

Calendar No. 383

114TH CONGRESS
2D SESSION**H. R. 2843****[Report No. 114-223]**

IN THE SENATE OF THE UNITED STATES

JULY 28, 2015

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

MARCH 7, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To require certain improvements in the Transportation Security Administration's PreCheck expedited screening program, 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 "TSA PreCheck Expan-
5 sion Act".

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Transpor-
3 tation Security Administration.

4 (2) DEPARTMENT.—The term “Department”
5 means the Department of Homeland Security.

6 (3) TSA.—The term “TSA” means the Trans-
7 portation Security Administration.

8 **SEC. 3. ENROLLMENT EXPANSION.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the Administrator shall
11 publish PreCheck application enrollment standards to add
12 multiple private sector application capabilities for the TSA
13 PreCheck program to increase the public’s enrollment ac-
14 cess to such program, including standards that allow the
15 use of secure technologies, including online enrollment, ki-
16 osks, tablets, or staffed laptop stations at which individ-
17 uals can apply for entry into such program.

18 (b) REQUIREMENTS.—Upon publication of the
19 PreCheck program application enrollment standards pur-
20 suant to subsection (a), the Administrator shall—

21 (1) coordinate with interested parties to deploy
22 TSA-approved ready-to-market private sector solu-
23 tions that meet the TSA PreCheck application en-
24 rollment standards described in paragraph (1); make
25 available additional PreCheck enrollment capabili-

1 ties, and offer secure online and mobile enrollment
2 opportunities;

3 ~~(2)~~ partner with the private sector to collect
4 biographic and biometric identification information
5 via kiosks, mobile devices, or other mobile enroll-
6 ment platforms to reduce the number of instances in
7 which passengers need to travel to enrollment cen-
8 ters;

9 ~~(3)~~ ensure that the kiosks, mobile devices, or
10 other mobile enrollment platforms referred to in
11 paragraph ~~(3)~~ are certified as secure and not vulner-
12 able to data breaches;

13 ~~(4)~~ ensure that any biometric and biographic
14 information is collected in a manner which is com-
15 parable with the National Institute of Standards and
16 Technology standards and ensures privacy and data
17 security protections, including that applicants' per-
18 sonally identifiable information is collected, retained,
19 used, and shared in a manner consistent with sec-
20 tion 552a of title 5, United States Code (commonly
21 known as "Privacy Act of 1974"), and agency regu-
22 lations;

23 ~~(5)~~ ensure that an individual who wants to en-
24 roll in the PreCheck program and has started an ap-
25 plication with a single identification verification at

1 one location will be able to save such individual's ap-
2 plication on any kiosk, personal computer, mobile
3 device, or other mobile enrollment platform and be
4 able to return within a reasonable time to submit a
5 second identification verification; and

6 (6) ensure that any enrollment expansion using
7 a private sector risk assessment instead of a finger-
8 print-based criminal history records check is deter-
9 mined, by the Secretary of Homeland Security, to be
10 equivalent to a fingerprint-based criminal history
11 records check conducted through the Federal Bu-
12 reau of Investigation.

13 (c) ~~MARKETING OF PRECHECK PROGRAM.~~—Upon
14 publication of PreCheck program application enrollment
15 standards pursuant to subsection (a), the Administrator
16 shall—

17 (1) in accordance with the standards described
18 in paragraph (1) of subsection (a), develop and im-
19 plement—

20 (A) a process, including an associated
21 timeframe, for approving private sector mar-
22 keting of the TSA PreCheck program; and

23 (B) a strategy for partnering with the pri-
24 vate sector to encourage enrollment in such pro-
25 gram; and

1 (2) submit to Congress a report on any
2 PreCheck fees collected in excess of the costs of ad-
3 ministering such program, including recommenda-
4 tions for using such amounts to support marketing
5 of such program under this subsection.

6 (d) ~~IDENTITY VERIFICATION ENHANCEMENT.~~—Not
7 later than 90 days after the date of the enactment of this
8 Act, the Administrator shall—

9 (1) coordinate with the heads of appropriate
10 components of the Department to leverage Depart-
11 ment-held data and technologies to verify the citizen-
12 ship of individuals enrolling in the TSA PreCheck
13 program; and

14 (2) partner with the private sector to use ad-
15 vanced biometrics and standards comparable with
16 National Institute of Standards and Technology
17 standards to facilitate enrollment in such program.

18 (e) ~~PRECHECK LANE OPERATION.~~—The Adminis-
19 trator shall—

20 (1) ensure that TSA PreCheck screening lanes
21 are open and available during peak and high-volume
22 travel times at airports to individuals enrolled in the
23 PreCheck program; and

24 (2) make every practicable effort to provide ex-
25 pedited screening at standard screening lanes during

1 times when PreCheck screening lanes are closed to
2 individuals enrolled in such program in order to
3 maintain operational efficiency.

4 (f) VETTING FOR PRECHECK PARTICIPANTS.—Not
5 later than 90 days after the date of the enactment of this
6 Act, the Administrator shall initiate an assessment of the
7 security vulnerabilities in the vetting process for the
8 PreCheck program that includes an evaluation of whether
9 subjecting PreCheck participants to recurrent fingerprint-
10 based criminal history records checks, in addition to recur-
11 rent checks against the terrorist watchlist, could be done
12 in a cost-effective manner to strengthen the security of
13 the PreCheck program.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “TSA PreCheck Expan-*
16 *sion Act”.*

17 **SEC. 2. DEFINITIONS.**

18 *In this Act:*

19 (1) *ADMINISTRATOR.*—The term “Adminis-
20 trator” means the Administrator of the Transpor-
21 tation Security Administration.

22 (2) *DEPARTMENT.*—The term “Department”
23 means the Department of Homeland Security.

24 (3) *PRECHECK PROGRAM.*—The term “PreCheck
25 Program” means the trusted traveler program imple-

1 *mented by the Transportation Security Administra-*
2 *tion under section 109(a)(3) of the Aviation and*
3 *Transportation Security Act (49 U.S.C. 114).*

4 (4) *TSA.—The term “TSA” means the Trans-*
5 *portation Security Administration.*

6 **SEC. 3. PRECHECK PROGRAM AUTHORIZATION.**

7 *The Administrator shall continue to administer the*
8 *PreCheck Program established under the authority of the*
9 *Aviation and Transportation Security Act (Public Law*
10 *107–71).*

11 **SEC. 4. PRECHECK PROGRAM ENROLLMENT EXPANSION.**

12 (a) *IN GENERAL.—Not later than 90 days after the*
13 *date of enactment of this Act, the Administrator shall pub-*
14 *lish PreCheck Program enrollment standards that add mul-*
15 *tiple private sector application capabilities for the*
16 *PreCheck Program to increase the public’s enrollment access*
17 *to the program, including standards that allow the use of*
18 *secure technologies, including online enrollment, kiosks, tab-*
19 *lets, or staffed laptop stations at which individuals can*
20 *apply for entry into the program.*

21 (b) *REQUIREMENTS.—Upon publication of the*
22 *PreCheck Program enrollment standards under subsection*
23 *(a), the Administrator shall—*

24 (1) *coordinate with interested parties—*

1 (A) to deploy TSA-approved ready-to-mar-
2 ket private sector solutions that meet the
3 PreCheck Program enrollment standards under
4 subsection (a);

5 (B) to make available additional PreCheck
6 Program enrollment capabilities; and

7 (C) to offer secure online and mobile enroll-
8 ment opportunities;

9 (2) partner with the private sector to collect bio-
10 graphic and biometric identification information via
11 kiosks, mobile devices, or other mobile enrollment
12 platforms to increase enrollment flexibility and mini-
13 mize the amount of travel to enrollment centers for
14 applicants;

15 (3) ensure that any information, including bio-
16 graphic information, is collected in a manner that—

17 (A) is comparable with the appropriate and
18 applicable standards developed by the National
19 Institute of Standards and Technology; and

20 (B) protects privacy and data security, in-
21 cluding that any personally identifiable informa-
22 tion is collected, retained, used, and shared in a
23 manner consistent with section 552a of title 5,
24 United States Code (commonly known as “Pri-
25 vacy Act of 1974”), and with agency regulations;

1 (4) ensure that the enrollment process is stream-
2 lined and flexible to allow an individual to provide
3 additional information to complete enrollment and
4 verify identity; and

5 (5) ensure that any enrollment expansion using
6 a private sector risk assessment instead of a finger-
7 print-based criminal history records check is deter-
8 mined, by the Secretary of Homeland Security, to be
9 equivalent to a fingerprint-based criminal history
10 records check conducted through the Federal Bureau
11 of Investigation.

12 (c) *MARKETING OF PRECHECK PROGRAM.*—Upon
13 publication of PreCheck Program enrollment standards
14 under subsection (a), the Administrator shall—

15 (1) in accordance with those standards, develop
16 and implement—

17 (A) a continual process, including an asso-
18 ciated timeframe, for approving private sector
19 marketing of the PreCheck Program; and

20 (B) a long-term strategy for partnering
21 with the private sector to encourage enrollment
22 in such program;

23 (2) submit to Congress, at the end of each fiscal
24 year, a report on any PreCheck Program application
25 fees collected in excess of the costs of administering the

1 *program, including to access the feasibility of the pro-*
2 *gram, for the preceding fiscal year; and*

3 *(3) include in the report under paragraph (2)*
4 *recommendations for using such amounts to support*
5 *marketing of the program under this subsection.*

6 *(d) IDENTITY VERIFICATION ENHANCEMENT.—Not*
7 *later than 120 days after the date of enactment of this Act,*
8 *the Administrator shall—*

9 *(1) coordinate with the heads of appropriate*
10 *components of the Department to leverage depart-*
11 *ment-held data and technologies to verify the citizen-*
12 *ship of individuals enrolling in the PreCheck Pro-*
13 *gram;*

14 *(2) partner with the private sector to use bio-*
15 *metrics and authentication standards, such as rel-*
16 *evant standards developed by the National Institute of*
17 *Standards and Technology, to facilitate enrollment in*
18 *the program; and*

19 *(3) consider leveraging the existing resources and*
20 *abilities of airports to conduct fingerprint and back-*
21 *ground checks to expedite identity verification.*

22 *(e) PRECHECK PROGRAM LANES OPERATION.—The*
23 *Administrator shall—*

24 *(1) ensure that PreCheck Program screening*
25 *lanes are open and available during peak and high-*

1 *volume travel times at appropriate airports to indi-*
2 *viduals enrolled in the PreCheck Program; and*

3 *(2) make every practicable effort to provide exped-*
4 *ited screening at standard screening lanes during*
5 *times when PreCheck Program screening lanes are*
6 *closed to individuals enrolled in the program in order*
7 *to maintain operational efficiency.*

8 *(f) VETTING FOR PRECHECK PROGRAM PARTICI-*
9 *PANTS.—Not later than 90 days after the date of enactment*
10 *of this Act, the Administrator shall initiate an assessment*
11 *to identify any security vulnerabilities in the vetting proc-*
12 *ess for the PreCheck Program, including determining*
13 *whether subjecting PreCheck Program participants to re-*
14 *current fingerprint-based criminal history records checks,*
15 *in addition to recurrent checks against the terrorist*
16 *watchlist, could be done in a cost-effective manner to*
17 *strengthen the security of the PreCheck Program.*

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