

115TH CONGRESS
2D SESSION

H. R. 6265

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.

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.—

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

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

17 (b) TRUSTED TRAVELER PROGRAMS.—Trusted trav-
18 eler programs referred to in subsection (a) include the fol-
19 lowing:

20 (1) Programs implemented by the Transpor-
21 tation Security Administration under section
22 109(a)(3) of the Aviation and Transportation Secu-
23 rity Act (Public Law 107–71; 49 U.S.C. 114 note).

24 (2) Any other United States Government pro-
25 gram that issues unique identifiers, such as a known

1 traveler number, that the Transportation Security
2 Administration accepts as validating that the person
3 holding such identifier is a member of a known low-
4 risk population.

5 (c) EXEMPTIONS.—Nothing in this section shall af-
6 fect—

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

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

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

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Administrator of
18 the Transportation Security Administration shall imple-
19 ment a risk modified screening protocol for lanes other
20 than designated TSA PreCheck security screening lanes
21 at Transportation Security Administration checkpoints to
22 further segment passengers based on risk. Such risk modi-
23 fied screening protocol shall be implemented at as many
24 Transportation Security Administration checkpoints as
25 practicable, taking into consideration the level of risk at

1 the airport at issue, the available space at such airport,
2 passenger throughput levels at such airport, and check-
3 point configuration at such airport, while maintaining ade-
4 quate resources to appropriately serve passengers in TSA
5 PreCheck security screening lanes at Transportation Se-
6 curity Administration checkpoints.

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

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

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

19 (c) WORKING GROUP.—

20 (1) IN GENERAL.—In carrying out subsection
21 (a), the Administrator of the Transportation Secu-
22 rity Administration shall establish and utilize a
23 working group comprised of Category X, 1, 2, 3, and
24 4 airports and air carriers (as such term is defined
25 in section 40102 of title 49, United States Code) to

1 inform the implementation of the risk modified
2 screening protocol described in subsection (a) 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 Fed-
8 eral Advisory Committee Act (5 U.S.C. App.) shall
9 not apply to the working group established under
10 this subsection.

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

20 **SEC. 4. CONGRESSIONAL REPORTS.**

21 (a) IN GENERAL.—Beginning with the first full cal-
22 endar quarter after the date of the enactment of this Act,
23 the Administrator of the Transportation Security Adminis-
24 tration shall brief, on a quarterly basis, the Committee
25 on Homeland Security of the House of Representatives

1 and the Committee on Commerce, Science, and Transpor-
2 tation of the Senate on the implementation of section 2.

3 (b) CERTIFICATION.—Upon a determination by the
4 Administrator of the Transportation Security Administra-
5 tion that only travelers who are members of a trusted trav-
6 eler program specified in section 2(b) are permitted to use
7 TSA PreCheck security screening lanes at Transportation
8 Security Administration checkpoints in accordance with
9 subsection (a) of such section, the Administrator shall
10 submit to the Committee on Homeland Security of the
11 House of Representatives and the Committee on Com-
12 merce, Science, and Transportation of the Senate a writ-
13 ten certification relating to such determination.

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

17 **SEC. 5. INSPECTOR GENERAL ASSESSMENTS.**

18 After the Administrator of the Transportation Secu-
19 rity Administration submits the certification described in
20 section 4(b), the Inspector General of the Department of
21 Homeland Security shall, beginning in the first calendar
22 year after such certification and in each of the next three
23 subsequent calendar years, conduct an assessment to de-
24 termine if there has been a systematic pattern of violations
25 of section 2(a) during the previous calendar year. The In-

1 spector General shall submit to the Committee on Home-
2 land Security of the House of Representatives and the
3 Committee on Homeland Security and Governmental Af-
4 fairs of the Senate the results of each such assessment.

5 **SEC. 6. PRECHECK PROGRAM EXPANSION.**

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

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

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

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

24 (A) hold a Secret, Top Secret, or Top Se-
25 cret/Sensitive Compartmented Information

1 clearance, unless such an individual has had his
2 or her clearance revoked or did not pass a peri-
3 odic reinvestigation; or

4 (B) are current, full-time Federal law en-
5 forcement officers;

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

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

13 (A) adjusting the locations and schedules
14 of existing PreCheck Program enrollment cen-
15 ters to accommodate demand;

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

19 (i) United States passports; and

20 (ii) Security Identification Display
21 Area credentials (as such term is defined
22 in section 1540.5 of title 49, Code of Fed-
23 eral Regulations) located in public, non-se-
24 cure areas of airports; and

1 (C) increasing the availability of PreCheck
2 Program enrollment platforms, such as kiosks,
3 tablets, or staffed laptop stations, at airports;

4 (5) assess the feasibility of providing financial
5 or other incentives for PreCheck Program enroll-
6 ment for—

7 (A) children between the ages of 12 and
8 18;

9 (B) families of five or more individuals;

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

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

19 (6) explore the possibility of combining the
20 PreCheck Program with other trusted traveler pro-
21 grams specified in section 2(b).

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