

116TH CONGRESS
2D SESSION

S. 4577

To require online enrollment for the PreCheck Program of the Transportation Security Administration.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2020

Mrs. BLACKBURN (for herself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require online enrollment for the PreCheck Program of the Transportation Security Administration.

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. ONLINE ENROLLMENT FOR PRECHECK PRO-**
4 **GRAM.**

5 (a) IN GENERAL.—Section 44919 of title 49, United
6 States Code, is amended—

7 (1) by redesignating subsections (e) through (l)
8 as subsections (f) through (m), respectively;

9 (2) by inserting after subsection (d) the fol-
10 lowing:

1 “(e) ONLINE ENROLLMENT PROCESS.—Notwith-
2 standing subsections (c) and (d), before a private sector
3 entity with which the Administrator enters into an agree-
4 ment under subsection (b) may operate under that agree-
5 ment, the Administrator shall ensure that the entity pro-
6 vides, as the entity’s primary enrollment technology solu-
7 tion, a secure end-to-end online web or mobile application
8 enrollment capability that leverages electronic technologies
9 to remotely capture biometrics and validate identity docu-
10 ments.”; and

11 (3) by adding at the end the following:

12 “(n) ELIGIBILITY OF CERTAIN INDIVIDUALS FOR RE-
13 NEWAL OF ENROLLMENT.—

14 “(1) IN GENERAL.—In carrying out subsection
15 (e), the Administrator shall ensure that any indi-
16 vidual who enrolled in the PreCheck Program under
17 the Universal Enrollment Services program is eligi-
18 ble for renewal of the individual’s enrollment under
19 the renewal process of the Universal Enrollment
20 Services program (as in effect on the day before the
21 date of the enactment of this subsection).

22 “(2) SHARING OF INFORMATION.—The Admin-
23 istrator shall share with a private sector entity with
24 which the Administrator enters into an agreement
25 under subsection (b) information about an individual

1 who enrolled in the PreCheck Program under the
2 Universal Enrollment Services program and whose
3 enrollment has expired only after—

4 “(A) the Administrator provides to the in-
5 dividual—

6 “(i) full disclosure regarding collec-
7 tion, maintenance, and sharing of the in-
8 formation; and

9 “(ii) the option to opt out of sharing
10 that information; and

11 “(B) the individual provides affirmative
12 consent for the sharing of that information.”.

13 (b) IMPLEMENTATION.—

14 (1) MEMORANDUM OF UNDERSTANDING RE-
15 QUIRED.—Not later than 120 days after the date of
16 the enactment of this Act, the Secretary of Home-
17 land Security and the Attorney General shall enter
18 into a memorandum of understanding with respect
19 to cooperatively evaluating and approving a capa-
20 bility for remote collection of biometric information
21 from a mobile device and associated vetting of indi-
22 viduals’ criminal histories for trusted traveler enroll-
23 ment programs of the Transportation Security Ad-
24 ministration.

1 (2) PROGRESS REPORT.—Not later than 180
2 days after entering into the memorandum of under-
3 standing required under paragraph (1), the Sec-
4 retary of Homeland Security and the Attorney Gen-
5 eral shall jointly submit to the Committee on Com-
6 merce, Science, and Transportation of the Senate
7 and the Committee on Homeland Security of the
8 House of Representatives a report on—

9 (A) the progress made in establishing the
10 standard for the capability described in para-
11 graph (1); and

12 (B) the timeline for approval of the stand-
13 ard by the Secretary of Commerce and the Di-
14 rector of the Federal Bureau of Investigation.

15 (3) IMPLEMENTATION PLAN.—Not later than
16 180 days after the standard described in paragraph
17 (2) has been approved by the Secretary of Com-
18 merce and the Director of the Federal Bureau of In-
19 vestigation, the Administrator of the Transportation
20 Security Administration shall submit to Congress
21 and the Comptroller General of the United States a
22 plan for the implementation of the enrollment capa-
23 bility required by subsection (e) of section 44919 of
24 title 49, United States Code, as added by subsection
25 (a), that—

1 (A) identifies appropriate security and pri-
2 vacy protections; and

3 (B) includes a strategy for ensuring that
4 the private sector entities with which the Ad-
5 ministrator enters into agreements under sub-
6 section (b) of such section 44919 will—

7 (i) operate locations for enrollment in
8 the PreCheck Program that are geographi-
9 cally dispersed from locations required for
10 enrollment under the Universal Enrollment
11 Services program; or

12 (ii) otherwise increase enrollment be-
13 yond existing capabilities and current geo-
14 graphic markets.

15 (4) REVIEW BY GOVERNMENT ACCOUNTABILITY
16 OFFICE.—

17 (A) REVIEW OF STANDARD.—Not later
18 than 180 days after the standard described in
19 paragraph (2) has been approved by the Sec-
20 retary of Commerce and the Director of the
21 Federal Bureau of Investigation, the Comp-
22 troller General of the United States shall—

23 (i) review the standard; and

1 (ii) assess its efficacy to be used for
2 vetting for enrollment in the PreCheck
3 program.

4 (B) REVIEW OF IMPLEMENTATION
5 PLAN.—Not later than 180 days after receiving
6 the plan required by paragraph (3), the Comp-
7 troller General shall conduct a review of the
8 plan and the implementation of the plan to en-
9 sure that appropriate privacy and security pro-
10 tections are maintained.

11 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion or an amendment made by this section may be con-
13 strued to preclude an individual enrolled in the PreCheck
14 Program as of the date of the enactment of this Act from
15 choosing to enroll in another trusted traveler program of
16 the Transportation Security Administration.

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