

Dec. 17, 2004, 118 Stat. 3638. For complete classification of this Act to the Code, see Tables.

The Implementing Recommendations of the 9/11 Commission Act of 2007, referred to in subsec. (b), is Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 266. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was enacted as part of the TSA Modernization Act and also as part of the FAA Reauthorization Act of 2018, and not as part of the Implementing Recommendations of the 9/11 Commission Act of 2007 which comprises this chapter.

#### Statutory Notes and Related Subsidiaries

##### DEFINITIONS

For definitions of “Administrator”, “appropriate committees of Congress”, “Department”, “Secretary”, and “TSA” as used in this section, see section 1902 of Pub. L. 115-254, set out as a note under section 101 of Title 49, Transportation.

### § 1119. Voluntary use of credentialing

#### (a) In general

An applicable individual who is subject to credentialing or a background investigation may satisfy that requirement by obtaining a valid transportation security card.

#### (b) Issuance of cards

The Secretary of Homeland Security—

(1) shall expand the transportation security card program, consistent with section 70105 of title 46, to allow an applicable individual who is subject to credentialing or a background investigation to apply for a transportation security card; and

(2) may charge reasonable fees, in accordance with section 469(a) of this title, for providing the necessary credentialing and background investigation.

#### (c) Vetting

The Administrator shall develop and implement a plan to utilize, in addition to any background check required for initial issue, the Federal Bureau of Investigation’s Rap Back Service and other vetting tools as appropriate, including the No-Fly and Selectee lists, to get immediate notification of any criminal activity relating to any person with a valid transportation security card.

#### (d) Definitions

In this section:

##### (1) Applicable individual who is subject to credentialing or a background investigation

The term “applicable individual who is subject to credentialing or a background investigation” means only an individual who—

(A) because of employment is regulated by the Transportation Security Administration, Department of Transportation, or Coast Guard and is required to have a background records check to obtain a hazardous materials endorsement on a commercial driver’s license issued by a State under section 5103a of title 49; or

(B) is required to have a credential and background records check under section

622(d)(2)<sup>1</sup> of this title at a facility with activities that are regulated by the Transportation Security Administration, Department of Transportation, or Coast Guard.

#### (2) Valid transportation security card

The term “valid transportation security card” means a transportation security card that is—

(A) issued under section 70105 of title 46;

(B) not expired;

(C) shows<sup>2</sup> no signs of tampering; and

(D) bears<sup>2</sup> a photograph of the individual representing such card.

(Pub. L. 115-254, div. K, title I, §1977, Oct. 5, 2018, 132 Stat. 3617.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 622 of this title, referred to in subsec. (d)(1)(B), was omitted from the Code.

##### CODIFICATION

Section was enacted as part of the TSA Modernization Act and also as part of the FAA Reauthorization Act of 2018, and not as part of the Implementing Recommendations of the 9/11 Commission Act of 2007 which comprises this chapter.

#### Statutory Notes and Related Subsidiaries

##### DEFINITION

For definition of “Administrator” as used in this section, see section 1902 of Pub. L. 115-254, set out as a note under section 101 of Title 49, Transportation.

### SUBCHAPTER III—PUBLIC TRANSPORTATION SECURITY

### § 1131. Definitions

For purposes of this subchapter, the following terms apply:

#### (1) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

#### (2) Department

The term “Department” means the Department of Homeland Security.

#### (3) Disadvantaged business concerns

The term “disadvantaged business concerns” means small businesses that are owned and controlled by socially and economically disadvantaged individuals as defined in section 124, title 13, Code of Federal Regulations.

#### (4) Frontline employee

The term “frontline employee” means an employee of a public transportation agency who is a transit vehicle driver or operator, dis-

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original.

<sup>3</sup> So in original. Probably should be “part”.