



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

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

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**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.

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. SULLIVAN (for himself and Ms.  
SINEMA)

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 “Registered Traveler  
5 Act of 2020”.

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

7 It is the sense of Congress that—

8 (1) the Administrator of the Transportation Se-  
9 curity Administration should support the continued  
10 operation of trusted passenger programs authorized

1 under section 109(a)(3) of the Aviation and Trans-  
2 portation Security Act (49 U.S.C. 114 note), includ-  
3 ing the registered traveler program established by  
4 the Transportation Security Administration pursu-  
5 ant to that authorization;

6 (2) the registered traveler program was estab-  
7 lished to foster collaboration between the Transpor-  
8 tation Security Administration and private sector  
9 registered traveler services providers to drive innova-  
10 tions that strengthen security and enhance the trav-  
11 eler experience to improve commercial air travel  
12 while continuing to safeguard transportation and na-  
13 tional security; and

14 (3) passengers, airports, and air carriers par-  
15 ticipating in the registered traveler program may re-  
16 ceive significant security and efficiency benefits.

17 **SEC. 3. REGISTERED TRAVELER PROGRAM.**

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

21 **“§ 44920a. Registered traveler program**

22 “(a) IN GENERAL.—An airport operator or air car-  
23 rier may enter into a contract with a private entity to pro-  
24 vide registered traveler services to registered traveler pro-  
25 gram participants, subject to standards established by the

1 Administrator of the Transportation Security Administra-  
2 tion.

3 “(b) APPLICATIONS.—

4 “(1) SUBMISSION.—A private entity seeking to  
5 operate as a registered traveler services provider  
6 pursuant to a contract entered into under subsection  
7 (a) shall submit to the Administrator an application  
8 at such time, in such manner, and containing such  
9 information as the Administrator may require, in-  
10 cluding the endorsement of the airport operator or  
11 air carrier.

12 “(2) APPROVAL.—

13 “(A) IN GENERAL.—Not later than 60  
14 days after the date of receipt of an application  
15 submitted by an entity under paragraph (1),  
16 the Administrator shall approve or deny the ap-  
17 plication.

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

22 “(i) the entity is in compliance with  
23 section 536 of the Department of Home-  
24 land Security Appropriations Act, 2015  
25 (49 U.S.C. 114 note);

1                   “(ii) the level of security of the reg-  
2                   istered traveler services authorized by the  
3                   Administrator and provided by the entity  
4                   pursuant to a contract entered into under  
5                   subsection (a) will be equal to or greater  
6                   than the level of security of such services  
7                   that would be provided by Federal Govern-  
8                   ment personnel; and

9                   “(iii) the entity meets such other  
10                  standards as the Administrator may estab-  
11                  lish, including the standards issued under  
12                  subsection (h).

13                  “(C) REPORTS ON DENIALS OF APPLICA-  
14                  TIONS.—

15                  “(i) IN GENERAL.—If the Adminis-  
16                  trator denies an application submitted by  
17                  an entity under paragraph (1), the Admin-  
18                  istrator shall provide to the entity, not  
19                  later than 60 days after the date of the de-  
20                  nial, a written report that sets forth—

21                         “(I) the findings that served as  
22                         the basis for the denial;

23                         “(II) the results of any security  
24                         analysis conducted in considering the  
25                         application; and

1                   “(III) recommendations on how  
2                   the entity can address the reasons for  
3                   the denial.

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

11                  “(3) TREATMENT OF EXISTING REGISTERED  
12                  TRAVELER SERVICES PROVIDERS.—Notwithstanding  
13                  paragraphs (1) and (2), a private entity providing  
14                  registered traveler services as of the date of the en-  
15                  actment of this section may continue providing reg-  
16                  istered traveler services under the requirements es-  
17                  tablished by the Administrator for the registered  
18                  traveler program in existence before such date of en-  
19                  actment if the private entity comes into compliance  
20                  with the standards issued under subsection (h) with-  
21                  in a reasonable period of time after such date of en-  
22                  actment, as determined by the Administrator.

23                  “(c) OVERSIGHT.—The Administrator shall—

24                  “(1) develop policies, procedures, and capabili-  
25                  ties that allow registered traveler services providers

1 to provide to registered traveler program partici-  
2 pants the full extent of registered traveler services  
3 authorized by the Administrator;

4 “(2) set standards for how registered traveler  
5 services providers may verify the identity of reg-  
6 istered traveler program participants and provide  
7 such other registered traveler services as the Admin-  
8 istrator may authorize, including standards, as nec-  
9 essary, for alerting an agent of the Transportation  
10 Security Administration to handle any such partici-  
11 pant that requires heightened screening or otherwise  
12 presents a risk to aviation security; and

13 “(3) conduct audits under subsection (d) of the  
14 performance of registered traveler services providers  
15 and allow such providers to correct any deficiencies  
16 identified during such audits, unless the Adminis-  
17 trator determines it necessary to take enforcement  
18 action under subsection (d)(3)(B), (d)(4), or (e).

19 “(d) AUDITS OF REGISTERED TRAVELER SERVICES  
20 PROVIDERS.—

21 “(1) IN GENERAL.—At least once every 5 years,  
22 the Administrator shall conduct an audit of each  
23 registered traveler services provider to determine if  
24 the provider is meeting the standards described in  
25 subsection (b)(2)(B).

1           “(2) STRATEGY REQUIRED.—

2           “(A) IN GENERAL.—In carrying out para-  
3 graph (1), the Administrator shall develop a  
4 strategy for conducting audits under that para-  
5 graph to determine if registered traveler serv-  
6 ices providers are meeting the standards de-  
7 scribed in subsection (b)(2)(B).

8           “(B) ELEMENTS.—The strategy required  
9 by subparagraph (A) may include the examina-  
10 tion of a percentage of registered traveler serv-  
11 ices program participants who are screened  
12 under procedures of the Transportation Secu-  
13 rity Administration applicable to travelers who  
14 are not registered traveler services program  
15 participants.

16           “(3) IMPROVEMENT PLANS.—

17           “(A) IN GENERAL.—If the Administrator  
18 determines that a registered traveler services  
19 provider does not meet the standards described  
20 in subsection (b)(2)(B), the Administrator may  
21 develop an improvement plan with the provider  
22 to bring the provider into compliance with those  
23 standards within a reasonable period of time, as  
24 determined by the Administrator.

1                   “(B) COMPLETION OF IMPROVEMENT  
2 PLANS.—If a registered traveler services pro-  
3 vider for which an improvement plan was devel-  
4 oped under subparagraph (A) does not come  
5 into compliance with the standards described in  
6 subsection (b)(2)(B) by the date required by  
7 the Administrator, the Administrator may—

8                   “(i) provide the provider with addi-  
9 tional time to come into compliance with  
10 those standards;

11                   “(ii) take administrative action  
12 against the provider; or

13                   “(iii) require the suspension or termi-  
14 nation under subsection (e) of the provi-  
15 sion of registered traveler services by the  
16 provider.

17                   “(4) AUTHORITY FOR IMMEDIATE TERMI-  
18 NATION.—If, during an audit conducted under para-  
19 graph (1), the Administrator determines that a reg-  
20 istered traveler services provider acted with gross  
21 negligence or has repeatedly failed to comply with  
22 any standard, regulation, directive, order, or law ap-  
23 plicable to registered traveler services providers, the  
24 Administrator may require the immediate suspension



1 or termination of the provision of registered traveler  
2 services by the provider under subsection (e).

3 “(e) TERMINATION OR SUSPENSION OF REGISTERED  
4 TRAVELER SERVICES.—

5 “(1) IN GENERAL.—The Administrator may re-  
6 quire a registered traveler services provider to sus-  
7 pend or terminate, as appropriate, the provision of  
8 registered traveler services if the Administrator de-  
9 termines that the provider acted with gross neg-  
10 ligence or has repeatedly failed to comply with any  
11 standard, regulation, directive, order, or law applica-  
12 ble to registered traveler services providers.

13 “(2) REPORT REQUIRED.—If the Administrator  
14 requires the termination or suspension of registered  
15 traveler services under paragraph (1), the Adminis-  
16 trator shall, not later than 60 days after requiring  
17 the termination or suspension, submit to the Com-  
18 mittee on Commerce, Science, and Transportation of  
19 the Senate and the Committee on Homeland Secu-  
20 rity of the House of Representatives a report that  
21 describes in detail—

22 “(A) the reasons the services were termi-  
23 nated or suspended;

24 “(B) if the services were suspended and  
25 not terminated, the actions the Administrator is

1 requiring the provider to take before the serv-  
2 ices may be reinstated; and

3 “(C) measures the Administrator is taking  
4 to improve the operation of registered traveler  
5 services providers in the future.

6 “(f) SCREENING STATUS INFORMATION.—The Ad-  
7 ministrator shall make available to registered traveler  
8 services providers, in electronic format, the screening sta-  
9 tus information of a registered traveler services partici-  
10 pant that is available as of the date of the enactment of  
11 this section to registered traveler services providers  
12 through information contained on the paper and digital  
13 travel documents of the participant.

14 “(g) INNOVATIVE REGISTERED TRAVELER SERVICES  
15 AND TECHNOLOGIES.—

16 “(1) IN GENERAL.—The Administrator shall  
17 encourage registered traveler services providers to  
18 recommend to the Administrator innovations in reg-  
19 istered traveler services and related technologies.

20 “(2) RESPONSE.—Upon the receipt of any rec-  
21 ommendation from a registered traveler services pro-  
22 vider under paragraph (1), the Administrator shall,  
23 to the extent practicable—

24 “(A) review and respond in writing to the  
25 provider within 60 days;

1           “(B) include in that response a description  
2 of the reasons of the Administrator for accept-  
3 ing or rejecting the recommendation of the pro-  
4 vider;

5           “(C) if appropriate, test or conduct a pilot  
6 project with respect to the recommendation;  
7 and

8           “(D) if appropriate, implement the rec-  
9 ommended service or technology.

10       “(h) PUBLICATION OF STANDARDS.—

11           “(1) IN GENERAL.—Not later than 180 days  
12 after the date of the enactment of this section, the  
13 Administrator shall issue standards for registered  
14 traveler services providers under this section.

15           “(2) ELEMENTS.—The standards required by  
16 paragraph (1) shall include—

17           “(A) the requirements for ensuring that  
18 the level of security of the registered traveler  
19 services authorized by the Administrator and  
20 provided by a registered traveler services pro-  
21 vider will be equal to or greater than the level  
22 of security of such services that would be pro-  
23 vided by Federal Government personnel;

24           “(B) any other requirements established by  
25 the Administrator for the approval of an appli-

1 cation under subsection (b) to provide reg-  
2 istered traveler services at an airport; and

3 “(C) a specification of the information that  
4 is required to be included in such an applica-  
5 tion.

6 “(3) UPDATES.—If the Administrator updates  
7 the standards issued under paragraph (1), the Ad-  
8 ministrator shall issue the updated standards not  
9 later than 60 days after updating the standards.

10 “(i) PUBLIC HEALTH STANDARDS.—A registered  
11 traveler program participant shall be required to meet or  
12 exceed any public health standards that the Administrator  
13 requires all other travelers in air transportation to meet.

14 “(j) WORKFORCE PROVISION.—The Administrator  
15 may not replace, reduce, or otherwise diminish the work-  
16 force of the Transportation Security Administration at  
17 any airport security checkpoint solely based on the pres-  
18 ence of a registered traveler services provider at the check-  
19 point.

20 “(k) RULES OF CONSTRUCTION.—Nothing in this  
21 section may be construed—

22 “(1) to diminish the authority of the Adminis-  
23 trator under this title to establish and enforce regu-  
24 lations for transportation security or to conduct

1 compliance verification with respect to those regula-  
2 tions;

3 “(2) to limit the authority of the Administrator  
4 to take any lawful action or remedy against a reg-  
5 istered traveler services provider to address security  
6 vulnerabilities or impose penalties for violations of  
7 this title;

8 “(3) to supersede, interfere, or diminish the au-  
9 thority of the Administrator to physically screen pas-  
10 sengers, or conduct other security functions author-  
11 ized by law, in air transportation before the entry of  
12 passengers into the sterile area of an airport;

13 “(4) to diminish the authority of the Adminis-  
14 trator under this title to provide real-time oper-  
15 ational control of passenger screening;

16 “(5) to excuse a registered traveler services pro-  
17 vider from complying with all procedures established  
18 by the Administrator for registered traveler program  
19 participants that require heightened screening or  
20 otherwise present a risk to aviation security; or

21 “(6) to permit the Administrator to provide ac-  
22 cess to a database of the Secure Flight program or  
23 classified information to a registered traveler serv-  
24 ices provider.

25 “(1) DEFINITIONS.—In this section:

1           “(1) REGISTERED TRAVELER PROGRAM PARTIC-  
2           IPANT.—The term ‘registered traveler program par-  
3           ticipant’ means an individual who voluntarily choos-  
4           es to participate in registered traveler services that  
5           are provided by a registered traveler services pro-  
6           vider.

7           “(2) REGISTERED TRAVELER SERVICES.—

8           “(A) IN GENERAL.—The term ‘registered  
9           traveler services’ includes the following:

10           “(i) IDENTITY VERIFICATION.—The  
11           use of identity verification procedures or  
12           technologies, including the use of bio-  
13           metrics, to securely verify the identity of a  
14           registered traveler program participant  
15           who has approached or entered an airport  
16           security checkpoint or any other area  
17           under the control or authority of the Ad-  
18           ministrator.

19           “(ii) QUICK ACCESS TO PHYSICAL  
20           SCREENING.—Expedited access to the area  
21           for physical screening, as determined by  
22           the Administrator, through an employee of  
23           the registered traveler services provider or  
24           an automated process operated by the pro-  
25           vider.

1                   “(iii) ADDITIONAL SERVICES.—Such  
2                   other additional services at the airport se-  
3                   curity checkpoint or any other area under  
4                   the control or authority of the Adminis-  
5                   trator as the Administrator may authorize,  
6                   including innovative identity verification  
7                   and screening approaches implemented  
8                   under subsection (g).

9                   “(B) AREA FOR PHYSICAL SCREENING.—  
10                  For purposes of subparagraph (A)(ii), the term  
11                  ‘area for physical screening’ means an area, in-  
12                  cluding a lane within an airport security check-  
13                  point or any other area, at which an individual  
14                  and the personal property of the individual are  
15                  screened by an agent of the Transportation Se-  
16                  curity Administration.

17                  “(3) REGISTERED TRAVELER SERVICES PRO-  
18                  VIDER.—The term ‘registered traveler services pro-  
19                  vider’ means a private entity that has entered into  
20                  a contract with an airport operator or air carrier  
21                  under subsection (a) to provide registered traveler  
22                  services to registered traveler program partici-  
23                  pants.”.

24                  (b) CLERICAL AMENDMENT.—The chapter analysis  
25                  for chapter 449 of title 49, United States Code, is amend-

1 ed by inserting after the item relating to section 44920  
2 the following:

“44920a. Registered traveler program.”.

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

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

12 (b) ELEMENTS.—The report required by subsection  
13 (a) shall include—

14 (1) an assessment of—

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

19 (B) the level of security, effectiveness, and  
20 efficiency of identity verification and other reg-  
21 istered traveler services provided by registered  
22 traveler services providers under such section  
23 44920a and whether that level of security is  
24 equal to or greater than the level of security, ef-  
25 fectiveness, and efficiency of such services that



1 would be provided by personnel of the Trans-  
2 portation Security Administration; and

3 (C) the effectiveness of oversight by the  
4 Transportation Security Administration of reg-  
5 istered traveler services providers; and

6 (2) recommendations for how to improve the  
7 registered traveler program.

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