

109TH CONGRESS
2D SESSION

H. R. 5286

To improve the “NEXUS” and “FAST” registered traveler programs.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2006

Ms. SLAUGHTER introduced the following bill; which was referred to the
Committee on Homeland Security

A BILL

To improve the “NEXUS” and “FAST” registered traveler
programs.

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 “Secure Traveler Im-
5 provement Act of 2006”.

6 **SEC. 2. IMPROVING THE “NEXUS” AND “FAST” REGISTERED**
7 **TRAVELER PROGRAMS.**

8 (a) FINDINGS.—The Congress finds the following:

9 (1) Section 7208(k) of the Intelligence Reform
10 and Terrorism Prevention Act of 2004 required that
11 the Secretary of Homeland Security implement a

1 registered traveler program to expedite the proc-
2 essing of registered travelers who enter and exit the
3 United States. In order to include as many partici-
4 pants as possible, the Congress mandated that the
5 Secretary of Homeland Security create a program
6 that—

7 (A) minimizes the cost of enrollment;

8 (B) makes the program enrollment conven-
9 ient and easily accessible; and

10 (C) provides applicants with clear and con-
11 sistent eligibility requirements.

12 (2) According to the Department of State Bu-
13 reau of Consular Affairs, 400,000 individuals made
14 48 percent of cross-border trips between the United
15 States and Canada in 2004. These are the frequent
16 travelers that must be encouraged to enroll in expe-
17 dited traveler programs.

18 (3) Barriers to enrollment in the Free and Se-
19 cure Trade program (“FAST” or “FAST” program)
20 and the “NEXUS” dedicated commuter lane system
21 (“NEXUS” or “NEXUS program”) include inad-
22 equate numbers and locations of enrollment centers,
23 a confusing application process, and high enrollment
24 fees for non-commercial users.

1 (4) Consistent with the report of the National
2 Commission on Terrorist Attacks Upon the United
3 States, it is imperative that the Department of
4 Homeland Security expand the NEXUS and FAST
5 programs.

6 (b) MERGING REQUIREMENTS OF NEXUS AND
7 FAST.—

8 (1) IN GENERAL.—The Secretary of Homeland
9 Security shall merge the procedures for the pro-
10 grams described in subsection (l) into a single proce-
11 dure, with common eligibility and security screening
12 requirements, enrollment processes, and sanctions
13 regimes.

14 (2) SPECIFIC REQUIREMENTS.—In carrying out
15 paragraph (1), the Secretary shall ensure that—

16 (A) the procedures for the programs
17 known as “NEXUS Highway”, “NEXUS Ma-
18 rine”, and “NEXUS Air” are integrated into
19 such single procedure; and

20 (B) the processes relating to eligibility and
21 security screening are identical to those for the
22 FAST program described in subsection (l)(2)
23 on the date of the enactment of this Act.

24 (c) INTEGRATING NEXUS AND FAST INFORMATION
25 SYSTEMS.—The Secretary of Homeland Security shall in-

1 tegrate all databases and information systems for the pro-
2 grams described in subsection (l) in a manner that will
3 permit any identification card issued to a participant to
4 operate in all locations where a program described in such
5 subsection is operating.

6 (d) CREATION OF NEXUS CONVERTIBLE LANES.—

7 In order to expand the NEXUS program described in sub-
8 section (l)(2) to major northern border crossings, the Sec-
9 retary of Homeland Security, in consultation with the Ca-
10 nadian government, shall equip the following northern bor-
11 der crossings with NEXUS technology:

- 12 (1) Pembina, North Dakota;
- 13 (2) Sault Ste. Marie, Michigan;
- 14 (3) Alexandria Bay, New York;
- 15 (4) Portal, North Dakota;
- 16 (5) Sweet Grass, Montana; and
- 17 (6) International Falls, Minnesota.

18 (e) CREATION OF REMOTE ENROLLMENT CEN-

19 TERS.—The Secretary of Homeland Security, in consulta-
20 tion with the Canadian government, shall create a min-
21 imum of 6 remote enrollment centers for the programs de-
22 scribed in subsection (l). A remote enrollment center shall
23 be established at each of the border crossings described
24 in subsection (d).

1 (f) CREATION OF MOBILE ENROLLMENT CEN-
2 TERS.—The Secretary of Homeland Security, in consulta-
3 tion with the Canadian government, shall create a min-
4 imum of 4 mobile enrollment centers for the programs de-
5 scribed in subsection (l). Such mobile enrollment centers
6 shall be used to accept and process applications in areas
7 currently underserved by such programs. The Secretary
8 shall work with State and local authorities in determining
9 the locations of mobile enrollment centers.

10 (g) ON-LINE APPLICATION PROCESS.—The Sec-
11 retary of Homeland Security shall design an on-line appli-
12 cation process for the programs described in subsection
13 (l). Such process shall permit individuals to securely sub-
14 mit their applications on-line and schedule a security
15 interview at the nearest enrollment center.

16 (h) PROMOTING ENROLLMENT.—

17 (1) CREATING INCENTIVES FOR ENROLL-
18 MENT.—In order to encourage applications for the
19 programs described in subsection (l), the Secretary
20 of Homeland Security shall develop a plan to admit
21 participants at a rate that does not exceed \$20 per
22 card issued. The fee for the first renewal shall be
23 waived.

24 (2) CUSTOMER SERVICE PHONE NUMBER.—In
25 order to provide potential applicants with timely in-

1 formation for the programs described in subsection
2 (l), the Secretary of Homeland Security shall create
3 a customer service telephone number for such pro-
4 grams.

5 (3) PUBLICITY CAMPAIGN.—The Secretary shall
6 carry out a program to educate the public regarding
7 the benefits of the programs described in subsection
8 (l).

9 (i) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED
10 STATES.—For purposes of the plan required under section
11 7209(b) of the Intelligence Reform and Terrorism Preven-
12 tion Act of 2004 (8 U.S.C. 1185 note), an identification
13 card issued to a participant in a program described in sub-
14 section (l) shall be considered a document sufficient on
15 its own when produced to establish identity and citizenship
16 for travel into the United States by United States citizens
17 and by categories of individuals for whom documentation
18 requirements have previously been waived under section
19 212(d)(4)(B) of the Immigration and Nationality Act (8
20 U.S.C. 1182(d)(4)(B)).

21 (j) CONSOLIDATED BACKGROUND CHECK PROC-
22 ESS.—

23 (1) REQUIREMENT.—The Secretary of Home-
24 land Security, in consultation with the Attorney
25 General, shall establish a single process for con-

ducting the security screening and background checks on individuals participating in any of the programs identified under paragraph (2).

(2) INCLUDED PROGRAMS.—The process established under paragraph (1) shall apply to the following programs:

(A) The Transportation Worker Identification Credential.

(B) The security risk determination and related background checks under section 5103a of title 49, United States Code, performed by the Transportation Security Administration as part of the Department of Transportation Hazardous Materials Endorsement credentialing program.

(C) The programs described in subsection (l).

(D) The Secure Electronic Network for Travelers Rapid Inspection, or “SENTRI”, program authorized under section 286(q) of the Immigration and Nationality Act (8 U.S.C. 1356(q)).

(E) The Registered Traveler program of the Transportation Security Administration.

1 (3) FEATURES OF PROCESS.—The process es-
2 tablished under paragraph (1) shall include the fol-
3 lowing:

4 (A) A single submission of security screen-
5 ing information, including personal data and bi-
6 ometric information as appropriate, necessary
7 to meet the security requirements of all applica-
8 ble departmental programs.

9 (B) An ability to submit such security
10 screening information at any location or
11 through any process approved by the Secretary
12 with respect to any of the applicable depart-
13 mental programs.

14 (C) Acceptance by the Department of a se-
15 curity clearance or other credential issued by a
16 Federal agency, to the extent that the security
17 clearance process of the agency satisfies re-
18 quirements that are at least as stringent as
19 those of the applicable departmental programs
20 under subsection (b).

21 (D) Appropriate standards and procedures
22 for protecting individual privacy, confidentiality,
23 record retention, and addressing other concerns
24 relating to information security.

1 (4) DEADLINES.—The Secretary of Homeland
2 Security shall—

3 (A) submit a description of the process de-
4 veloped under subsection (a) to the appropriate
5 congressional committees (as defined in section
6 2 of the Homeland Security Act of 2002 (6
7 U.S.C. 101)) by not later than 6 months after
8 the date of the enactment of this Act; and

9 (B) begin implementing such process by
10 not later than 12 months after the date of the
11 enactment of this Act.

12 (5) INCLUSION OF OTHER PROGRAMS.—The
13 Secretary of Homeland Security shall review other
14 existing or developing Department of Homeland Se-
15 curity programs that include security screening or
16 background checks for participating individuals, and
17 report to the appropriate congressional committees
18 (as defined in section 2 of the Homeland Security
19 Act of 2002 (6 U.S.C. 101)) any recommendations
20 for inclusion of such additional programs in the con-
21 solidated screening process established under this
22 section.

23 (6) RELATIONSHIP TO OTHER LAWS.—Nothing
24 in this subsection affects:

1 (A) any statutory or regulatory require-
2 ment relating to the operation or standards of
3 the programs described in paragraph (2).

4 (B) any statutory requirement relating to
5 title III of the Intelligence Reform and Ter-
6 rorism Prevention Act of 2004 (50 U.S.C. 435b
7 et seq.).

8 (k) REPORTS.—

9 (1) REPORT ON IMPLEMENTATION.—Not later
10 than 1 year after the date of the enactment of this
11 Act, the Secretary of Homeland Security shall sub-
12 mit to the appropriate congressional committees (as
13 defined in section 2 of the Homeland Security Act
14 of 2002 (6 U.S.C. 101)) a report on the implemen-
15 tation of subsections (b) through (h) of this Act.

16 (2) REPORT ON COORDINATION.—Not later
17 than 6 months after the date of the enactment of
18 this Act, the Secretary of Homeland Security shall
19 submit to the appropriate congressional committees
20 (as defined in section 2 of the Homeland Security
21 Act of 2002 (6 U.S.C. 101)) a report on the work
22 being performed to streamline and coordinate the
23 following programs:

24 (A) The programs described in subsection
25 (l).

1 (B) The Secure Electronic Network for
2 Travelers Rapid Inspection, or “SENTRI”, pro-
3 gram authorized under section 286(q) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1356(q)).

6 (C) The Registered Traveler program of
7 the Transportation Security Administration.

8 (l) PROGRAMS.—The programs described in this sub-
9 section are the following:

10 (1) The FAST program authorized under sub-
11 part B of title IV of the Tariff Act of 1930 (19
12 U.S.C. 1411 et seq.)

13 (2) The NEXUS program authorized under sec-
14 tion 286(q) of the Immigration and Nationality Act
15 (U.S.C. 1356(q)).

16 (m) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Secretary of
18 Homeland Security such sums as may be necessary for
19 fiscal year 2007 to carry out this section.

○