



Transportation
Security
Administration

[Date]

XXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
United States

Re: Preliminary Determination of Ineligibility, TSA Pre✓[®] Application Program, [Case Number]

Dear XX:

The Transportation Security Administration (TSA) has received your application to participate in TSA Pre✓[®] through the TSA Pre✓[®] application program. After review of the information received as a result of your application, TSA has made a preliminary determination that you **may not** be eligible for participation in TSA Pre✓[®] through the TSA Pre✓[®] application program because of your criminal history, described below in greater detail:

Arrests/Complaints/Indictments/Open Criminal Dispositions:

[Criminal Offense], in [City, State], on or about [Date].

If you were not convicted of a disqualifying criminal offense within the prescribed time periods, within 60 days of the receipt of this letter, you may submit a corrected copy of your criminal history record to TSA for review. See the enclosed General Instructions for

Criminal Disqualifications, Section 1, regarding *correction of criminal records*.

If the information above is correct, you will not be eligible for participation in TSA Pre✓® through the TSA Pre✓® application program.

Please note that TSA is unable to correct any other state or federal criminal history records information system. Applicants seeking to challenge the accuracy or completeness of any information on a criminal record should contact the applicable state or federal agency originating the record. For FBI criminal history records, pursuant to Title 28, Code of Federal Regulations (C.F.R.), section 16.34, please direct your inquiry to:

FBI
Criminal Justice Information Services (CJIS) Division
ATTN: SCU, Mod D-2
1000 Custer Hollow Road
Clarksburg, WV 26306

If you do not reply within 60 days, TSA's preliminary determination of ineligibility will become final and you will not be eligible for participation in TSA Pre✓® through the TSA Pre✓® application program.

A copy of the enclosed TSA Pre✓® Application Program Response Cover Sheet must be included with all documents you send to TSA. Please review the enclosure, which provides detailed instructions on how to submit information to TSA. If you have questions, please write to us at the address provided.

For more information, you can also visit the TSA Pre✓® web page at www.tsa.gov/tsa-precheck.

Sincerely,



Susanna Pike
Acting Branch Manager
Adjudication Center
Security Threat Assessment Operations
Office of Intelligence and Analysis
Transportation Security Administration

Enclosures

DISQUALIFYING CRIMINAL OFFENSES

If you have pleaded guilty or *nolo contendere* to a Disqualifying Criminal Offense, TSA treats the case in the same way as if you had been convicted of the offense, even if the court withheld or deferred adjudication of guilt.

TSA does not consider you to have been convicted if the finding of guilt was overturned on appeal, pardoned (with full restoration of all rights), or expunged so that it has been removed from your criminal record and carries no disabilities or restrictions (except for future sentencing purposes).

If you are under want, warrant, complaint or indictment for a Disqualifying Criminal Offense, you will be disqualified until the want or warrant is released or the complaint or indictment is dismissed.

If you were found not guilty by reason of insanity or incompetent to stand trial, you will be disqualified until you provide proof that you no longer lack mental capacity.

<p>If you have been convicted of one of these felonies, you may be eligible for participation in TSA Pre✓® through the TSA Pre✓® application program if you submit documentation and/or a corrected copy of your criminal history record to show that:</p> <ul style="list-style-type: none"> • You were convicted more than 7 years before you applied for participation in TSA Pre✓® through the TSA Pre✓® application program; and <p>You were released from confinement more than 5 years before you applied for participation in TSA Pre✓® through the TSA Pre✓® application program (if applicable).</p>	<ul style="list-style-type: none"> • Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. A firearm or other weapon includes, but is not limited to, firearms as defined in Title 18, United States Code (U.S.C.), section 921(a)(3) or 26 U.S.C. section 5845(a), or items contained on the U.S. Munitions Import List in Title 27, Code of Federal Regulations (C.F.R.), section 447.21 • Extortion • Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering where the money laundering is related to a crime described in paragraphs (a) or (b) of this section. Welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation for purposes of this paragraph • Bribery • Smuggling • Immigration violations • Distribution of, possession with intent to distribute, or importation of a controlled substance • Arson • Kidnapping or hostage taking • Rape or aggravated sexual abuse • Assault with intent to kill • Robbery • Fraudulent entry into a seaport as described in 18 U.S.C. section 1036, or a comparable State law • Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. section 1961, <i>et seq.</i>, or a comparable State law, other than the violations listed in paragraph (a)(10) of this section • Conspiracy or attempt to commit any of the above crimes.
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If you have been convicted of one of these felonies, you are not eligible for participation in TSA Pre✓[®] through the TSA Pre✓[®] application program.

- A crime involving a transportation security incident. A transportation security incident is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area, as defined in 46 U.S.C. section 70101. The term “economic disruption” does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute
- Improper transportation of a hazardous material under 49 U.S.C. section 5124, or a State law that is comparable
- Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. An explosive or explosive device includes, but is not limited to, an explosive or explosive material as defined in 18 U.S.C. sections 232(5), 841(c) through 841(f), and 844(j); and a destructive device, as defined in 18 U.S.C. section 921(a)(4) and 26 U.S.C. section 5845(f)
- Murder
- Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility
- Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. section 1961, *et seq.*, or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of one of the crimes listed in subsection 1961(a);
- Conspiracy or attempt to commit the above crimes.
- Espionage, or conspiracy to commit espionage.
- Sedition, or conspiracy to commit sedition.
- Treason, or conspiracy to commit treason.
- A federal crime of terrorism as defined in 18 U.S.C. section 2332b(g), or comparable State law, or conspiracy to commit such crime.
- Attempt to commit the above crimes.
- Extensive foreign or domestic criminal convictions, a conviction for a serious crime not listed above, or a period of foreign or domestic imprisonment that exceeds 365 consecutive days.

GENERAL INSTRUCTION FOR CRIMINAL DISQUALIFICATIONS

- **THE FACTS IN THE PRELIMINARY DETERMINATION OF INELIGIBILITY ARE INCORRECT.**

(I have corrected my criminal history record and/or have documentation to support that I was not convicted of a disqualifying criminal offense).

If you believe you were not convicted of a disqualifying criminal offense, you may submit documentation to support that you were not convicted of a disqualifying criminal offense and/or a corrected copy of your criminal history record information to TSA for review.

If you have been convicted of a disqualifying criminal offense, you **may be** eligible for participation in TSA Pre✓® through the TSA Pre✓® application program if you submit documentation and/or a corrected copy of your criminal history record to show that you were convicted more than 7 years before you applied for participation in TSA Pre✓® through the TSA Pre✓® application program; **and** you were released from confinement more than 5 years before you applied for participation in TSA Pre✓® through the TSA Pre✓® application program (if applicable).

You must use the enclosed TSA Pre✓® Application Program Response Cover Sheet when submitting documentation and/or a corrected copy of your criminal history record to TSA. You must submit your documentation and/or a corrected copy of your criminal history record to TSA within 60 days from the date you receive this letter. Along with the cover sheet, you should send official documents to show:

- The open warrant issued for a disqualifying criminal offense was issued in error, has been resolved, or did not result in a disqualifying felony criminal conviction;
- You are no longer under indictment for a disqualifying felony criminal offense;
- You were convicted of a misdemeanor or lesser offense, were found not guilty, or the charges were dismissed with no remaining legal restrictions;
- The conviction was overturned on appeal, or expunged so that it has been removed from your criminal record and carries no disabilities or legal restrictions (except for future sentencing purposes);
- You were allowed to withdraw a plea of guilty or *nolo contendere* and enter a plea of not guilty, and the case was later dismissed;
- For some, *but not all felony convictions* (see list of disqualifying offenses), you were released from incarceration more than 5 years before you filed your application and the conviction was incurred more than 7 years before you filed your application; or
- You received a *full* pardon (restoring all rights) for the disqualifying criminal conviction.

TSA should notify you whether your application has been granted within 60 days after receiving your documentation and/or a corrected copy of your criminal history record, or a longer period of time for good cause.

- **HOW TO SEND DOCUMENTS TO TSA**

Before submitting your TSA Pre✓® Application Program Response Cover Sheet, please make sure that your printed name and address are correct. If they are not, please make any necessary corrections and be sure to include a telephone number where you can be reached during the day.

DOCUMENTS MAY BE MAILED VIA U.S. POSTAL SERVICE TO THE ADDRESS PROVIDED ON THE TSA Pre✓® APPLICATION PROGRAM RESPONSE COVER SHEET.

If you use an overnight mail service, **make sure that the mail carrier delivers to a Post Office Box.** Currently, only the U.S. Postal Service delivers to Post Office Boxes. In addition to Express Mail, you may also write to TSA using registered, certified, priority, or regular mail.

Using the enclosed TSA Pre✓® Application Program Response Cover Sheet and mailing the documents to the address on the cover sheet is the fastest way to communicate with TSA.

TSA Pre✓® APPLICATION PROGRAM RESPONSE COVER SHEET

FROM: XXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
United States

TSA Pre✓® Application Program
[Case Number]

Daytime Telephone Number: _____
(Area Code)

DIRECTIONS FOR THE APPLICANT

(1) Review and correct the above information as needed; (2) Select from the options listed below by marking the appropriate box(es); and (3) Attach this cover sheet to the front of any documentation submitted to TSA.

CRIMINAL RECORD CORRECTION: I dispute the preliminary determination of ineligibility because (check all appropriate boxes and provide supporting documentation and/or a corrected copy of your criminal history record):

CRIMINAL RECORD ISSUES:

- My arrest/indictment did not result in a felony conviction
- I was convicted of a misdemeanor offense, not a felony
- I received a pardon
- My conviction was overturned on appeal
- My conviction was expunged
- My conviction is more than 7 years old *and* I was never incarcerated
- My conviction is more than 7 years old *and* I was released from incarceration more than 5 years ago
- Other (an explanation must be provided) _____

Correspondence may be submitted to TSA as follows:

***Via U.S. Postal Service:
Transportation Security Administration
TSA Pre✓® Application Program Processing Center
P.O. Box 7356
Fredericksburg, VA 22404-7356
Fax: 540-373-0620**

Please ensure that all documentation provided for TSA's reconsideration of the preliminary determination of ineligibility is attached. Closely following these directions will help ensure expedited processing of your request.