

Calendar No. 312

116TH CONGRESS
1ST SESSION

S. 1349

[Report No. 116–163]

To expand enrollment in TSA PreCheck to expedite commercial travel screening and improve airport security.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2019

Mr. THUNE (for himself, Mr. PETERS, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 2, 2019

Reported by Mr. WICKER, without amendment

A BILL

To expand enrollment in TSA PreCheck to expedite commercial travel screening and improve airport security.

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 Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

1 (1) PUBLIC AGENCY.—The term “public agen-
2 cy” means the Federal Government, a State govern-
3 ment, a unit of local government, any combination
4 of such government entities, or any department,
5 agency, or instrumentality of any such government
6 entity.

7 (2) SPONSORING AGENCY.—The term “spon-
8 soring agency” means a government agency for
9 which a security clearance is obtained, as determined
10 by the Director of the National Background Inves-
11 tigations Bureau of the Office of Personnel Manage-
12 ment.

13 (3) PUBLIC SAFETY OFFICER.—The term “pub-
14 lic safety officer” means a person serving as a law
15 enforcement officer, as determined by the Attorney
16 General.

17 **SEC. 3. TSA PRECHECK ENROLLMENT FOR INDIVIDUALS**
18 **WITH ACTIVE SECURITY CLEARANCE.**

19 (a) PROCESS.—Not later than 180 days after the
20 date of the enactment of this Act, the Administrator of
21 the Transportation Security Administration, in consulta-
22 tion with the Director of the National Background Inves-
23 tigations Bureau of the Office of Personnel Management
24 and other appropriate departments and agencies of the
25 Federal Government, shall establish a process to permit

1 the verification of an active security clearance to enable
2 enrollment in TSA PreCheck.

3 (b) COMPONENTS.—In establishing the process re-
4 quired under subsection (a), the Administrator shall en-
5 sure that—

6 (1) eligible applicants for TSA PreCheck pro-
7 vide verification of active clearance through coordi-
8 nation with their sponsoring agency;

9 (2) active clearance is required at the time an
10 application is submitted and at the time of its ap-
11 proval;

12 (3) interim security clearance is not accepted
13 for purposes of paragraphs (1) and (2); and

14 (4) approved applicants are assigned a trusted
15 traveler number.

16 (c) ELIGIBLE LEVELS OF CLEARANCE.—An indi-
17 vidual holding any of the following security clearances
18 shall be eligible to participate in TSA PreCheck under the
19 process established under subsection (a):

20 (1) Secret.

21 (2) Top Secret, including Sensitive Compart-
22 mented Information.

23 (3) L Clearance.

24 (4) Q Clearance.

25 (5) Yankee White, all categories.

1 (d) FEES.—Any individual who enrolls in TSA
2 PreCheck through the process established under sub-
3 section (a) shall submit any fee required to cover the costs
4 of participation in such program. Notwithstanding section
5 3302 of title 31, United States Code, such fee shall be
6 retained and used by the Transportation Security Admin-
7 istration.

8 (e) TERMINATION; RENEWAL.—

9 (1) TERM.—If an individual remains eligible for
10 membership in TSA PreCheck under the require-
11 ments established by the Transportation Security
12 Administration, his or her participation in TSA
13 PreCheck will terminate on the date that is 5 years
14 after the date on which such enrollment is approved
15 unless it is renewed in accordance with applicable
16 law.

17 (2) REVOCATION.—

18 (A) IN GENERAL.—An individual's partici-
19 pation in TSA PreCheck that was initiated
20 through the process established under sub-
21 section (a) shall be terminated if the underlying
22 security clearance is revoked, as determined by
23 the sponsoring agency.

24 (B) EXCEPTIONS.—Except as provided in
25 subparagraph (A), an individual's participation

1 in TSA PreCheck that was initiated through
2 the process established under subsection (a)
3 may be revoked, at the discretion of the Admin-
4 istrator, if—

5 (i) the individual is determined to
6 pose a threat to aviation or national secu-
7 rity; and

8 (ii) the underlying security clearance
9 is inactivated as a result of a change of the
10 individual's employment or the end of an
11 individual's appointment in a particular
12 position.

13 **SEC. 4. TSA PRECHECK ENROLLMENT FOR LAW ENFORCE-**
14 **MENT OFFICERS.**

15 (a) PROCESS.—Not later than 180 days after the
16 date of the enactment of this Act, the Administrator of
17 the Transportation Security Administration, in consulta-
18 tion with the Attorney General, shall establish a process
19 to permit the enrollment of certain law enforcement offi-
20 cers in TSA PreCheck.

21 (b) COMPONENTS.—In establishing the process re-
22 quired under subsection (a), the Attorney General and the
23 Administrator shall ensure that—

1 (1) eligible applicants for TSA PreCheck pro-
2 vide verification of active employment through co-
3 ordination with their sponsoring agency;

4 (2) active employment in good standing is re-
5 quired—

6 (A) at the time an application is sub-
7 mitted; and

8 (B) at the time an application is approved;

9 (3) interim disciplinary status is not accepted
10 for purposes of paragraphs (1) and (2); and

11 (4) approved applicants are assigned a trusted
12 traveler number.

13 (c) ELIGIBLE LAW ENFORCEMENT OFFICERS.—An
14 individual shall be eligible to participate in TSA PreCheck
15 under the process established under subsection (a) if he
16 or she—

17 (1) is a public safety officer for a public agency
18 (including a court system) that receives Federal fi-
19 nancial assistance;

20 (2) is a law enforcement officer for a public
21 agency; or

22 (3) occupies another position, as deemed appro-
23 priate by the Attorney General and the Adminis-
24 trator.

1 (d) FEES.—Any individual who enrolls in TSA
2 PreCheck through the process established under sub-
3 section (a) shall submit any fee required to cover the costs
4 of participation in such program. Notwithstanding section
5 3302 of title 31, United States Code, such fee shall be
6 retained and used by the Transportation Security Admin-
7 istration.

8 (e) TERMINATION; RENEWAL.—

9 (1) TERM.—If an individual remains eligible for
10 membership in TSA PreCheck under the require-
11 ments established by the Transportation Security
12 Administration, his or her participation in TSA
13 PreCheck shall terminate on the date that is 5 years
14 after the date on which such enrollment is approved
15 unless such enrollment is renewed in accordance
16 with applicable law.

17 (2) REVOCATION.—An individual's participation
18 in TSA PreCheck that was initiated through the
19 process established under subsection (a)—

20 (A) shall be revoked if the underlying em-
21 ployment is terminated or suspended, as deter-
22 mined by the sponsoring agency; and

23 (B) may be revoked, at the discretion of
24 the Attorney General and the Administrator,

1 based on the termination of the underlying em-
2 ployment if such termination is a result of—

3 (i) a voluntary change of the individ-
4 ual's employment; or

5 (ii) the expiration of the term of serv-
6 ice in a particular position to which an in-
7 dividual was appointed.

8 **SEC. 5. REPORT ON EXPANDED ENROLLMENT FOR TRUST-**
9 **ED TRAVELER PROGRAMS.**

10 (a) IN GENERAL.—Not later than 270 days after the
11 date of the enactment of this Act, the Commissioner of
12 U.S. Customs and Border Protection and the Adminis-
13 trator of the Transportation Security Administration, in
14 consultation with the Attorney General, the Director of
15 the National Background Investigations Bureau of the Of-
16 fice of Personnel Management, and other appropriate de-
17 partments and agencies of the Federal Government, shall
18 submit a report to Congress on the feasibility of expanding
19 the enrollment processes established under sections 3 and
20 4 to the Trusted Traveler Programs listed in subsection
21 (b).

22 (b) TRUSTED TRAVELER PROGRAMS.—The programs
23 listed in this subsection are—

24 (1) Global Entry;

25 (2) SENTRI;

1 (3) NEXUS; and

2 (4) any travel facilitation program that is simi-
3 lar to any of the programs listed in paragraphs (1)
4 though (3) and has been designated by the Secretary
5 of Homeland Security to be included in the report
6 required under subsection (a).

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