

Wicker-Tester Substitute (modified)

*Legislator*

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. WICKER

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the “Transportation Secu-
- 5 rity Screening Modernization Act of 2024”.
- 6 **SEC. 2. DEFINITIONS.**
- 7 In this Act:

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

4           (2) HAZMAT ENDORSEMENT.—The term  
5           “HAZMAT Endorsement” means the Hazardous  
6           Materials Endorsement Threat Assessment program  
7           authorized under section 5103a of title 49, United  
8           States Code.

9           (3) STATE.—The term “State” means each of  
10          the several States, the District of Columbia, and the  
11          territories and possessions of the United States.

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

14          (5) TWIC.—The term “TWIC” means the  
15          Transportation Worker Identification Credential au-  
16          thorized under section 70105 of title 46, United  
17          States Code.

18 **SEC. 3. STREAMLINING OF APPLICATIONS FOR CERTAIN**  
19 **SECURITY THREAT ASSESSMENT PROGRAMS**  
20 **OF THE TRANSPORTATION SECURITY ADMIN-**  
21 **ISTRATION.**

22          (a) STREAMLINING.—

23               (1) IN GENERAL.—Not later than 2 years after  
24               the date of the enactment of this Act, the Adminis-  
25               trator shall take such actions as are necessary, in-

1 including issuance of an interim final rule if needed,  
2 to streamline the procedures for individuals applying  
3 for or renewing enrollment in more than one TSA  
4 security threat assessment program, in particular,  
5 the TWIC and HAZMAT Endorsement programs,  
6 and any other credentialing programs as determined  
7 by the Administrator, by—

8 (A) permitting an individual to enroll at  
9 any TSA authorized enrollment center once for  
10 a threat assessment program endorsement and  
11 use the application, including associated biomet-  
12 ric and biographic data, as well as information  
13 generated by TSA's vetting, for one of such  
14 programs to enroll in any other of such pro-  
15 grams;

16 (B) permitting an individual to visit any  
17 TSA authorized enrollment center and enroll in  
18 more than one TSA security threat assessment  
19 program at the same time for a fee that is less  
20 than the cumulative fee that would otherwise be  
21 incurred for each such program separately;

22 (C) permitting an individual to undergo a  
23 streamlined and expeditious renewal process;

24 (D) aligning the expiration of an individ-  
25 ual's successful, valid eligibility determination

1 with the expiration of that individual's eligi-  
2 bility to participate in subsequent TSA security  
3 threat assessment programs to which the indi-  
4 vidual applies;

5 (E) providing to States the expiration  
6 dates for each individual's TSA security threat  
7 assessment to ensure a commercial driver's li-  
8 cense of an individual who holds a HAZMAT  
9 Endorsement does not indicate the individual is  
10 authorized to transport hazardous materials  
11 after the expiration date of the enrollment of  
12 the individual in the HAZMAT Endorsement  
13 security threat assessment program if such  
14 commercial driver's license has an expiration  
15 date that is different from the expiration date  
16 of such enrollment; and

17 (F) enrolling an individual in a subsequent  
18 TSA security threat assessment program at the  
19 minimum cost necessary for the TSA to cover  
20 printing, issuance, and case management costs,  
21 costs associated with the collection of any addi-  
22 tional biometric and biographic data in accord-  
23 ance with paragraph (3), and other costs that  
24 are not duplicative.

1           (2) STATE REQUIREMENTS FOR STREAM-  
2           LINING.—Not later than 6 months after the date of  
3           the enactment of this Act, the States shall carry out  
4           the responsibilities of the States pursuant to section  
5           5103a of title 49, United States Code.

6           (3) SPECIAL RULE.—If an individual under this  
7           subsection is at different times applying for or re-  
8           newing enrollment in more than one TSA security  
9           threat assessment program, such individual may be  
10          required to revisit a TSA authorized enrollment cen-  
11          ter for the collection of additional data, such as bio-  
12          metrics, necessary for any such program that were  
13          not so collected in connection with any other such  
14          program.

15          (b) PUBLICATION.—The Administrator shall post on  
16          a publicly available website of the TSA information relat-  
17          ing to the streamlining of the enrollment processes for in-  
18          dividuals applying for more than one TSA security threat  
19          assessment program described in subsection (a).

20          (c) EXPEDITED RULEMAKING.—Notwithstanding  
21          sections 551 through 559 of title 5, United States Code,  
22          nothing in this section shall require notice and comment  
23          rulemaking, and to the extent it is necessary to add addi-  
24          tional requirements for which limited rulemaking may be

1 advisable, the Administrator shall implement such require-  
2 ments through publication of an interim final rule.

3 (d) BRIEFING.—Not later than 180 days after the  
4 date of the enactment of this Act, the Administrator shall  
5 brief Congress on progress made toward the implementa-  
6 tion of this section.

7 **SEC. 4. ELIMINATING DUPLICATIVE COSTS.**

8 (a) AUDIT.—Not later than 1 year after the date of  
9 the enactment of this Act, the Comptroller General of the  
10 United States shall audit the administration of the secu-  
11 rity threat assessment programs by the TSA and the  
12 States, including the TWIC and HAZMAT Endorsement  
13 programs.

14 (b) ELEMENTS.—

15 (1) TSA AUDIT.—In conducting the audit of  
16 the TSA required by subsection (a), the Comptroller  
17 General shall—

18 (A) identify any redundancies and duplica-  
19 tions in costs and administration of security  
20 threat assessment programs that if eliminated  
21 would not impact national security and any  
22 benefits of eliminating such redundancies and  
23 duplications and improving the experiences for  
24 individuals applying for or renewing enrollment

1 in more than one TSA security threat assess-  
2 ment program;

3 (B) review the impacts of the implementa-  
4 tion by the TSA of recommendations from pre-  
5 vious studies conducted by the Comptroller  
6 General, including GAO-07-756 and GAO-17-  
7 182, on increasing the efficiency and effective-  
8 ness, and reducing costs, of processing applica-  
9 tions for enrollment and renewal in TSA secu-  
10 rity threat assessment programs;

11 (C) review the findings of the assessment  
12 required by section 1(b) of the Act entitled “An  
13 Act to require the Secretary of Homeland Secu-  
14 rity to prepare a comprehensive security assess-  
15 ment of the transportation security card pro-  
16 gram, and for other purposes”, approved De-  
17 cember 16, 2016 (46 U.S.C. 70105 note; Public  
18 Law 114–278) and determine whether the TSA  
19 has implemented any remedies to redundancies  
20 and duplication identified by that assessment  
21 and whether such implementation impacted na-  
22 tional security;

23 (D) determine whether there are unique  
24 challenges rural applicants have with accessing  
25 TSA security threat assessment programs;

1 (E) assess the numbers and locations of  
2 enrollment centers for meeting the needs of  
3 such programs, including determining the ac-  
4 cess provided to rural applicants;

5 (F) identify potential opportunities that  
6 exist to improve the enrollment center oper-  
7 ations of and customer experience with such  
8 programs;

9 (G) identify potential opportunities to har-  
10 monize the enrollment, vetting, and renewal  
11 processes of such programs in which similar in-  
12 formation is collected for similar security threat  
13 assessment processes for different vetted cre-  
14 dentials while not impacting national security;

15 (H) identify other ways the TSA can re-  
16 duce the costs of the TSA security threat as-  
17 sessment programs while not impacting national  
18 security; and

19 (I) review the vetting, application, and en-  
20 rollment processes of each TSA security threat  
21 assessment program.

22 (2) STATE AUDIT.—In conducting the audit of  
23 the States required by subsection (a), the Comp-  
24 troller General shall review—



1 (A) the administration of the HAZMAT  
2 Endorsement program by the States;

3 (B) methods by which the States could  
4 streamline the HAZMAT Endorsement pro-  
5 gram; and

6 (C) any potential barriers States face ad-  
7 ministering TSA security threat assessment  
8 programs for individuals applying to TWIC and  
9 the HAZMAT Endorsement program or individ-  
10 uals that already have a TWIC credential.

11 (c) REPORT AND RECOMMENDATIONS.—Not later  
12 than 180 days after the date of the completion of the audit  
13 required by subsection (a), the Comptroller General of the  
14 United States shall submit to the Administrator, the Com-  
15 mittee on Commerce, Science, and Transportation of the  
16 Senate, and the Committee on Homeland Security of the  
17 House of Representatives a report that includes—

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

21 (2) a summary and analysis of the application  
22 and enrollment costs associated with providing an  
23 individual multiple credentials under TSA security  
24 threat assessment programs;

1           (3) an identification of any potential duplicative  
2 processes associated with an applicant applying for,  
3 or the vetting or enrollment by the TSA of an indi-  
4 vidual in, a subsequent or multiple TSA security  
5 threat assessment programs;

6           (4) a breakdown of costs borne by applicants  
7 for current enrollment and renewal processes of such  
8 programs;

9           (5) ways to improve access to such programs,  
10 including for rural applicants;

11           (6) any potential recommendations to the TSA  
12 for reducing costs and streamlining the administra-  
13 tion and operation of each TSA security threat as-  
14 sessment program while not impacting national secu-  
15 rity;

16           (7) any potential recommendations for the TSA  
17 to administer such programs in a way that would  
18 improve national security; and

19           (8) any potential recommendations for ways  
20 States can improve their role in administering the  
21 HAZMAT Endorsement program and streamline the  
22 application process or reduce costs for individuals  
23 seeking multiple transportation security credentials.

24 (d) IMPLEMENTATION.—

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

4 (A) implement the recommendations from  
5 such report;

6 (B) provide to the Committee on Com-  
7 merce, Science, and Transportation of the Sen-  
8 ate and the Committee on Homeland Security  
9 of the House of Representatives a written noti-  
10 fication detailing—

11 (i) the timeline for implementation of  
12 each recommendation from the report;

13 (ii) justifications for any implementa-  
14 tion timeline lasting longer than 2 years;  
15 and

16 (iii) justifications for recommenda-  
17 tions that the Administrator has declined  
18 to pursue or implement.

19 (2) BRIEFINGS.—Not later than 60 days after  
20 the date of the receipt of the report required by sub-  
21 section (c), and annually thereafter until the date  
22 that the TSA has implemented each recommendation  
23 made in such report, the Administrator shall brief  
24 the Committee on Commerce, Science, and Trans-  
25 portation of the Senate and the Committee on

1       Homeland Security of the House of Representatives  
2       on the implementation of recommendations from the  
3       report.