

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6265
OFFERED BY MR. KATKO OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “PreCheck is PreCheck
3 Act of 2018”.

**4 SEC. 2. ELIGIBILITY FOR TSA PRECHECK EXPEDITED
5 SCREENING.**

6 (a) ELIGIBILITY.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, the Ad-
9 ministrator of the Transportation Security Adminis-
10 tration (TSA) shall ensure that only travelers who
11 are members of a trusted traveler program specified
12 in subsection (b) are permitted to use TSA
13 PreCheck security screening lanes at Transportation
14 Security Administration checkpoints.

15 (2) CERTAIN TRAVELERS.—Any traveler who is
16 12 or under or 75 or over who is not a member of
17 a trusted traveler program specified in subsection
18 (b) shall be permitted to utilize TSA PreCheck secu-

1 rity screening lanes at Transportation Security Ad-
2 ministration checkpoints when traveling on the same
3 itinerary as a member of such a program.

4 (b) TRUSTED TRAVELER PROGRAMS.—Trusted trav-
5 eler programs referred to in subsection (a) include the fol-
6 lowing:

7 (1) Programs implemented by the Transpor-
8 tation Security Administration under section
9 109(a)(3) of the Aviation and Transportation Secu-
10 rity Act (Public Law 107–71; 49 U.S.C. 114 note).

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

17 (c) EXEMPTIONS.—Nothing in this section shall af-
18 fect—

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

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

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

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

14 (b) REPORT; IMPLEMENTATION.— Not later than 30
15 days after the conclusion of the pilot program required
16 under subsection (a), the Administrator of the Transpor-
17 tation Security Administration shall submit to the Com-
18 mittee on Homeland Security of the House of Representa-
19 tives and the Committee on Commerce, Science, and
20 Transportation of the Senate a report on the finding of
21 such pilot program, including information relating to the
22 security effectiveness and passenger facilitation effective-
23 ness of the risk modified screening protocol that was the
24 subject of such pilot program and, in the event that the
25 Administrator is satisfied with the effectiveness of such

1 protocol, information relating to plans to deploy such pro-
2 tocol at as many Transportation Security Administration
3 checkpoints as practicable, taking into consideration the
4 level of risk at the airport at issue, the available space
5 at such airport, passenger throughput levels at such air-
6 port, and checkpoint configuration at such airport, while
7 maintaining adequate resources to appropriately serve
8 passengers in TSA PreCheck security screening lanes at
9 Transportation Security Administration checkpoints.

10 (c) ELIGIBILITY.—Only low-risk passengers shall be
11 eligible to undergo risk modified screening at Transpor-
12 tation Security Administration checkpoints described in
13 subsection (a). Such low-risk passengers are those pas-
14 sengers who—

15 (1) meet risk-based, intelligence-driven criteria
16 outlined by the Administrator of the Transportation
17 Security Administration; or

18 (2) have undergone canine enhanced screening
19 upon arrival at a Transportation Security Adminis-
20 tration checkpoint.

21 (d) WORKING GROUP.—

22 (1) IN GENERAL.—In carrying out subsections
23 (a) and (b), the Administrator of the Transportation
24 Security Administration shall establish and utilize a
25 working group comprised of individuals from or rep-

1 representatives of Category X, 1, 2, 3, and 4 airports
2 and air carriers (as such term is defined in section
3 40102 of title 49, United States Code) to inform the
4 piloting and development of plans to deploy the risk
5 modified screening protocol described in such sub-
6 sections for lanes other than designated TSA
7 PreCheck security screening lanes at Transportation
8 Security Administration checkpoints in a manner
9 which ensures maximum security effectiveness and
10 efficiency.

11 (2) NON-APPLICABILITY OF FACA.—The Fed-
12 eral Advisory Committee Act (5 U.S.C. App.) shall
13 not apply to the working group established under
14 this subsection.

15 **SEC. 4. CONGRESSIONAL REPORTS.**

16 (a) IN GENERAL.—Beginning with the first full cal-
17 endar quarter after the date of the enactment of this Act,
18 the Administrator of the Transportation Security Admin-
19 istration shall brief, on a quarterly basis, the Committee
20 on Homeland Security of the House of Representatives
21 and the Committee on Commerce, Science, and Transpor-
22 tation of the Senate on the implementation of section 2.

23 (b) CERTIFICATION.—Upon a determination by the
24 Administrator of the Transportation Security Administra-
25 tion that only travelers who are members of a trusted trav-

1 eler program specified in section 2(b) are permitted to use
2 TSA PreCheck security screening lanes at Transportation
3 Security Administration checkpoints in accordance with
4 subsection (a) of such section, the Administrator shall
5 submit to the Committee on Homeland Security of the
6 House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate a writ-
8 ten certification relating to such determination.

9 (c) SUNSET.—The briefings required under sub-
10 section (a) shall terminate at the time the certification de-
11 scribed in subsection (b) is submitted.

12 **SEC. 5. INSPECTOR GENERAL ASSESSMENTS.**

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

1 **SEC. 6. PRECHECK PROGRAM EXPANSION.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act, the Administrator of
4 the Transportation Security Administration shall develop
5 and begin the implementation of a long-term strategy to
6 increase enrollment in the TSA PreCheck Program and
7 expand the total population of members of trusted traveler
8 programs specified in section 2(b).

9 (b) ENROLLMENT.—In carrying out the long-term
10 strategy referred to in subsection (a), the Administrator
11 of the Transportation Security Administration shall—

12 (1) seek to partner with air carriers (as such
13 term is defined in section 40102 of title 49, United
14 States Code) to incorporate PreCheck Program pro-
15 motion opportunities in the reservation process de-
16 scribed in section 1560.101 of title 49, Code of Fed-
17 eral Regulations;

18 (2) seek to include in the PreCheck Program
19 individuals who—

20 (A) hold a Secret, Top Secret, or Top Se-
21 cret/Sensitive Compartmented Information
22 clearance, unless such an individual has had his
23 or her clearance revoked or did not pass a peri-
24 odic reinvestigation; or

25 (B) are current, full-time Federal law en-
26 forcement officers;

1 (3) increase PreCheck Program enrollment flex-
2 ibility by offering a secure mobile enrollment plat-
3 form that facilitates in-person identity verification
4 and application data collection, such as biometrics;

5 (4) develop initiatives to minimize the amount
6 of travel to PreCheck Program enrollment centers
7 for applicants, including—

8 (A) adjusting the locations and schedules
9 of existing PreCheck Program enrollment cen-
10 ters to accommodate demand;

11 (B) seeking to collocate such enrollment
12 centers with existing facilities that support the
13 issuance of—

14 (i) United States passports; and

15 (ii) Security Identification Display
16 Area credentials (as such term is defined
17 in section 1540.5 of title 49, Code of Fed-
18 eral Regulations) located in public, non-se-
19 cure areas of airports, provided that no
20 systems of an airport operator are used in
21 support of enrollment activities for such
22 credentials; and

23 (C) increasing the availability of PreCheck
24 Program enrollment platforms, such as kiosks,
25 tablets, or staffed laptop stations;

1 (5) assess the feasibility of providing financial
2 or other incentives for PreCheck Program enroll-
3 ment for—

4 (A) children between the ages of 12 and
5 18;

6 (B) families of five or more individuals;

7 (C) private sector entities, including small
8 businesses, that establish PreCheck Program
9 enrollment centers in their respective facilities;
10 and

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

16 (6) explore the possibility of combining the
17 PreCheck Program with other trusted traveler pro-
18 grams specified in section 2(b).

