

116TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
116-188

TSA CREDENTIAL AND ENDORSEMENT  
HARMONIZATION ACT OF 2019

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

OF THE

UNITED STATES SENATE



DECEMBER 19, 2019.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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Mr. WICKER, from the Committee on Commerce, Science, and  
Transportation, submitted the following

R E P O R T

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2035) to require the Transportation Security Administration to develop a strategic plan to expand eligibility for the PreCheck Program to individuals with Transportation Worker Identification Credentials or Hazardous Materials Endorsements, having considered the same, ordered to be reported favorably thereon without amendment and recommended that the bill do pass. The bill was discharged and passed without amendment in the Senate by unanimous consent.

PURPOSE OF THE BILL

This legislation requires the Transportation Security Administration (TSA) to develop a plan to expand TSA PreCheck eligibility to relevant Transportation Worker Identification Credential (TWIC) or Hazardous Materials Endorsement (HME)-endorsed individuals. The bill would allow TSA to establish an alternative fee structure to carry out the program.

BACKGROUND AND NEEDS

The Maritime Transportation Security Act requires that workers who must access certain secure areas of maritime facilities and vessels obtain a TWIC. TSA conducts a security threat assessment (background check) to determine a person's eligibility and issues the credential. U.S. citizens and immigrants in certain immigration categories may apply for the credential. Most mariners licensed by the Coast Guard also require the TWIC credential.

The Hazardous Materials Endorsement Threat Assessment Program conducts a threat assessment for any driver seeking to ob-

tain, renew, or transfer a HME on a State-issued commercial driver's license (CDL). Operators must apply for an HME endorsement if they have a State-issued CDL and are required to transport certain materials pursuant to Department of Transportation hazardous materials regulations.

Since TSA conducts a security threat assessment when issuing a TWIC or HME, implementation of the plan required by S. 2035 would save agency resources if and when individuals with these credentials apply to enter TSA PreCheck.

#### SUMMARY OF PROVISIONS

If enacted, S. 2035 would require TSA to issue a strategic plan within 180 days of enactment to expand the eligibility of the PreCheck Program to certain individuals in the transportation industry who have gone through previous security reviews.

#### LEGISLATIVE HISTORY

S. 2035 was introduced on June 27, 2019, by Senator Duckworth (for herself and Senator Young) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On July 24, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 2035 reported favorably without amendment. On September 10, 2019, the bill was discharged and passed in the Senate without amendment by unanimous consent. On September 11, 2019, S. 2035 was referred to the Committee on Homeland Security of the House of Representatives.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

<b>S. 2035, TSA Credential and Endorsement Harmonization Act of 2019</b>			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on July 24, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	*
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 2035 would require the Transportation Security Administration (TSA) to issue a strategic plan within 180 days of enactment to expand the eligibility of the PreCheck Program to certain individuals in the transportation industry who have gone through pre-

vious security reviews. PreCheck is a trusted traveler program administered by the TSA that allows preapproved passengers to use expedited security lanes in airports. Based on the cost of similar activities, CBO estimates that preparing the strategic plan would cost less than \$500,000 in 2020; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

##### NUMBER OF PERSONS COVERED

S. 2035, as reported, would not create any new programs or impose any new regulatory requirements. Therefore, it would not subject any individuals or businesses to new regulations.

##### ECONOMIC IMPACT

S. 2035, as reported, is not expected to have a negative impact on the Nation's economy.

##### PRIVACY

S. 2035, as reported, would not have any adverse impact on the personal privacy of individuals.

##### PAPERWORK

S. 2035, as reported, would not increase paperwork requirements for private individuals or businesses. S. 2035 would require the TSA to develop a plan to expand PreCheck eligibility to TWIC and HME-endorsed individuals.

##### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

##### SECTION-BY-SECTION ANALYSIS

###### *Section 1. Short title.*

This section would provide that the bill may be cited as the "TSA Credential and Endorsement Harmonization Act of 2019".

###### *Section 2. Strategic plan to expand the TSA PreCheck Program.*

This section would require the TSA Administrator to develop a strategic plan to expand eligibility for the PreCheck Program no later than 180 days after enactment. The plan must ensure that individuals with TWICs or HMEs can opt into the PreCheck Program if they are eligible. It also would establish alternative fee structures for the program. Finally, 30 days after developing the plan,

the Administrator would be required to brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives on the strategic plan.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

