

117TH CONGRESS
2D SESSION

S. 3602

To direct the Administrator of the Transportation Security Administration to prohibit the use of certain identification documents at airport security checkpoints, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 3), 2022

Mr. RUBIO (for himself, Mr. TILLIS, Mr. BRAUN, Mr. BOOZMAN, Mr. HAGERTY, Mr. CRUZ, Mr. ROUNDS, Mrs. CAPITO, Mr. CRAPO, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To direct the Administrator of the Transportation Security Administration to prohibit the use of certain identification documents at airport security checkpoints, and for other purposes.

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 “Strengthening En-
5 forcement to Curtail Unlawful, Risky Entrance to Flights
6 Act of 2022” or the “SECURE Flights Act of 2022”.

1 **SEC. 2. PROHIBITED IDENTIFICATION DOCUMENTS AT AIR-**
2 **PORT SECURITY CHECKPOINTS; NOTIFICA-**
3 **TION TO IMMIGRATION AGENCIES.**

4 (a) IN GENERAL.—The Administrator may not ac-
5 cept as valid proof of identification a prohibited identifica-
6 tion document at an airport security checkpoint.

7 (b) NOTIFICATION TO IMMIGRATION AGENCIES.—If
8 an individual presents a prohibited identification docu-
9 ment to an officer of the Transportation Security Admin-
10 istration at an airport security checkpoint, the Adminis-
11 trator shall promptly notify the Director of U.S. Immigra-
12 tion and Customs Enforcement, the Director of U.S. Cus-
13 toms and Border Protection, and the head of the appro-
14 priate local law enforcement agency to determine whether
15 the individual is in violation of any term of release from
16 the custody of any such agency.

17 (c) ENTRY INTO STERILE AREAS.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), if an individual is found to be in violation
20 of any term of release under subsection (b), the Ad-
21 ministrator shall not permit such individual to enter
22 a sterile area.

23 (2) EXCEPTION.—An individual presenting a
24 prohibited identification document under this section
25 may enter a sterile area if the individual—

1 (A) is leaving the United States for the
 2 purposes of removal or deportation; or

3 (B) presents a covered identification docu-
 4 ment.

5 **SEC. 3. COLLECTION OF BIOMETRIC INFORMATION FROM**
 6 **CERTAIN INDIVIDUALS SEEKING ENTRY INTO**
 7 **STERILE AREAS.**

8 (a) IN GENERAL.—Beginning not later than 120
 9 days after the date of the enactment of this Act, the Ad-
 10 ministrator shall collect biometric information from an in-
 11 dividual described in subsection (b) prior to authorizing
 12 such individual to enter into a sterile area.

13 (b) INDIVIDUAL DESCRIBED.—An individual de-
 14 scribed in this subsection is an individual who—

15 (1) is seeking entry into a sterile area;

16 (2) does not present a covered identification
 17 document; and

18 (3) the Administrator cannot verify is a na-
 19 tional of the United States.

20 (c) PARTICIPATION IN IDENT.—Beginning not later
 21 than 120 days after the date of the enactment of this Act,
 22 the Administrator, in coordination with the Secretary of
 23 Homeland Security, shall submit biometric data collected
 24 under this section to the Automated Biometric Identifica-
 25 tion System (IDENT).

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Transpor-
5 tation Security Administration.

6 (2) BIOMETRIC INFORMATION.—The term “bio-
7 metric information” means any of the following:

8 (A) A fingerprint.

9 (B) A palm print.

10 (C) A photograph, including—

11 (i) a photograph of an individual’s
12 face for use with facial recognition tech-
13 nology; and

14 (ii) a photograph of any physical or
15 anatomical feature, such as a scar, skin
16 mark, or tattoo.

17 (D) A signature.

18 (E) A voice print.

19 (F) An iris image.

20 (3) COVERED IDENTIFICATION DOCUMENT.—

21 The term “covered identification document” means
22 any of the following, if the document is valid and
23 unexpired:

24 (A) A United States passport or passport
25 card.

1 (B) A biometrically secure card issued by
2 a trusted or registered traveler program of the
3 Department of Homeland Security, including—

4 (i) Global Entry;

5 (ii) NEXUS;

6 (iii) Secure Electronic Network for
7 Travelers Rapid Inspection (SENTRI);
8 and

9 (iv) Free and Secure Trade (FAST).

10 (C) An identification card issued by the
11 Department of Defense, including such a card
12 issued to a dependent.

13 (D) Any document required for admission
14 to the United States under section 211(a) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1181(a)).

17 (E) An enhanced driver's license issued by
18 a State.

19 (F) A photo identification card issued by a
20 federally recognized Indian Tribe.

21 (G) A personal identity verification creden-
22 tial issued in accordance with Homeland Secu-
23 rity Presidential Directive 12.

24 (H) A driver's license issued by a province
25 of Canada.

1 (I) A Secure Certificate of Indian Status
2 issued by the Government of Canada.

3 (J) A Transportation Worker Identifica-
4 tion Credential.

5 (K) An Employment Authorization Docu-
6 ment issued by U.S. Citizenship and Immigra-
7 tion Services.

8 (L) A Merchant Mariner Credential issued
9 by the Coast Guard.

10 (M) A Veteran Health Identification Card
11 issued by the Department of Veterans Affairs.

12 (N) Any other document that the Adminis-
13 trator determines, pursuant to a rule making in
14 accordance with section 553 of title 5, United
15 States Code, will satisfy the identity verification
16 procedures of the Transportation Security Ad-
17 ministration.

18 (4) IMMIGRATION LAWS.—The term “immigra-
19 tion laws” has the meaning given that term in sec-
20 tion 101 of the Immigration and Nationality Act (8
21 U.S.C. 1101).

22 (5) PROHIBITED IDENTIFICATION DOCU-
23 MENT.—The term “prohibited identification docu-
24 ment” means any of the following (or any applicable
25 successor form):

1 (A) U.S. Immigration and Customs En-
2 forcement Form I-200, Warrant for Arrest of
3 Alien.

4 (B) U.S. Immigration and Customs En-
5 forcement Form I-205, Warrant of Removal/
6 Deportation.

7 (C) U.S. Immigration and Customs En-
8 forcement Form I-220A, Order of Release on
9 Recognizance.

10 (D) U.S. Immigration and Customs En-
11 forcement Form I-220B, Order of Supervision.

12 (E) Department of Homeland Security
13 Form I-862, Notice to Appear.

14 (F) U.S. Customs and Border Protection
15 Form I-94, Arrival/Departure Record (includ-
16 ing a print-out of an electronic record).

17 (G) Department of Homeland Security
18 Form I-385, Alien Booking Record.

19 (6) STERILE AREA.—The term “sterile area”
20 has the meaning given that term in section 1540.5
21 of title 49, Code of Federal Regulations, or any suc-
22 cessor regulation.

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