



AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

H. R. 2843

To require certain improvements in the Transportation Security Administration's PreCheck expedited screening program, 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 intended to be proposed by Thune + Nelson

Viz:

1 Beginning on page 2, strike line 4 and all that follows
2 through page 6, line 19, and insert the following:

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) ADMINISTRATOR.—The term "Adminis-
6 trator" means the Administrator of the Transpor-
7 tation Security Administration.

8 (2) DEPARTMENT.—The term "Department"
9 means the Department of Homeland Security.

10 (3) PRECHECK PROGRAM.—The term
11 "PreCheck Program" means the trusted traveler
12 program implemented by the Transportation Secu-

1 rity Administration under section 109(a)(3) of the
2 Aviation and Transportation Security Act (49
3 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
14 publish PreCheck Program enrollment standards that add
15 multiple private sector application capabilities for the
16 PreCheck Program to increase the public’s enrollment ac-
17 cess to the program, including standards that allow the
18 use of secure technologies, including online enrollment, ki-
19 osks, tablets, or staffed laptop stations at which individ-
20 uals can 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 en-
8 rollment opportunities;

9 (2) partner with the private sector to collect
10 biographic and biometric identification information
11 via kiosks, mobile devices, or other mobile enroll-
12 ment platforms to increase enrollment flexibility and
13 minimize the amount of travel to enrollment centers
14 for 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
23 a manner consistent with section 552a of title
24 5, United States Code (commonly known as

1 “Privacy Act of 1974”), and with agency regu-
2 lations;

3 (4) ensure that the enrollment process is
4 streamlined and flexible to allow an individual to
5 provide additional information to complete enroll-
6 ment and verify identity; and

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

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

17 (1) in accordance with those standards, develop
18 and implement—

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

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

1 (2) submit to Congress, at the end of each fis-
2 cal year, a report on any PreCheck Program applica-
3 tion fees collected in excess of the costs of admin-
4 istering the program, including to access the feasi-
5 bility of the program, for the preceding fiscal year;
6 and

7 (3) include in the report under paragraph (2)
8 recommendations for using such amounts to support
9 marketing of the program under this subsection.

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

13 (1) coordinate with the heads of appropriate
14 components of the Department to leverage depart-
15 ment-held data and technologies to verify the citizen-
16 ship of individuals enrolling in the PreCheck Pro-
17 gram; and

18 (2) partner with the private sector to use bio-
19 metrics and authentication standards, such as rel-
20 evant standards developed by the National Institute
21 of Standards and Technology, to facilitate enroll-
22 ment in the program.

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

1 (1) ensure that PreCheck Program screening
2 lanes are open and available during peak and high-
3 volume travel times at appropriate airports to indi-
4 viduals enrolled in the PreCheck Program; and

5 (2) make every practicable effort to provide ex-
6 pedited screening at standard screening lanes during
7 times when PreCheck Program screening lanes are
8 closed to individuals enrolled in the program in
9 order to maintain operational efficiency.

10 (f) VETTING FOR PRECHECK PROGRAM PARTICI-
11 PANTS.—Not later than 90 days after the date of enact-
12 ment of this Act, the Administrator shall initiate an as-
13 sessment to identify any security vulnerabilities in the vet-
14 ting process for the PreCheck Program, including deter-
15 mining whether subjecting PreCheck Program partici-
16 pants to recurrent fingerprint-based criminal history
17 records checks, in addition to recurrent checks against the
18 terrorist watchlist, could be done in a cost-effective man-
19 ner to strengthen the security of the PreCheck Program.