

116TH CONGRESS  
1ST SESSION

# S. 1349

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

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IN THE SENATE OF THE UNITED STATES

MAY 7, 2019

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

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## 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:

7 (1) PUBLIC AGENCY.—The term “public agen-  
8 cy” means the Federal Government, a State govern-  
9 ment, a unit of local government, any combination  
10 of such government entities, or any department,

1       agency, or instrumentality of any such government  
2       entity.

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

9           (3) PUBLIC SAFETY OFFICER.—The term “pub-  
10      lic safety officer” means a person serving as a law  
11      enforcement officer, as determined by the Attorney  
12      General.

13   **SEC. 3. TSA PRECHECK ENROLLMENT FOR INDIVIDUALS**  
14                   **WITH ACTIVE SECURITY CLEARANCE.**

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 Director of the National Background Inves-  
19      tigations Bureau of the Office of Personnel Management  
20      and other appropriate departments and agencies of the  
21      Federal Government, shall establish a process to permit  
22      the verification of an active security clearance to enable  
23      enrollment in TSA PreCheck.

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

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

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

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

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

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

18 (1) Secret.

19 (2) Top Secret, including Sensitive Compart-  
20 mented Information.

21 (3) L Clearance.

22 (4) Q Clearance.

23 (5) Yankee White, all categories.

24 (d) FEES.—Any individual who enrolls in TSA  
25 PreCheck through the process established under sub-

1 section (a) shall submit any fee required to cover the costs  
2 of participation in such program. Notwithstanding section  
3 3302 of title 31, United States Code, such fee shall be  
4 retained and used by the Transportation Security Admin-  
5 istration.

6 (e) TERMINATION; RENEWAL.—

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

15 (2) REVOCATION.—

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

22 (B) EXCEPTIONS.—Except as provided in  
23 subparagraph (A), an individual's participation  
24 in TSA PreCheck that was initiated through  
25 the process established under subsection (a)

1           may be revoked, at the discretion of the Admin-  
2           istrator, if—

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

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

11 **SEC. 4. TSA PRECHECK ENROLLMENT FOR LAW ENFORCE-**  
12 **MENT OFFICERS.**

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

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

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

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

3           (A) at the time an application is sub-  
4       mitted; and

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

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

8           (4) approved applicants are assigned a trusted  
9       traveler number.

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

14           (1) is a public safety officer for a public agency  
15       (including a court system) that receives Federal fi-  
16       nancial assistance;

17           (2) is a law enforcement officer for a public  
18       agency; or

19           (3) occupies another position, as deemed appro-  
20       priate by the Attorney General and the Adminis-  
21       trator.

22       (d) FEES.—Any individual who enrolls in TSA  
23       PreCheck through the process established under sub-  
24       section (a) shall submit any fee required to cover the costs  
25       of participation in such program. Notwithstanding section

1 3302 of title 31, United States Code, such fee shall be  
 2 retained and used by the Transportation Security Admin-  
 3 istration.

4 (e) TERMINATION; RENEWAL.—

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

13 (2) REVOCATION.—An individual’s participation  
 14 in TSA PreCheck that was initiated through the  
 15 process established under subsection (a)—

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

19 (B) may be revoked, at the discretion of  
 20 the Attorney General and the Administrator,  
 21 based on the termination of the underlying em-  
 22 ployment if such termination is a result of—

23 (i) a voluntary change of the individ-  
 24 ual’s employment; or

1 (ii) the expiration of the term of serv-  
 2 ice in a particular position to which an in-  
 3 dividual was appointed.

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

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

18 (b) TRUSTED TRAVELER PROGRAMS.—The programs  
 19 listed in this subsection are—

- 20 (1) Global Entry;
- 21 (2) SENTRI;
- 22 (3) NEXUS; and
- 23 (4) any travel facilitation program that is simi-
- 24 lar to any of the programs listed in paragraphs (1)
- 25 though (3) and has been designated by the Secretary

- 1 of Homeland Security to be included in the report
- 2 required under subsection (a).

