

116TH CONGRESS
2D SESSION

S. 3730

To amend title 49, United States Code, to authorize and modernize the registered traveler program of the Transportation Security Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2020

Mr. SULLIVAN (for himself, Ms. SINEMA, Mr. YOUNG, Ms. ROSEN, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to authorize and modernize the registered traveler program of the Transportation Security 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 “Registered Traveler
5 Act of 2020”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) the Administrator of the Transportation Se-
 2 curity Administration should support the continued
 3 operation of trusted passenger programs authorized
 4 under section 109(a)(3) of the Aviation and Trans-
 5 portation Security Act (49 U.S.C. 114 note), includ-
 6 ing the registered traveler program of the Transpor-
 7 tation Security Administration;

8 (2) the registered traveler program of the
 9 Transportation Security Administration is estab-
 10 lished to authorize and encourage the Administra-
 11 tion to partner with private sector registered traveler
 12 services providers to drive innovations that strength-
 13 en security and enhance the traveler experience to
 14 improve commercial air travel while continuing to
 15 safeguard transportation and national security; and

16 (3) passengers and airports participating in the
 17 registered traveler program may receive significant
 18 security and efficiency benefits.

19 **SEC. 3. REGISTERED TRAVELER PROGRAM.**

20 (a) IN GENERAL.—Subchapter I of chapter 449 of
 21 title 49, United States Code, is amended by inserting after
 22 section 44920 the following:

23 **“§ 44920a. Registered traveler program**

24 “(a) IN GENERAL.—An airport operator may enter
 25 into a contract with a qualified registered traveler services

1 provider to provide registered traveler services under sub-
2 section (d) to registered traveler program participants, if
3 the Administrator of the Transportation Security Admin-
4 istration approves the application of the qualified reg-
5 istered traveler services provider under subsection (c)(2).

6 “(b) QUALIFIED REGISTERED TRAVELER SERVICES
7 PROVIDER.—

8 “(1) IN GENERAL.—A private entity is a quali-
9 fied registered traveler services provider if—

10 “(A) the entity is in compliance with sec-
11 tion 536 of the Department of Homeland Secu-
12 rity Appropriations Act, 2015 (49 U.S.C. 114
13 note);

14 “(B) the Administrator has approved an
15 application for the entity under subsection
16 (c)(2); and

17 “(C) the entity meets such other require-
18 ments as the Administrator may establish.

19 “(2) TREATMENT OF EXISTING REGISTERED
20 TRAVELER SERVICES PROVIDERS.—

21 “(A) IN GENERAL.—Notwithstanding para-
22 graph (1), a private entity providing registered
23 traveler services as of the date of the enactment
24 of this section shall be deemed to be a qualified

1 registered traveler services provider for pur-
 2 poses of this subsection if the entity—

3 “(i) meets the requirement under
 4 paragraph (1)(A); and

5 “(ii) is operating pursuant to the re-
 6 quirements established by the Adminis-
 7 trator for the registered traveler program
 8 of the Administration as of the date of the
 9 enactment of this section.

10 “(B) CONTINUATION OF CONTRACTS.—A
 11 contract entered into before the date of the en-
 12 actment of this section with a private entity
 13 that meets the requirements of subparagraph
 14 (A) shall remain in effect on and after that
 15 date in accordance with the terms of the con-
 16 tract.

17 “(c) APPLICATIONS.—

18 “(1) SUBMISSION.—A private entity seeking to
 19 become a qualified registered traveler services pro-
 20 vider shall submit to the Administrator an applica-
 21 tion at such time, in such manner, and containing
 22 such information as the Administrator may require.

23 “(2) APPROVAL.—

24 “(A) IN GENERAL.—Not later than 180
 25 days after the date of receipt of an application

submitted by an entity under paragraph (1), the Administrator shall approve or deny the application.

“(B) STANDARDS.—The Administrator shall approve an application submitted by an entity under paragraph (1) if the Administrator determines that—

“(i) the level of security provided by the entity will be equal to or greater than the level that would be provided by Federal Government personnel; and

“(ii) the approval would not detrimentally affect the cost efficiency or the effectiveness of identity verification, traveler vetting status authentication, or provision of access to physical screening at an airport.

“(C) REPORTS ON DENIALS OF APPLICATIONS.—

“(i) IN GENERAL.—If the Administrator denies an application submitted by an entity under paragraph (1), the Administrator shall provide to the entity, not later than 60 days after the date of the denial, a written report that sets forth—

1 “(I) the findings that served as
2 the basis for the denial;

3 “(II) the results of any cost or
4 security analysis conducted in consid-
5 ering the application; and

6 “(III) recommendations on how
7 the entity can address the reasons for
8 the denial.

9 “(ii) SUBMISSION TO CONGRESS.—
10 The Administrator shall submit to the
11 Committee on Commerce, Science, and
12 Transportation of the Senate and the
13 Committee on Homeland Security of the
14 House of Representatives a copy of any re-
15 port provided to an entity under clause (i).

16 “(d) REGISTERED TRAVELER SERVICES.—For pur-
17 poses of this section, registered traveler services provided
18 by a qualified registered traveler services provider include
19 the following:

20 “(1) IDENTITY VERIFICATION.—The use of
21 identity verification procedures or technologies, in-
22 cluding the use of biometrics, to securely verify the
23 identity of a registered traveler program participant
24 who has entered an airport security checkpoint or

1 any other area under the control or authority of the
2 Administrator.

3 “(2) TRAVELER VETTING STATUS AUTHENTICA-
4 TION.—The authentication, by manual or electronic
5 means, of the vetting status, as determined by the
6 Transportation Security Administration, of a reg-
7 istered traveler program participant whose identity
8 has been verified under paragraph (1), which may
9 include authentication of paper or electronic travel
10 documentation or electronic confirmation of travel
11 information by the qualified registered traveler serv-
12 ices provider.

13 “(3) ACCESS TO PHYSICAL SCREENING.—

14 “(A) IN GENERAL.—The direction, from
15 an employee of the qualified registered traveler
16 services provider or through an automated proc-
17 ess operated by the qualified registered traveler
18 services provider, for a registered traveler pro-
19 gram participant, whose identity has been
20 verified under paragraph (1) and whose vetting
21 status has been authenticated under paragraph
22 (2), to proceed directly, in an unimpeded man-
23 ner, without re-verification of the identity or re-
24 authentication of the vetting status of the trav-

1 eler, to the appropriate area for physical screen-
2 ing designated by the Administrator.

3 “(B) PHYSICAL SCREENING DEFINED.—In
4 this subsection, the term ‘area for physical
5 screening’ means an area, including a lane
6 within an airport security checkpoint or any
7 other area, at which an individual and the per-
8 sonal property of an individual are screened by
9 an agent of the Transportation Security Admin-
10 istration.

11 “(4) ADDITIONAL SERVICES.—Such other addi-
12 tional services at the airport security checkpoint or
13 any other area under the control or authority of the
14 Administrator as the Administrator may approve.

15 “(e) REGISTERED TRAVELER SERVICES PRO-
16 VIDED.—The Administrator shall—

17 “(1) develop policies, procedures, and capabili-
18 ties that allow qualified registered traveler services
19 providers to provide to registered traveler services
20 program participants the full extent of registered
21 traveler services; and

22 “(2) undertake audits under subsection (f) of
23 the performance of qualified registered traveler serv-
24 ices providers providing registered traveler services
25 at airports under this section, and allow providers to

1 correct any deficiencies identified during such au-
2 dits.

3 “(f) AUDITS OF QUALIFIED REGISTERED TRAVELER
4 SERVICES PROVIDERS.—

5 “(1) IN GENERAL.—Not less frequently than
6 once every 5 years, the Administrator shall conduct
7 an audit, which shall last not more than 1 month,
8 of each qualified registered traveler services provider
9 to determine if the provider is meeting the standards
10 described in subsection (c)(2)(B).

11 “(2) STRATEGY REQUIRED.—

12 “(A) IN GENERAL.—In carrying out para-
13 graph (1), the Administrator shall develop a
14 strategy for conducting audits under that para-
15 graph to determine if qualified registered trav-
16 eler services providers are meeting the stand-
17 ards described in subsection (c)(2)(B).

18 “(B) ELEMENTS.—The strategy required
19 by subparagraph (A) may include the examina-
20 tion of a percentage of registered traveler serv-
21 ices program participants, not to exceed 5 per-
22 cent of the average number of such participants
23 traveling on a daily basis, who are screened
24 under procedures of the Transportation Secu-
25 rity Administration applicable to travelers who

1 are not registered traveler services program
2 participants. Subsection (d)(3) shall not apply
3 to registered traveler services program partici-
4 pants screened under such procedures.

5 “(3) IMPROVEMENT PLANS.—

6 “(A) IN GENERAL.—If, after completing
7 an audit under paragraph (1) of a qualified reg-
8 istered traveler services provider, the Adminis-
9 trator determines that the provider does not
10 meet the standards described in subsection
11 (c)(2)(B), the Administrator shall develop an
12 improvement plan with the provider to bring
13 the provider into compliance with those stand-
14 ards by the date that is 12 months after the
15 Administrator provides the plan to the provider.

16 “(B) COMPLETION OF IMPROVEMENT
17 PLANS.—If a provider for which an improve-
18 ment plan was developed under subparagraph
19 (A) does not come into compliance with the
20 standards described in subsection (c)(2)(B) by
21 the date required by that subparagraph, the
22 Administrator may—

23 “(i) provide the provider with addi-
24 tional time to come into compliance with
25 those standards;

1 “(ii) take administrative action
2 against the provider; or

3 “(iii) require the suspension or termi-
4 nation under subsection (g) of the contract
5 between the provider and the airport oper-
6 ator entered into under subsection (a).

7 “(4) AUTHORITY FOR IMMEDIATE CONTRACT
8 TERMINATION.—If, during an audit conducted under
9 paragraph (1), the Administrator determines that a
10 qualified registered traveler services provider has
11 acted with gross negligence or failed repeatedly to
12 comply with any standard, regulation, directive,
13 order, or applicable law, the Administrator may re-
14 quire the immediate suspension or termination under
15 subsection (g) of the contract between the provider
16 and the airport operator entered into under sub-
17 section (a).

18 “(g) TERMINATION OR SUSPENSION OF CON-
19 TRACTS.—

20 “(1) IN GENERAL.—The Administrator may re-
21 quire an airport operator to suspend or terminate,
22 as appropriate, any contract entered into under sub-
23 section (a) with a qualified registered traveler serv-
24 ices provider to provide registered traveler services
25 at an airport if the Administrator determines that

1 the provider has acted with gross negligence or
2 failed repeatedly to comply with any standard, regu-
3 lation, directive, order, or law applicable to—

4 “(A) the hiring or training of personnel to
5 provide such services;

6 “(B) the handling of personal information;
7 or

8 “(C) the provision of such services at the
9 airport.

10 “(2) REPORT REQUIRED.—If the Administrator
11 requires the termination or suspension of the con-
12 tract of a registered traveler services provider under
13 paragraph (1), the Administrator shall, not later
14 than 30 days after requiring the termination or sus-
15 pension, submit to the Committee on Commerce,
16 Science, and Transportation of the Senate and the
17 Committee on Homeland Security of the House of
18 Representatives a report that describes in detail—

19 “(A) the reasons the contract was termi-
20 nated or suspended;

21 “(B) if the contract was suspended and
22 not terminated, the actions the Administrator is
23 requiring the provider to take before the con-
24 tract is reinstated; and

1 “(C) measures the Administrator is taking
2 to improve future registered traveler services
3 contracts.

4 “(h) SECURE FLIGHT PROGRAM AVAILABILITY.—

5 “(1) IN GENERAL.—The Administrator shall
6 make available to qualified registered traveler serv-
7 ices providers providing registered traveler services
8 under this section the same systems (including the
9 advanced passenger prescreening system under sec-
10 tion 44903(j)(2)(C)), programs, capabilities, and in-
11 formation, or successor systems, programs, and ca-
12 pabilities, that, as of the date of the enactment of
13 this section, are available to—

14 “(A) airport operators;

15 “(B) air carriers;

16 “(C) foreign air carriers; or

17 “(D) qualified private screening companies
18 operating at airports participating in the
19 screening partnership program authorized
20 under section 44920.

21 “(2) REQUIREMENT RELATING TO ADVANCED
22 PASSENGER PRESCREENING SYSTEM.—Upon making
23 access to the advanced passenger prescreening sys-
24 tem under section 44903(j)(2)(C) available to a reg-
25 istered traveler services provider under paragraph

1 (1), the Administrator shall carry out the require-
2 ments described in clause (iii) of that section, as ap-
3 plicable to the registered traveler services provider—

4 “(A) to establish sufficient operational
5 safeguards to reduce the opportunities for
6 abuse of the system;

7 “(B) to implement substantial security
8 measures to protect the system from unauthor-
9 ized access;

10 “(C) to adopt policies establishing effective
11 oversight of the use and operation of the sys-
12 tem; and

13 “(D) to ensure that there are no specific
14 privacy concerns with the technological architec-
15 ture of the system.

16 “(i) INNOVATIVE SCREENING APPROACHES AND
17 TECHNOLOGIES.—

18 “(1) IN GENERAL.—The Administrator shall
19 encourage qualified registered traveler services pro-
20 viders to recommend to the Administrator innovative
21 identity verification and screening approaches and
22 technologies.

23 “(2) RESPONSE.—Upon the receipt of any rec-
24 ommendations from a qualified registered traveler

1 services provider under paragraph (1), the Adminis-
 2 trator shall—

3 “(A) review and respond in writing to the
 4 qualified registered traveler services provider
 5 within 30 days;

6 “(B) if appropriate, test or conduct a pilot
 7 project with respect to such approaches and
 8 technologies; and

9 “(C) if appropriate, deploy such ap-
 10 proaches and technologies.

11 “(j) PUBLIC HEALTH STANDARDS.—A registered
 12 traveler services program participant shall be required to
 13 meet or exceed any public health standards that the Ad-
 14 ministrator requires all other travelers in air transpor-
 15 tation to meet.

16 “(k) REGISTERED TRAVELER SERVICES PROGRAM
 17 PARTICIPANT DEFINED.—In this section, the term ‘reg-
 18 istered traveler services program participant’ means an in-
 19 dividual who voluntarily chooses to participate in reg-
 20 istered traveler services that are provided by a qualified
 21 registered traveler services provider.”.

22 (b) CLERICAL AMENDMENT.—The chapter analysis
 23 for chapter 449 of title 49, United States Code, is amend-
 24 ed by inserting after the item relating to section 44920
 25 the following:

“44920a. Registered traveler program.”.

1 **SEC. 4. REPORT ON REGISTERED TRAVELER PROGRAM.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of the enactment of this Act, the Comptroller
4 General of the United States shall submit to the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate and the Committee on Homeland Security of the
7 House of Representatives a report on the registered trav-
8 eler program under section 44920a of title 49, United
9 States Code, as added by section 3.

10 (b) ELEMENTS.—The report required by subsection
11 (a) shall include—

12 (1) an assessment of—

13 (A) the extent of the compliance by the
14 Transportation Security Administration with
15 the requirements of section 44920a of title 49,
16 United States Code, as added by section 3;

17 (B) the level of security for identity
18 verification provided by qualified registered
19 traveler services providers and whether that
20 level of security is equal to or greater than the
21 level of security for identity verification pro-
22 vided by personnel of the Transportation Secu-
23 rity Administration;

24 (C) the effectiveness of identity verification
25 and traveler vetting status authentication tech-

1 nology and procedures used by qualified reg-
2 istered traveler services providers;

3 (D) the impact on aviation security result-
4 ing from the provision of access to physical
5 screening at airports by qualified registered
6 traveler services providers; and

7 (E) the effectiveness of oversight by the
8 Transportation Security Administration of
9 qualified registered traveler services providers;
10 and

11 (2) recommendations for how to improve the
12 registered traveler program.

13 (c) FORM OF REPORT.—The report required by sub-
14 section (a) shall be submitted in unclassified form but may
15 include a classified annex.

○