

TRANSPORTATION SECURITY SCREENING
 MODERNIZATION ACT OF 2024

DECEMBER 17, 2024.—Committed to the Committee of the Whole House on the State
 of the Union and ordered to be printed

Mr. GREEN of Tennessee, from the Committee on Homeland
 Security, submitted the following

R E P O R T

[To accompany H.R. 5840]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5840) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Transportation Security Administration.

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

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

(4) **TSA.**—The term “TSA” means the Transportation Security Administration.

(5) **TWIC.**—The term “TWIC” means the Transportation Worker Identification Credential authorized under section 70105 of title 46, United States Code.

SEC. 3. STREAMLINING OF APPLICATIONS FOR CERTAIN SECURITY THREAT ASSESSMENT PROGRAMS OF THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) **STREAMLINING.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Administrator shall take such actions as are necessary, including issuance of an interim final rule if needed, to streamline the procedures for individuals applying for or renewing enrollment in more than one TSA security threat assessment program, in particular, the TWIC and HAZMAT Endorsement programs, and any other credentialing programs as determined by the Administrator, by—

(A) permitting an individual to enroll at any TSA authorized enrollment center once for a threat assessment program endorsement and use the application, including associated biometric and biographic data, as well as information generated by TSA’s vetting, for one of such programs to enroll in any other of such programs;

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

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

(D) aligning the expiration of an individual’s successful, valid eligibility determination with the expiration of that individual’s eligibility to participate in subsequent TSA security threat assessment programs to which the individual applies;

(E) providing to States the expiration dates for each individual’s TSA security threat assessment to ensure a commercial driver’s license of an individual who holds a HAZMAT Endorsement does not indicate the individual is authorized to transport hazardous materials after the expiration date of the enrollment of the individual in the HAZMAT Endorsement security threat assessment program if such commercial driver’s license has an expiration date that is different from the expiration date of such enrollment; and

(F) enrolling an individual in a subsequent TSA security threat assessment program at the minimum cost necessary for the TSA to cover printing, issuance, and case management costs, costs associated with the collection of any additional biometric and biographic data in accordance with paragraph (3), and other costs that are not duplicative.

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

(3) **SPECIAL RULE.**—If an individual under this subsection is at different times applying for or renewing enrollment in more than one TSA security threat assessment program, such individual may be required to revisit a TSA authorized enrollment center for the collection of additional data, such as biometrics, necessary for any such program that were not so collected in connection with any other such program.

(b) PUBLICATION.—The Administrator shall post on a publicly available website of the TSA information relating to the streamlining of the enrollment processes for individuals applying for more than one TSA security threat assessment program described in subsection (a).

(c) EXPEDITED RULEMAKING.—Notwithstanding sections 551 through 559 of title 5, United States Code, nothing in this section shall require notice and comment rulemaking, and to the extent it is necessary to add additional requirements for which limited rulemaking may be advisable, the Administrator shall implement such requirements through publication of an interim final rule.

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

SEC. 4. ELIMINATING DUPLICATIVE COSTS.

(a) AUDIT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall audit the administration of the security threat assessment programs by the TSA and the States, including the TWIC and HAZMAT Endorsement programs.

(b) ELEMENTS.—

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

(A) identify any redundancies and duplications in costs and administration of security threat assessment programs that if eliminated would not impact national security and any benefits of eliminating such redundancies and duplications and improving the experiences for individuals applying for or renewing enrollment in more than one TSA security threat assessment program;

(B) review the impacts of the implementation by the TSA of recommendations from previous studies conducted by the Comptroller General, including GAO-07-756 and GAO-17-182, on increasing the efficiency and effectiveness, and reducing costs, of processing applications for enrollment and renewal in TSA security threat assessment programs;

(C) review the findings of the assessment required by section 1(b) of the Act entitled “An Act to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes”, approved December 16, 2016 (46 U.S.C. 70105 note; Public Law 114–278) and determine whether the TSA has implemented any remedies to redundancies and duplication identified by that assessment and whether such implementation impacted national security;

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

(E) assess the numbers and locations of enrollment centers for meeting the needs of such programs, including determining the access provided to rural applicants;

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

(G) identify potential opportunities to harmonize the enrollment, vetting, and renewal processes of such programs in which similar information is collected for similar security threat assessment processes for different vetted credentials while not impacting national security;

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

(I) review the vetting, application, and enrollment processes of each TSA security threat assessment program.

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

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

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

(C) any potential barriers States face administering TSA security threat assessment programs for individuals applying to TWIC and the HAZMAT Endorsement program or individuals that already have a TWIC credential.

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

- (1) a summary and analysis of the costs associated with the operation and administration of each individual TSA security threat assessment program;
- (2) a summary and analysis of the application and enrollment costs associated with providing an individual multiple credentials under TSA security threat assessment programs;
- (3) an identification of any potential duplicative processes associated with an applicant applying for, or the vetting or enrollment by the TSA of an individual in, a subsequent or multiple TSA security threat assessment programs;
- (4) a breakdown of costs borne by applicants for current enrollment and renewal processes of such programs;
- (5) ways to improve access to such programs, including for rural applicants;
- (6) any potential recommendations to the TSA for reducing costs and streamlining the administration and operation of each TSA security threat assessment program while not impacting national security;
- (7) any potential recommendations for the TSA to administer such programs in a way that would improve national security; and
- (8) any potential recommendations for ways States can improve their role in administering the HAZMAT Endorsement program and streamline the application process or reduce costs for individuals seeking multiple transportation security credentials.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the receipt of the report required by subsection (c), the Administrator shall—

- (A) implement the recommendations from such report;
- (B) provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a written notification detailing—
 - (i) the timeline for implementation of each recommendation from the report;
 - (ii) justifications for any implementation timeline lasting longer than 2 years; and
 - (iii) justifications for recommendations that the Administrator has declined to pursue or implement.

(2) BRIEFINGS.—Not later than 60 days after the date of the receipt of the report required by subsection (c), and annually thereafter until the date that the TSA has implemented each recommendation made in such report, the Administrator shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives on the implementation of recommendations from the report.

PURPOSE AND SUMMARY

H.R. 5840, the “Transportation Security Screening Modernization Act of 2024,” directs the Transportation Security Administration (TSA) Administrator to streamline the credentialing process for individuals to enroll in any TSA security threat assessment program based on one background check. This bill also permits an individual to undergo a streamlined renewal process, aligns the expiration dates of an individual’s credentials, and reduces any duplicative costs associated with the program.

In addition, this bill directs the Government Accountability Office (GAO) to audit the administration of the security threat assessment programs to identify any redundancies or duplicative costs and identify any opportunities to improve the enrollment process.

BACKGROUND AND NEED FOR LEGISLATION

Trucking professionals require specific credentialing to access and transport certain sensitive goods in the United States, including the Transportation Worker Identification Credential (TWIC) and the Hazardous Materials Endorsement (HME) credential. TSA conducts the same security threat assessment, or background check, to determine a person’s eligibility for issuance of both the TWIC and HME credentials. Currently each truck driver must undergo a separate background check for the TWIC and HME creden-

tials. The goal of this bill is to streamline the credentialing process for American truck drivers by reducing duplicative processes.

HEARINGS

The Committee held the following hearings in the 118th Congress that informed H.R. 5840:

On Tuesday, December 5, 2023, the Subcommittee on Transportation and Maritime Security held a hearing entitled, “Identity Management Innovation: Looking Beyond REAL ID.” The Subcommittee received testimony from the following witnesses: Mr. Ian Grossman, President and CEO, American Association of Motor Vehicle Administrators; Mr. Jeremy Grant, Coordinator, Better Identity Coalition; Mr. Hal Wiediger, Senior Vice President of Client Success, IDEMIA; and Mr. Jay Stanley, Senior Policy Analyst, Speech, Privacy, and Technology Project, American Civil Liberties Union.

On Tuesday, March 12, 2024, the Subcommittee on Transportation and Maritime Security held a hearing titled, “Organizational Oversight: Examining TSA’s Post-Modernization Efforts.” The Subcommittee received testimony from the following witnesses: Ms. Julie Scanlon, Executive Assistant Administrator, Enterprise Support, TSA; Mr. Brian C. Belcher, Executive Assistant Administrator and Director for the Law Enforcement/Federal Air Marshal Service, TSA; Ms. Stacey Fitzmaurice, Executive Assistant Administrator, Operations Support, TSA; and Mr. Steve Lorincz, Deputy Executive Assistant Administrator, Security Operations, TSA.

COMMITTEE CONSIDERATION

The Committee met on September 25, 2024, a quorum being present, to consider H.R. 5840 and ordered the measure to be favorably reported to the House, as amended, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 5840.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of any new budget authority, spending authority, credit authority, or an increase or decrease in

revenues or tax expenditures contained in the cost estimate prepared by the Director of the Congressional Budget Office.

H.R. 5840, Transportation Security Screening Modernization Act of 2024			
As ordered reported by the House Committee on Homeland Security on September 25, 2024			
By Fiscal Year, Millions of Dollars	2025	2025-2029	2025-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	2	3	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No

H.R. 5840 would aim to streamline the enrollment process for people applying to more than one credentialing program sponsored by the Transportation Security Administration (TSA), including the Transportation Worker Identification Credential (TWIC) and Hazardous Materials Endorsement Threat Assessment (HME) programs. Personnel who need access to secure areas on maritime facilities must have a TWIC and drivers who transport certain hazardous materials are required to have an HME on their state-issued commercial driver's license.

Among other things, the bill would authorize applicants to use one application for both programs and reduce the number of times an applicant must visit a TSA enrollment center. TSA would be required to implement those changes within two years of enactment.

In addition, H.R. 5840 would require the Government Accountability Office (GAO) to audit the implementation of the TWIC and HME programs by TSA and the states within one year of enactment and to report to the Congress on ways to improve those programs within another 180 days. The bill would require TSA to implement GAO's recommendations and to report to the Congress on those efforts.

Federal Costs: CBO estimates that implementing H.R. 5840 would cost \$3 million over the 2025–2029 period, primarily for the regulatory and reporting requirements for TSA and GAO. CBO expects that TSA would need to update regulations to implement the bill's provisions. Based on the cost of similar activities, CBO estimates that changing the regulations would cost \$2 million over a two-year period. CBO further estimates that the GAO report would cost \$1 million. In addition, implementing the recommendations in GAO's report could increase costs for TSA, but CBO has no basis to estimate that cost. Any spending would be subject to the availability of appropriated funds.

CBO estimates that implementing H.R. 5840 would not significantly affect the net costs of the TWIC and HME programs over the 2025–2029 period because any changes to the costs of the enrollment process would be offset by adjustments to the associated

fees that TSA charges applicants to cover the costs of the programs. Such fees are recorded as discretionary offsetting collections.

Mandates: The legislation would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by requiring states to update their processes for issuing commercial driver's licenses with HMEs to clarify the expiration date of those endorsements. CBO estimates the cost to update state licensing programs would fall below the threshold in UMRA from intergovernmental mandates (\$100 million in 2024, adjusted annually for inflation).

H.R. 5840 would not impose a private-sector mandate as defined in UMRA.

Previous CBO Estimate: On September 20, 2024, CBO transmitted a cost estimate for S. 3959, the Transportation Security Screening Modernization Act of 2024, as reported by the Senate Committee on Commerce, Science, and Transportation on August 1, 2024. The two pieces of legislation are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contacts for this estimate are Emma Uebelhor (for federal costs) and Brandon Lever (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act of 1995.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 5840 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 5840 is to streamline the credentialing process for American truck drivers by reducing duplicative processes.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 5840 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section states that the Act may be cited as the “Transportation Security Screening Modernization Act of 2024.”

Section 2. Definitions

This section defines the term “Administrator” to mean the Administrator of the Transportation Security Administration; the term “HAZMAT Endorsement” to mean the Hazardous Materials Endorsement Threat Assessment program authorized under section 5103a of title 49, United States Code; the term “State” to mean each of the several States, the District of Columbia, and the territories and possessions of the United States; and the term “TSA” to mean the Transportation Security Administration.

Section 3. Streamlining of applications for certain security threat assessment programs of the Transportation Security Administration

This section directs the Administrator to take the necessary actions to streamline the procedures for individuals applying for or renewing enrollment in more than one TSA security threat assessment program, in particular, the TWIC and HAZMAT Endorsement programs.

Specifically, the Administrator must implement the following changes to the TSA security threat assessment program enrollment process: permitting an individual to enroll at any TSA authorized enrollment center once for a threat assessment program endorsement and use the application for one program to enroll in any other programs; permitting an individual to enroll in more than one TSA security threat assessment program at the same time for a fee that is less than the cumulative fee that would otherwise be incurred for each program separately; permitting an individual to undergo a streamlined and expeditious renewal process; aligning the expiration of an individual’s valid TSA security threat assessment program credentials; providing to States the expiration dates for each individual’s TSA security threat assessment to ensure a commercial driver’s license of an individual who holds a HAZMAT Endorsement does not indicate the individual is authorized to transport hazardous materials after the expiration date of the enrollment of the individual in the HAZMAT Endorsement security threat assessment program if their commercial driver’s license has an expiration date that is different from the expiration date of such enrollment; and enrolling an individual in a subsequent TSA security threat assessment program at the minimum cost necessary for the TSA to cover associated program costs.

Additionally, the Administrator shall post on a publicly available website, information relating to the streamlining of the enrollment

processes for individuals applying for more than one TSA security threat assessment program.

Following this, not later than 180 days after the date of enactment of this bill, the Administrator shall brief Congress on progress made toward the implementation of this section.

Section. 4. Eliminating duplicative costs

This section directs the Comptroller General of the United States to audit the administration of the security threat assessment programs by the TSA and the States, including the TWIC and HAZMAT Endorsement programs.

Specifically, the Comptroller General shall among other things: identify any redundancies and duplications in costs and administration of security threat assessment programs that if eliminated would not impact national security; identify potential opportunities that exist to improve the enrollment center operations of and customer experience with such programs; identify potential opportunities to harmonize the enrollment, vetting, and renewal processes of such programs in which similar information is collected for similar security threat assessment processes for different vetted credentials while not impacting national security; identify other ways the TSA can reduce the costs of the TSA security threat assessment programs while not impacting national security; and review the vetting, application, and enrollment processes of each TSA security threat assessment program.

In addition, this section directs the Comptroller General of the United States to audit the following: the administration of the HAZMAT Endorsement program by the States; the methods by which the States could streamline the HAZMAT Endorsement program; and any potential barriers States face administering TSA security threat assessment programs for individuals applying to TWIC and the HAZMAT Endorsement program or individuals that already have a TWIC credential.

Following the Comptroller General's audits, not later than 180 days after the date of the completion of the audit, the Comptroller General of the United States shall submit to the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security of the House of Representatives a report that includes, among other things: a summary and analysis of the costs associated with the operation and administration of each individual TSA security threat assessment program; a summary and analysis of the application and enrollment costs associated with providing an individual multiple credentials under TSA security threat assessment programs; an identification of any potential duplicative processes associated with an applicant applying for, or the vetting or enrollment by the TSA of an individual in, a subsequent or multiple TSA security threat assessment programs; and a breakdown of costs borne by applicants for current enrollment and renewal processes of such programs; ways to improve access to such programs, including for rural applicants.

Following the Comptroller General's report is published, this section directs the Administrator to implement the recommendations from such report and provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a written noti-

fication detailing: the timeline for implementation of each recommendation from the report; justifications for any implementation timeline lasting longer than 2 years; and justifications for recommendations that the Administrator has declined to pursue or implement.

Finally, not later than 60 days after the date of the receipt of the report, and annually thereafter until the date that the TSA has implemented each recommendation made by the Comptroller General's report, the Administrator shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives on the implementation of recommendations from the report.

