

## **Recommendations on H.R. 2843**

### **TSA PreCheck Expansion Act**

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*Submitted by SEARCH, The National Consortium for Justice Information and Statistics<sup>1</sup>*

#### **Background:**

- The TSA PreCheck Expansion Act is intended to expand enrollment, marketing, and identity verification for the Transportation Security Administration (TSA) PreCheck Program. The legislation would:
  - Require the TSA to ensure that any enrollment expansion using a private sector risk assessment instead of a fingerprint based criminal history records check is determined, by the Secretary of Homeland Security, to be equivalent to a fingerprint based criminal history record check conducted through the Federal Bureau of Investigation (FBI).

#### **SEARCH Position:**

- SEARCH values the use of biometric identifiers as a foundation for criminal and civil records exchange. Relying on positive personally identifying biometrics to match individuals with their criminal records provides both data integrity and privacy protection.
- Accurately identifying individuals who are subject to background checks for employment, licensing, or other noncriminal justice purposes is critical to public safety and for national security. It is a process that begins with the recording of fingerprints and other biometric information, and continues with the addition of other information linked to the fingerprint based record.
- SEARCH values the legal, policy, and operational framework that the Congress and States have established to govern the exchange of criminal justice information for criminal record background screening. With positive identification as the foundation, the States and the FBI are partners in a decentralized system that enables electronic sharing of information to rapidly construct a comprehensive national criminal history record.
  - The design of the existing criminal history background screening system, through the Interstate Identification Index (III), allows for fingerprint based criminal history record searches of the FBI's database and a search of the records in all 50 states.
  - This national infrastructure has an established governance structure for exchanging criminal history records for noncriminal justice purposes (National Crime Prevention and Privacy Compact Council) and policies for protecting the privacy and security of information.

#### **SEARCH Recommendations:**

- Law and policymakers should promote laws, policies, and practices in which background checks of individuals are supported by a biometric identifier.
  - SEARCH recommends that any expansion of the TSA PreCheck Program require applicants to undergo a fingerprint based criminal history record check conducted through the FBI.
- SEARCH recommends that TSA PreCheck applicants be required to undergo both a State and national fingerprint based criminal history record check.

**If you have any questions, please contact Melissa Nee ([melissa@search.org](mailto:melissa@search.org)).**

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<sup>1</sup> SEARCH, The National Consortium for Justice Information and Statistics, is a nonprofit organization governed by a Membership Group of governor appointees from the states and territories. SEARCH Members operate the state criminal history record systems, which are used to provide criminal history records information for criminal and civil background screening.