

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 2750  
OFFERED BY MR. THOMPSON**

Page 2, line 15, strike “in criminal or certain civil activity of an individual” and insert “in status of an individual”.

Page 2, beginning line 19, insert the following (and redesignate subsequent subsections accordingly):

1       “(d) PROCEDURES.—The pilot program under sub-  
2 section (c) shall evaluate whether information can be nar-  
3 rowly tailored to ensure that the Administrator only re-  
4 ceives notification of a change with respect to a disquali-  
5 fying offense under the credential vetting program under  
6 subsection (a), as specified in 49 C.F.R. 1542.209, and  
7 in a manner that complies with current regulations for fin-  
8 gerprint-based criminal history records checks. The pilot  
9 program shall be carried out in a manner so as to ensure  
10 that, in the event that notification is made through the  
11 Rap Back Service of a change but a determination of ar-  
12 rest status or conviction is in question, the matter will be  
13 handled in a manner that is consistent with current regu-  
14 lations. The pilot program shall also be carried out in a

1 manner that is consistent with current regulations gov-  
2 erning an investigation of arrest status, correction of Fed-  
3 eral Bureau of Investigation records and notification of  
4 disqualification, and corrective action by the individual  
5 who is the subject of an inquiry.

6       “(e) DETERMINATION AND SUBMISSION.—If the Ad-  
7 ministrator determines that full implementation of the  
8 Rap Back Service is feasible and can be carried out in  
9 a manner that is consistent with current regulations for  
10 fingerprint-based criminal history checks, including the  
11 rights of individuals seeking credentials, the Administrator  
12 shall submit such determination, in writing, to the Com-  
13 mittee on Homeland Security of the House of Representa-  
14 tives and the Committee on Homeland Security and Gov-  
15 ernmental Affairs and the Committee on Commerce,  
16 Science, and Transportation of the Senate, together with  
17 information on the costs associated with such implementa-  
18 tion, including the costs incurred by the private sector.  
19 In preparing this determination, the Administrator shall  
20 consult with the Chief Civil Rights and Civil Liberties Of-  
21 ficer of the Department to ensure that protocols are in  
22 place to align the period of retention of personally identifi-  
23 able information and biometric information, including fin-  
24 gerprints, in the Rap Back Service with the period in

- 1 which the individual who is the subject of an inquiry has
- 2 a valid credential.”.



