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.

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. ELIGIBILITY FOR TSA PRECHECK EXPEDITED SCREENING.

(a) ELIGIBILITY.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration (TSA) shall ensure that only travelers who are members of a trusted traveler program specified in subsection (b) are permitted to use TSA PreCheck security screening lanes at Transportation Security Administration checkpoints.

(2) CERTAIN TRAVELERS.—Any traveler under the age of 12 or over the age of 75 who is not a member of a trusted traveler program specified in subsection (b) shall be permitted to utilize TSA PreCheck security screening lanes at Transportation Security Administration checkpoints when traveling on the same reservation as a member of such a program.

(b) TRUSTED TRAVELER PROGRAMS.—Trusted traveler programs referred to in subsection (a) include the following:

(1) Programs implemented by the Transportation Security Administration under section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107–71; 49 U.S.C. 114 note).

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

(c) EXEMPTIONS.—Nothing in this section shall affect—

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

(2) the Honor Flight program, set forth in section 44928 of such title.

SEC. 3. RISK MODIFIED SCREENING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall implement a risk modified screening protocol for lanes other than designated TSA PreCheck security screening lanes at Transportation Security Administration checkpoints to further segment passengers based on risk. Such risk modified screening protocol shall be implemented at as many Transportation Security Administration checkpoints as practicable, taking into consideration the level of risk at
the airport at issue, the available space at such airport, passenger throughput levels at such airport, and check-point configuration at such airport, while maintaining ade-
quate resources to appropriately serve passengers in TSA PreCheck security screening lanes at Transportation Se-
curity Administration checkpoints.

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

(1) meet intelligence-based criteria outlined by the Administrator of the Transportation Security Administration in the form of rules-based risk algo-
rithms; or

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

(c) WORKING GROUP.—

(1) IN GENERAL.—In carrying out subsection (a), the Administrator of the Transportation Security Administration shall establish and utilize a working group comprising of Category X, 1, 2, 3, and 4 airports and air carriers (as such term is defined in section 40102 of title 49, United States Code) to
inform the implementation of the risk modified
screening protocol described in subsection (a) for
lanes other than designated TSA PreCheck security
screening lanes at Transportation Security Adminis-
tration checkpoints in a manner which ensures max-
imum security effectiveness and efficiency.

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

(d) EXTENSION.—The Administrator of the Trans-
portation Security Administration may seek an extension
of not more than 180 days of the timeline specified in sub-
section (a) only with advance written notice to the Com-
mittee on Homeland Security of the House of Representa-
tives and the Committee on Commerce, Science, and
Transportation of the Senate that includes a revised
timeline and strategy for implementation of the risk modi-
fied screening protocol described in such subsection.

SEC. 4. CONGRESSIONAL REPORTS.

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

(b) Certification.—Upon a determination by the Administrator of the Transportation Security Administration that only travelers who are members of a trusted traveler program specified in section 2(b) are permitted to use TSA PreCheck security screening lanes at Transportation Security Administration checkpoints in accordance with subsection (a) of such section, the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written certification relating to such determination.

(c) Sunset.—The briefings required under subsection (a) shall terminate at the time the certification described in subsection (b) is submitted.

SEC. 5. INSPECTOR GENERAL ASSESSMENTS.

After the Administrator of the Transportation Security Administration submits the certification described in section 4(b), the Inspector General of the Department of Homeland Security shall, beginning in the first calendar year after such certification and in each of the next three subsequent calendar years, conduct an assessment to determine if there has been a systematic pattern of violations of section 2(a) during the previous calendar year. The In-
spector General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the results of each such assessment.

SEC. 6. PRECHECK PROGRAM EXPANSION.

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

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

(1) seek to partner with air carriers (as such term is defined in section 40102 of title 49, United States Code) to incorporate PreCheck Program promotion opportunities in the reservation process described in section 1560.101 of title 49, Code of Federal Regulations;

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

(A) hold a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information
clearance, unless such an individual has had his or her clearance revoked or did not pass a periodic reinvestigation; or

(B) are current, full-time Federal law enforcement officers;

(3) increase PreCheck Program enrollment flexibility by offering a secure mobile enrollment platform that facilitates in-person identity verification and application data collection, such as biometrics;

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

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

(B) collocating such enrollment centers with existing facilities that support the issuance of—

(i) United States passports; and

(ii) Security Identification Display Area credentials (as such term is defined in section 1540.5 of title 49, Code of Federal Regulations) located in public, non-secure areas of airports; and
(C) increasing the availability of PreCheck Program enrollment platforms, such as kiosks, tablets, or staffed laptop stations, at airports;

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

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

(B) families of five or more individuals;

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

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

(6) explore the possibility of combining the PreCheck Program with other trusted traveler programs specified in section 2(b).