

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2127  
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Securing Expedited  
3 Screening Act”.

**4 SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The Aviation and Transportation Security  
7 Act (Public Law 107–71) authorized the Transpor-  
8 tation Security Administration to “establish require-  
9 ments to implement trusted passenger programs and  
10 use available technologies to expedite the security  
11 screening of passengers who participate in such pro-  
12 grams, thereby allowing security screening personnel  
13 to focus on those passengers who should be subject  
14 to more extensive screening.”.

15 (2) In October 2011, the Transportation Secu-  
16 rity Administration began piloting the PreCheck  
17 program in which a limited number of passengers  
18 who were participants in the frequent flyer programs

1       of domestic air carriers were directed to special  
2       screening lanes for expedited security screening.

3                     (3) In December 2013, the Transportation Se-  
4       curity Administration opened the PreCheck program  
5       to eligible passengers who submit biographic and bi-  
6       ometric information for a security risk assessment.

7                     (4) Today, expedited security screening is pro-  
8       vided to passengers who, in general, are members of  
9       populations identified by the Administrator of the  
10      Transportation Security Administration as pre-  
11       senting a low risk to aviation security, including  
12       members of populations known and vetted by the  
13       Administrator or through another Department of  
14       Homeland Security trusted traveler program, and to  
15       passengers who are selected by expedited screening  
16       on a case-by-case basis through the Transportation  
17       Security Administration's Managed Inclusion process  
18       and other procedures.

19                     (5) According to the Transportation Security  
20       Administration, the Managed Inclusion process  
21       “combines the use of multiple layers of security to  
22       indirectly conduct a real-time assessment of pas-  
23       sengers” through the use of Passenger Screening  
24       Canine teams, Behavior Detection Officers, Explo-

1 gives Trace Detection (ETD) machines, and other  
2 activities.

3 (6) In December 2014, the Comptroller General  
4 of the United States concluded in a report entitled  
5 “Rapid Growth in Expedited Passenger Screening  
6 Highlights Need to Plan Effective Security Assess-  
7 ments” that “it will be important for TSA to eval-  
8 uate the security effectiveness of the Managed Inclu-  
9 sion process as a whole, to ensure that it is func-  
10 tioning as intended and that passengers are being  
11 screened at a level commensurate with their risk”.

12 (7) On March 16, 2015, the Inspector General  
13 of the Department of Homeland Security released a  
14 report entitled “Allegation of Granting Expedited  
15 Screening through TSA PreCheck Improperly”, in  
16 which the Inspector General determined that the  
17 Transportation Security Administration granted ex-  
18 pedited security screening at a PreCheck security  
19 lane to a passenger who had served time in prison  
20 for felonies committed as a member of a domestic  
21 terrorist group and who was not a participant in the  
22 PreCheck program.

**1 SEC. 3. LIMITATION; PRECHECK OPERATIONS MAINTAINED;****2 ALTERNATE METHODS.**

3       (a) IN GENERAL.—Except as provided in subsection  
4 (d), not later than 180 days after the date of the enact-  
5 ment of this Act, the Administrator of the Transportation  
6 Security Administration shall direct that access to expe-  
7 dited airport security screening at an airport security  
8 checkpoint be limited to only the following:

9               (1) A passenger who voluntarily submits bio-  
10 graphic and biometric information for a security risk  
11 assessment and whose application for the PreCheck  
12 program has been approved, or a passenger who is  
13 a participant in another trusted traveler program of  
14 the Department of Homeland Security.

15               (2) A passenger traveling pursuant to section  
16 44903 of title 49, United States Code (as estab-  
17 lished under the Risk-Based Security for Members  
18 of the Armed Forces Act (Public Law 112–86)), sec-  
19 tion 44927 of such title (as established under the  
20 Helping Heroes Fly Act (Public Law 113–27)), or  
21 section 44928 of such title (as established under the  
22 Honor Flight Act (Public Law 113–221)).

23               (3) A passenger who did not voluntarily submit  
24 biographic and biometric information for a security  
25 risk assessment but is a member of a population  
26 designated by the Administrator of the Transpor-

1 tation Security Administration as known and low-  
2 risk and who may be issued a unique, known trav-  
3 eler number by the Administrator determining that  
4 such passenger is a member of a category of trav-  
5 elers designated by the Administrator as known and  
6 low-risk.

7 (b) PRECHECK OPERATIONS MAINTAINED.—In car-  
8 rying out subsection (a), the Administrator of the Trans-  
9 portation Security Administration shall ensure that expe-  
10 dited airport security screening remains available to pas-  
11 sengers at or above the level that exists on the day before  
12 the date of the enactment of this Act.

13 (c) MINORS AND SENIORS.—The Administrator of  
14 the Transportation Security Administration may provide  
15 access to expedited airport security screening at an airport  
16 security checkpoint to a passenger who is—

17 (1) 75 years old or older; or  
18 (2) 12 years old or under and who is traveling  
19 with a parent or guardian who is a participant in  
20 the PreCheck program.

21 (d) FREQUENT FLIERS.—If the Administrator of the  
22 Transportation Security Administration determines that  
23 such is appropriate, the date specified in subsection (a)  
24 may be extended by up to one year to implement such  
25 subsection with respect to the population of passengers

1 who did not voluntarily submit biographic and biometric  
2 information for security risk assessments but who never-  
3 theless receive expedited airport security screening be-  
4 cause such passengers are designated as frequent fliers by  
5 air carriers. If the Administrator uses the authority pro-  
6 vided by this subsection, the Administrator shall notify the  
7 Committee on Homeland Security of the House of Rep-  
8 resentatives and the Committee on Homeland Security  
9 and Governmental Affairs and the Committee on Com-  
10 merce, Science, and Transportation of the Senate of such  
11 phased-in implementation.

12 (e) ALTERNATE METHODS.—The Administrator of  
13 the Transportation Security Administration may provide  
14 access to expedited airport security screening to additional  
15 passengers pursuant to an alternate method upon the sub-  
16 mission to the Committee on Homeland Security of the  
17 House of Representatives and the Committee on Com-  
18 merce, Science, and Transportation of the Senate of an  
19 independent assessment of the security effectiveness of  
20 such alternate method that is conducted by an inde-  
21 pendent entity that determines that such alternate method  
22 is designed to—

23 (1) reliably and effectively identify passengers  
24 who likely pose a low risk to the United States avia-  
25 tion system;

(3) address known and evolving security risks to the United States aviation system.

7       (f) INFORMATION SHARING.—The Administrator of  
8 the Transportation Security Administration shall provide  
9 to the entity conducting the independent assessment under  
10 subsection (c) effectiveness testing results that are con-  
11 sistent with established evaluation design practices, as  
12 identified by the Comptroller General of the United  
13 States.

## **14 SEC. 4. REPORTING.**

Not later than three months after the date of the enactment of this Act and annually thereafter, the Administrator of the Transportation Security Administration shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the percentage of all passengers who are provided expedited security screening, and of such passengers so provided, the percentage who are participants in the PreCheck program (who have voluntarily submitted biographic and biometric information for security risk assessments), the percentage

1 who are participants in another trusted traveler program  
2 of the Department of Homeland Security, the percentage  
3 who are participants in the PreCheck program due to the  
4 Administrator's issuance of known traveler numbers, and  
5 for the remaining percentage of passengers granted access  
6 to expedited security screening in PreCheck security lanes,  
7 information on the percentages attributable to each alter-  
8 native method utilized by the Transportation Security Ad-  
9 ministration to direct passengers to expedited airport se-  
10 curity screening at PreCheck security lanes.

**11 SEC. 5. RULE OF CONSTRUCTION.**

12 Nothing in this Act may be construed to—  
13           (1) authorize or direct the Administrator of the  
14 Transportation Administration to reduce or limit the  
15 availability of expedited security screening at an air-  
16 port; or  
17           (2) limit the authority of the Administrator to  
18 use technologies and systems, including passenger  
19 screening canines and explosives trace detection, as  
20 a part of security screening operations.

