

## Union Calendar No.

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6265

[Report No. 115-]

To ensure that only travelers who are members of a trusted traveler program use Transportation Security Administration security screening lanes designated for trusted travelers, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2018

Mr. KATKO (for himself, Mr. MCCAUL, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Homeland Security

SEPTEMBER --, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on June 28, 2018]

# **A BILL**

To ensure that only travelers who are members of a trusted traveler program use Transportation Security Administration security screening lanes designated for trusted travelers, 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 “PreCheck is PreCheck*  
5 *Act of 2018”.*

6 **SEC. 2. ELIGIBILITY FOR TSA PRECHECK EXPEDITED**  
7 **SCREENING.**

8 (a) *ELIGIBILITY.—*

9 (1) *IN GENERAL.—Not later than one year after*  
10 *the date of the enactment of this Act, the Adminis-*  
11 *trator of the Transportation Security Administration*  
12 *(TSA) shall ensure that only travelers who are mem-*  
13 *bers of a trusted traveler program specified in sub-*  
14 *section (b) are permitted to use TSA PreCheck secu-*  
15 *rity screening lanes at Transportation Security Ad-*  
16 *ministration checkpoints.*

17 (2) *CERTAIN TRAVELERS.—Any traveler who is*  
18 *12 or under or 75 or over who is not a member of*  
19 *a trusted traveler program specified in subsection (b)*  
20 *shall be permitted to utilize TSA PreCheck security*  
21 *screening lanes at Transportation Security Adminis-*  
22 *tration checkpoints when traveling on the same*  
23 *itinerary as a member of such a program.*

1       **(b) TRUSTED TRAVELER PROGRAMS.**—*Trusted trav-*  
2 *eler programs referred to in subsection (a) include the fol-*  
3 *lowing:*

4           (1) *Programs implemented by the Transpor-*  
5 *tation Security Administration under section*  
6 *109(a)(3) of the Aviation and Transportation Secu-*  
7 *rity Act (Public Law 107–71; 49 U.S.C. 114 note).*

8           (2) *Any other United States Government pro-*  
9 *gram that issues unique identifiers, such as a known*  
10 *traveler number, that the Transportation Security*  
11 *Administration accepts as validating that the person*  
12 *holding such identifier is a member of a known low-*  
13 *risk population.*

14       **(c) EXEMPTIONS.**—*Nothing in this section shall af-*  
15 *fect—*

16           (1) *the ability of the Transportation Security*  
17 *Administration to carry out expedited screening for*  
18 *severely injured or disabled members of the Armed*  
19 *Forces and severely injured or disabled veterans, as*  
20 *set forth in section 44927 of title 49, United States*  
21 *Code; or*

22           (2) *the Honor Flight program, set forth in sec-*  
23 *tion 44928 of such title.*

1 **SEC. 3. RISK MODIFIED SCREENING.**

2 (a) *IN GENERAL.*—Not later than 60 days after the  
3 date of the enactment of this Act, the Administrator of the  
4 Transportation Security Administration shall commence a  
5 pilot program regarding a risk modified screening protocol  
6 for lanes other than designated TSA PreCheck security  
7 screening lanes at Transportation Security Administration  
8 checkpoints, in airports of varying categories, to further seg-  
9 ment passengers based on risk. Such pilot program shall  
10 conclude on the date that is 120 after such date of com-  
11 mencement.

12 (b) *REPORT; IMPLEMENTATION.*— Not later than 30  
13 days after the conclusion of the pilot program required  
14 under subsection (a), the Administrator of the Transpor-  
15 tation Security Administration shall submit to the Com-  
16 mittee on Homeland Security of the House of Representa-  
17 tives and the Committee on Commerce, Science, and Trans-  
18 portation of the Senate a report on the finding of such pilot  
19 program, including information relating to the security ef-  
20 fectiveness and passenger facilitation effectiveness of the risk  
21 modified screening protocol that was the subject of such  
22 pilot program and, in the event that the Administrator is  
23 satisfied with the effectiveness of such protocol, information  
24 relating to plans to deploy such protocol at as many Trans-  
25 portation Security Administration checkpoints as prac-  
26 ticable, taking into consideration the level of risk at the air-

1 port at issue, the available space at such airport, passenger  
2 throughput levels at such airport, and checkpoint configura-  
3 tion at such airport, while maintaining adequate resources  
4 to appropriately serve passengers in TSA PreCheck security  
5 screening lanes at Transportation Security Administration  
6 checkpoints.

7 (c) *ELIGIBILITY.*—Only low-risk passengers shall be el-  
8 igible to undergo risk modified screening at Transportation  
9 Security Administration checkpoints described in sub-  
10 section (a). Such low-risk passengers are those passengers  
11 who—

12 (1) meet risk-based, intelligence-driven criteria  
13 outlined by the Administrator of the Transportation  
14 Security Administration; or

15 (2) have undergone canine enhanced screening  
16 upon arrival at a Transportation Security Adminis-  
17 tration checkpoint.

18 (d) *WORKING GROUP.*—

19 (1) *IN GENERAL.*—In carrying out subsections  
20 (a) and (b), the Administrator of the Transportation  
21 Security Administration shall establish and utilize a  
22 working group comprised of individuals from or rep-  
23 resentatives of Category X, 1, 2, 3, and 4 airports and  
24 air carriers (as such term is defined in section 40102  
25 of title 49, United States Code) to inform the piloting

1        *and development of plans to deploy the risk modified*  
2        *screening protocol described in such subsections for*  
3        *lanes other than designated TSA PreCheck security*  
4        *screening lanes at Transportation Security Adminis-*  
5        *tration checkpoints in a manner which ensures max-*  
6        *imum security effectiveness and efficiency.*

7            (2) *NON-APPLICABILITY OF FACCA.—The Federal*  
8        *Advisory Committee Act (5 U.S.C. App.) shall not*  
9        *apply to the working group established under this*  
10       *subsection.*

11    **SEC. 4. CONGRESSIONAL REPORTS.**

12        (a) *IN GENERAL.—Beginning with the first full cal-*  
13       *endar quarter after the date of the enactment of this Act,*  
14       *the Administrator of the Transportation Security Adminis-*  
15       *tration shall brief, on a quarterly basis, the Committee on*  
16       *Homeland Security of the House of Representatives and the*  
17       *Committee on Commerce, Science, and Transportation of*  
18       *the Senate on the implementation of section 2.*

19        (b) *CERTIFICATION.—Upon a determination by the*  
20       *Administrator of the Transportation Security Administra-*  
21       *tion that only travelers who are members of a trusted trav-*  
22       *eler program specified in section 2(b) are permitted to use*  
23       *TSA PreCheck security screening lanes at Transportation*  
24       *Security Administration checkpoints in accordance with*  
25       *subsection (a) of such section, the Administrator shall sub-*

1 *mit to the Committee on Homeland Security of the House*  
2 *of Representatives and the Committee on Commerce,*  
3 *Science, and Transportation of the Senate a written certifi-*  
4 *cation relating to such determination.*

5 *(c) SUNSET.—The briefings required under subsection*  
6 *(a) shall terminate at the time the certification described*  
7 *in subsection (b) is submitted.*

8 **SEC. 5. INSPECTOR GENERAL ASSESSMENTS.**

9 *After the Administrator of the Transportation Secu-*  
10 *rity Administration submits the certification described in*  
11 *section 4(b), the Inspector General of the Department of*  
12 *Homeland Security shall, beginning in the first calendar*  
13 *year after such certification and in each of the next three*  
14 *subsequent calendar years, conduct an assessment to deter-*  
15 *mine if there has been a systematic pattern of violations*  
16 *of section 2(a) during the previous calendar year. The In-*  
17 *spector General shall submit to the Committee on Homeland*  
18 *Security of the House of Representatives and the Committee*  
19 *on Homeland Security and Governmental Affairs of the*  
20 *Senate the results of each such assessment.*

21 **SEC. 6. PRECHECK PROGRAM EXPANSION.**

22 *(a) IN GENERAL.—Not later than 180 days after the*  
23 *date of the enactment of this Act, the Administrator of the*  
24 *Transportation Security Administration shall develop and*  
25 *begin the implementation of a long-term strategy to increase*



1 *enrollment in the TSA PreCheck Program and expand the*  
2 *total population of members of trusted traveler programs*  
3 *specified in section 2(b).*

4 (b) *ENROLLMENT.—In carrying out the long-term*  
5 *strategy referred to in subsection (a), the Administrator of*  
6 *the Transportation Security Administration shall—*

7 (1) *seek to partner with air carriers (as such*  
8 *term is defined in section 40102 of title 49, United*  
9 *States Code) to incorporate PreCheck Program pro-*  
10 *motion opportunities in the reservation process de-*  
11 *scribed in section 1560.101 of title 49, Code of Fed-*  
12 *eral Regulations;*

13 (2) *seek to include in the PreCheck Program in-*  
14 *dividuals who—*

15 (A) *hold a Secret, Top Secret, or Top Se-*  
16 *cret/Sensitive Compartmented Information clear-*  
17 *ance, unless such an individual has had his or*  
18 *her clearance revoked or did not pass a periodic*  
19 *reinvestigation; or*

20 (B) *are current, full-time Federal law en-*  
21 *forcement officers;*

22 (3) *increase PreCheck Program enrollment flexi-*  
23 *bility by offering a secure mobile enrollment platform*  
24 *that facilitates in-person identity verification and ap-*  
25 *plication data collection, such as biometrics;*

1           (4) *develop initiatives to minimize the amount of*  
2 *travel to PreCheck Program enrollment centers for ap-*  
3 *plicants, including—*

4                   (A) *adjusting the locations and schedules of*  
5 *existing PreCheck Program enrollment centers to*  
6 *accommodate demand;*

7                   (B) *seeking to collocate such enrollment cen-*  
8 *ters with existing facilities that support the*  
9 *issuance of—*

10                           (i) *United States passports; and*

11                           (ii) *Security Identification Display*  
12 *Area credentials (as such term is defined in*  
13 *section 1540.5 of title 49, Code of Federal*  
14 *Regulations) located in public, non-secure*  
15 *areas of airports, provided that no systems*  
16 *of an airport operator are used in support*  
17 *of enrollment activities for such credentials;*  
18 *and*

19                   (C) *increasing the availability of PreCheck*  
20 *Program enrollment platforms, such as kiosks,*  
21 *tablets, or staffed laptop stations;*

22           (5) *assess the feasibility of providing financial or*  
23 *other incentives for PreCheck Program enrollment*  
24 *for—*

25                   (A) *children between the ages of 12 and 18;*

1                   (B) families of five or more individuals;

2                   (C) private sector entities, including small  
3 businesses, that establish PreCheck Program en-  
4 rollment centers in their respective facilities; and

5                   (D) private sector entities, including small  
6 business concerns (as such term is described  
7 under section 3 of the Small Business Act (15  
8 U.S.C. 632)), that reimburse employees for the  
9 cost of the PreCheck Program application; and

10                  (6) explore the possibility of combining the  
11 PreCheck Program with other trusted traveler pro-  
12 grams specified in section 2(b).