assess-*
 3 *ment program described in subsection (a).*

4 (c) *EXPEDITED RULEMAKING.*—Notwithstanding sec-
 5 *tions 551 through 559 of title 5, United States Code, noth-*
 6 *ing in this section shall require notice and comment rule-*
 7 *making, and to the extent it is necessary to add additional*
 8 *requirements for which limited rulemaking may be advis-*
 9 *able, the Administrator shall implement such requirements*
 10 *through publication of an interim final rule.*

11 (d) *BRIEFING.*—Not later than 180 days after the date
 12 *of the enactment of this Act, the Administrator shall brief*
 13 *Congress on progress made toward the implementation of*
 14 *this section.*

15 **SEC. 4. ELIMINATING DUPLICATIVE COSTS.**

16 (a) *AUDIT.*—Not later than 1 year after the date of
 17 *the enactment of this Act, the Comptroller General of the*
 18 *United States shall audit the administration of the security*
 19 *threat assessment programs by the TSA and the States, in-*
 20 *cluding the TWIC and HAZMAT Endorsement programs.*

21 (b) *ELEMENTS.*—

22 (1) *TSA AUDIT.*—In conducting the audit of the
 23 *TSA required by subsection (a), the Comptroller Gen-*
 24 *eral shall—*

1 (A) identify any redundancies and duplica-
2 tions in costs and administration of security
3 threat assessment programs that if eliminated
4 would not impact national security and any
5 benefits of eliminating such redundancies and
6 duplications and improving the experiences for
7 individuals applying for or renewing enrollment
8 in more than one TSA security threat assessment
9 program;

10 (B) review the impacts of the implementa-
11 tion by the TSA of recommendations from pre-
12 vious studies conducted by the Comptroller Gen-
13 eral, including GAO-07-756 and GAO-17-182, on
14 increasing the efficiency and effectiveness, and
15 reducing costs, of processing applications for en-
16 rollment and renewal in TSA security threat as-
17 sessment programs;

18 (C) review the findings of the assessment re-
19 quired by section 1(b) of the Act entitled “An Act
20 to require the Secretary of Homeland Security to
21 prepare a comprehensive security assessment of
22 the transportation security card program, and
23 for other purposes”, approved December 16, 2016
24 (46 U.S.C. 70105 note; Public Law 114–278)
25 and determine whether the TSA has implemented

1 *any remedies to redundancies and duplication*
2 *identified by that assessment and whether such*
3 *implementation impacted national security;*

4 *(D) determine whether there are unique*
5 *challenges rural applicants have with accessing*
6 *TSA security threat assessment programs;*

7 *(E) assess the numbers and locations of en-*
8 *rollment centers for meeting the needs of such*
9 *programs, including determining the access pro-*
10 *vided to rural applicants;*

11 *(F) identify potential opportunities that*
12 *exist to improve the enrollment center operations*
13 *of and customer experience with such programs;*

14 *(G) identify potential opportunities to har-*
15 *monize the enrollment, vetting, and renewal*
16 *processes of such programs in which similar in-*
17 *formation is collected for similar security threat*
18 *assessment processes for different vetted creden-*
19 *tials while not impacting national security;*

20 *(H) identify other ways the TSA can reduce*
21 *the costs of the TSA security threat assessment*
22 *programs while not impacting national security;*
23 *and*

1 (I) review the vetting, application, and en-
2 rollment processes of each TSA security threat
3 assessment program.

4 (2) *STATE AUDIT.*—In conducting the audit of
5 the States required by subsection (a), the Comptroller
6 General shall review—

7 (A) the administration of the HAZMAT
8 Endorsement program by the States;

9 (B) methods by which the States could
10 streamline the HAZMAT Endorsement program;
11 and

12 (C) any potential barriers States face ad-
13 ministering TSA security threat assessment pro-
14 grams for individuals applying to TWIC and the
15 HAZMAT Endorsement program or individuals
16 that already have a TWIC credential.

17 (c) *REPORT AND RECOMMENDATIONS.*—Not later than
18 180 days after the date of the completion of the audit re-
19 quired by subsection (a), the Comptroller General of the
20 United States shall submit to the Administrator, the Com-
21 mittee on Commerce, Science, and Transportation of the
22 Senate, and the Committee on Homeland Security of the
23 House of Representatives a report that includes—

1 (1) *a summary and analysis of the costs associ-*
2 *ated with the operation and administration of each*
3 *individual TSA security threat assessment program;*

4 (2) *a summary and analysis of the application*
5 *and enrollment costs associated with providing an in-*
6 *dividual multiple credentials under TSA security*
7 *threat assessment programs;*

8 (3) *an identification of any potential duplicative*
9 *processes associated with an applicant applying for,*
10 *or the vetting or enrollment by the TSA of an indi-*
11 *vidual in, a subsequent or multiple TSA security*
12 *threat assessment programs;*

13 (4) *a breakdown of costs borne by applicants for*
14 *current enrollment and renewal processes of such pro-*
15 *grams;*

16 (5) *ways to improve access to such programs, in-*
17 *cluding for rural applicants;*

18 (6) *any potential recommendations to the TSA*
19 *for reducing costs and streamlining the administra-*
20 *tion and operation of each TSA security threat assess-*
21 *ment program while not impacting national security;*

22 (7) *any potential recommendations for the TSA*
23 *to administer such programs in a way that would*
24 *improve national security; and*

1 (8) *any potential recommendations for ways*
 2 *States can improve their role in administering the*
 3 *HAZMAT Endorsement program and streamline the*
 4 *application process or reduce costs for individuals*
 5 *seeking multiple transportation security credentials.*

6 (d) *IMPLEMENTATION.—*

7 (1) *IN GENERAL.—Not later than 1 year after*
 8 *the date of the receipt of the report required by sub-*
 9 *section (c), the Administrator shall—*

10 (A) *implement the recommendations from*
 11 *such report;*

12 (B) *provide to the Committee on Commerce,*
 13 *Science, and Transportation of the Senate and*
 14 *the Committee on Homeland Security of the*
 15 *House of Representatives a written notification*
 16 *detailing—*

17 (i) *the timeline for implementation of*
 18 *each recommendation from the report;*

19 (ii) *justifications for any implementa-*
 20 *tion timeline lasting longer than 2 years;*
 21 *and*

22 (iii) *justifications for recommendations*
 23 *that the Administrator has declined to pur-*
 24 *sue or implement.*

1 (2) *BRIEFINGS*.—Not later than 60 days after
2 the date of the receipt of the report required by sub-
3 section (c), and annually thereafter until the date
4 that the TSA has implemented each recommendation
5 made in such report, the Administrator shall brief the
6 Committee on Commerce, Science, and Transpor-
7 tation of the Senate and the Committee on Homeland
8 Security of the House of Representatives on the imple-
9 mentation of recommendations from the report.

Calendar No. 484

118TH CONGRESS
2D Session
S. 3959

A BILL

To require the Transportation Security Administration to streamline the enrollment processes for individuals applying for a Transportation Security Administration security threat assessment for certain programs, including the Transportation Worker Identification Credential and Hazardous Materials Endorsement Threat Assessment programs of the Administration, and for other purposes.

AUGUST 1, 2024

Reported with an amendment