

115TH CONGRESS  
2D SESSION

# H. R. 6265

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2018

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

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## 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.*