

115TH CONGRESS
2D SESSION

H. R. 6265

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2018

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

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 1 year after
8 the date of the enactment of this Act, the Adminis-
9 trator of the Transportation Security Administration
10 (TSA) shall ensure that only travelers who are mem-
11 bers of a trusted traveler program specified in sub-
12 section (b) are permitted to use TSA PreCheck secu-
13 rity screening lanes at Transportation Security Ad-
14 ministration 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-
19 rity screening lanes at Transportation Security Ad-
20 ministration checkpoints when traveling on the same
21 itinerary as a member of such a program.

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

25 (1) Programs implemented by the Transpor-
26 tation Security Administration under section

1 109(a)(3) of the Aviation and Transportation Secu-
2 rity Act (Public Law 107–71; 49 U.S.C. 114 note).

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

9 (c) EXEMPTIONS.—Nothing in this section shall af-
10 fect—

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

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

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

20 (a) IN GENERAL.—Not later than 60 days after the
21 date of the enactment of this Act, the Administrator of
22 the Transportation Security Administration shall com-
23 mence a pilot program regarding a risk modified screening
24 protocol for lanes other than designated TSA PreCheck
25 security screening lanes at Transportation Security Ad-

1 ministration checkpoints, in airports of varying categories,
2 to further segment passengers based on risk. Such pilot
3 program shall conclude on the date that is 120 after such
4 date of commencement.

5 (b) REPORT; IMPLEMENTATION.—Not later than 30
6 days after the conclusion of the pilot program required
7 under subsection (a), the Administrator of the Transpor-
8 tation Security Administration shall submit to the Com-
9 mittee on Homeland Security of the House of Representa-
10 tives and the Committee on Commerce, Science, and
11 Transportation of the Senate a report on the finding of
12 such pilot program, including information relating to the
13 security effectiveness and passenger facilitation effective-
14 ness of the risk modified screening protocol that was the
15 subject of such pilot program and, in the event that the
16 Administrator is satisfied with the effectiveness of such
17 protocol, information relating to plans to deploy such pro-
18 tocol at as many Transportation Security Administration
19 checkpoints as practicable, taking into consideration the
20 level of risk at the airport at issue, the available space
21 at such airport, passenger throughput levels at such air-
22 port, and checkpoint configuration at such airport, while
23 maintaining adequate resources to appropriately serve
24 passengers in TSA PreCheck security screening lanes at
25 Transportation Security Administration checkpoints.

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

6 (1) meet risk-based, intelligence-driven criteria
7 outlined by the Administrator of the Transportation
8 Security Administration; or

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

12 (d) WORKING GROUP.—

13 (1) IN GENERAL.—In carrying out subsections
14 (a) and (b), the Administrator of the Transportation
15 Security Administration shall establish and utilize a
16 working group comprised of individuals from or rep-
17 resentatives of Category X, 1, 2, 3, and 4 airports
18 and air carriers (as such term is defined in section
19 40102 of title 49, United States Code) to inform the
20 piloting and development of plans to deploy the risk
21 modified screening protocol described in such sub-
22 sections for lanes other than designated TSA
23 PreCheck security screening lanes at Transportation
24 Security Administration checkpoints in a manner

1 which ensures maximum security effectiveness and
2 efficiency.

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

7 **SEC. 4. CONGRESSIONAL REPORTS.**

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

15 (b) CERTIFICATION.—Upon a determination by the
16 Administrator of the Transportation Security Administra-
17 tion that only travelers who are members of a trusted trav-
18 eler program specified in section 2(b) are permitted to use
19 TSA PreCheck security screening lanes at Transportation
20 Security Administration checkpoints in accordance with
21 subsection (a) of such section, the Administrator shall
22 submit to the Committee on Homeland Security of the
23 House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate a writ-
25 ten certification relating to such determination.

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

4 **SEC. 5. INSPECTOR GENERAL ASSESSMENTS.**

5 After the Administrator of the Transportation Secu-
6 rity Administration submits the certification described in
7 section 4(b), the Inspector General of the Department of
8 Homeland Security shall, beginning in the first calendar
9 year after such certification and in each of the next 3 sub-
10 sequent calendar years, conduct an assessment to deter-
11 mine if there has been a systematic pattern of violations
12 of section 2(a) during the previous calendar year. The In-
13 spector General shall submit to the Committee on Home-
14 land Security of the House of Representatives and the
15 Committee on Homeland Security and Governmental Af-
16 fairs of the Senate the results of each such assessment.

17 **SEC. 6. PRECHECK PROGRAM EXPANSION.**

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

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

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

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

12 (A) hold a Secret, Top Secret, or Top Se-
13 cret/Sensitive Compartmented Information
14 clearance, unless such an individual has had his
15 or her clearance revoked or did not pass a peri-
16 odic reinvestigation; or

17 (B) are current, full-time Federal law en-
18 forcement officers;

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

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

1 (A) adjusting the locations and schedules
2 of existing PreCheck Program enrollment cen-
3 ters to accommodate demand;

4 (B) seeking to collocate such enrollment
5 centers with existing facilities that support the
6 issuance of—

7 (i) United States passports; and

8 (ii) Security Identification Display
9 Area credentials (as such term is defined
10 in section 1540.5 of title 49, Code of Fed-
11 eral Regulations) located in public, non-se-
12 cure areas of airports, provided that no
13 systems of an airport operator are used in
14 support of enrollment activities for such
15 credentials; and

16 (C) increasing the availability of PreCheck
17 Program enrollment platforms, such as kiosks,
18 tablets, or staffed laptop stations;

19 (5) assess the feasibility of providing financial
20 or other incentives for PreCheck Program enroll-
21 ment for—

22 (A) children between the ages of 12 and
23 18;

24 (B) families of five or more individuals;

1 (C) private sector entities, including small
2 businesses, that establish PreCheck Program
3 enrollment centers in their respective facilities;
4 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).

Passed the House of Representatives September 4,
2018.

Attest:

KAREN L. HAAS,
Clerk.