

Calendar No. 312

116TH CONGRESS }
1st Session }

SENATE

{ REPORT
116-163

SECURE TRAVELER ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1349



DECEMBER 2, 2019.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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DECEMBER 2, 2019.—Ordered to be printed

Mr. WICKER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 1349]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1349) to expand enrollment in TSA PreCheck to expedite commercial travel screening and improve airport security, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The Secure Traveler Act would expand enrollment in the Transportation Security Administration's PreCheck program (TSA PreCheck) for individuals who have passed extensive background checks, such as Federal employees holding an active security clearance and law enforcement officers.

BACKGROUND AND NEEDS

Under the Secure Traveler Act, persons in positions of public trust holding active security clearances would not have to undergo a second background check when applying for TSA PreCheck. This would not only expedite their application process and incentivize their participation in the program, but it also would free up capacity to screen other applicants without active security clearances. Applicants would still be subject to other program requirements, including paying all applicable fees, and participants would still pass through airport security. Active duty military personnel are already enrolled in TSA PreCheck, and Department of Defense civilians are currently able to opt-in for the program.

SUMMARY OF PROVISIONS

S. 1349 would do the following:

- Require the Administrator of the TSA, in consultation with the Director of the National Background Investigations Bureau, to create a process to verify an active security clearance for applicants in lieu of a background check.
- Require the Administrator of the TSA, in consultation with the Attorney General, to establish a process to permit the expedited enrollment of certain public safety and law enforcement officers.
- Continue to require applicants to pay all associated fees upon enrollment. U.S. citizens and lawful permanent residents may apply for TSA PreCheck at a cost of \$85 for 5 years. Once approved, travelers would receive a trusted traveler number and would have the opportunity to utilize expedited lanes at select security checkpoints when flying.
- Require the Administrator of the TSA and Commissioner of U.S. Customs and Border Protection, in consultation with the Attorney General, Director of the National Background Investigations Bureau, and other appropriate departments, to report on the feasibility of expanding the TSA PreCheck program created by this Act to other Trusted Traveler Programs, such as Global Entry.

LEGISLATIVE HISTORY

S. 1349 was introduced on March 7, 2019, by Senator Thune (for himself and Senator Peters) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senator Duckworth is an additional cosponsor. On July 24, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 1349 reported favorably without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 1349, Secure Traveler Act			
As ordered reported by the Senate Committee on Commerce, Science and Transportation on July 24, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	1	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 1349 would direct the Transportation Security Administration (TSA) to develop a process so that law enforcement officers and people with active security clearances could enroll in the PreCheck program without going through the normal application process. PreCheck expedites the security screening process for commercial airline travelers. Under the bill, TSA would develop procedures to verify that applicants meet the qualifications in the bill. Applicants who qualify under the bill would still pay the applicable cost-recovery fees to TSA to participate in the PreCheck program.

Using information from TSA, CBO estimates that the agency would incur administrative costs to establish the procedures to verify that applicants qualify would total about \$1 million over the 2020–2024 period, subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 1349, as reported, would allow people who are already serving in positions of public trust to more easily enroll in TSA PreCheck.

S. 1349 requires the Administrator of the TSA to create two new processes in consultation with other specified Federal agencies: one process to verify an active security clearance for applicants in lieu of a background check, and a second process to permit the expedited enrollment of certain public safety and law enforcement officers. The legislation also includes a reporting requirement, specifically for the Administrator of the TSA in consultation with specified and appropriate Federal agencies to report on the feasibility of expanding the TSA PreCheck program created by this act to other Trusted Traveler Programs, such as Global Entry. The legislation

will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

ECONOMIC IMPACT

S. 1349, as reported, is not expected to have a negative impact on the Nation's economy.

PRIVACY

S. 1349, as reported, is not expected to impact the personal privacy of individuals.

PAPERWORK

S. 1349, as reported, would not create increases in paperwork burdens if enacted.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the "Secure Traveler Act".

Section 2. Definitions.

(1) *Public agency.*—The term "public agency" means the Federal Government, a State government, a unit of local government, any combination of such government entities, or any department, agency, or instrumentality of any such government entity.

(2) *Sponsoring agency.*—The term "sponsoring agency" means a government agency for which a security clearance is obtained, as determined by the Director of the National Background Investigations Bureau of the Office of Personnel Management.

(3) *Public safety officer.*—The term "public safety officer" means a person serving as a law enforcement officer, as determined by the Attorney General.

Section 3. TSA PreCheck enrollment for individuals with active security clearance.

The Administrator of the TSA would, in consultation with the Director of the National Background Investigations Bureau, create a process to verify an active security clearance for TSA PreCheck applicants in lieu of a background check. Applicants would still be required to pay all associated fees when applying. This section also provides that an applicant's participation in the TSA PreCheck program will be terminated if the underlying security clearance is revoked.

Section 4. TSA PreCheck enrollment for law enforcement officers.

The Administrator of the TSA would, in consultation with the Attorney General, establish a process to permit the expedited enrollment of certain public safety and law enforcement officers.

Applicants would still be required to pay all associated fees upon enrollment. This section also provides that an applicant's participation in the TSA PreCheck program will be revoked if the underlying employment supporting expedited enrollment is terminated.

Section 5. Report on expanded enrollment for Trusted Traveler Programs.

The Administrator of the TSA and Commissioner of U.S. Customs and Border Protection, in consultation with the Attorney General, Director of the National Background Investigations Bureau, and other appropriate departments, would report on the feasibility of expanding the TSA PreCheck program created by this Act to other Trusted Traveler Programs, such as Global Entry.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.