

114TH CONGRESS  
1ST SESSION

# H. R. 2127

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## AN ACT

To direct the Administrator of the Transportation Security Administration to limit access to expedited airport security screening at an airport security checkpoint to participants of the PreCheck program and other known low-risk passengers, 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 “Securing Expedited  
3 Screening Act”.

4 **SEC. 2. FINDINGS.**

5       Congress finds the following:

6           (1) The Aviation and Transportation Security  
7       Act (Public Law 107–71) authorized the Transpor-  
8       tation Security Administration to “establish require-  
9       ments to implement trusted passenger programs and  
10      use available technologies to expedite the security  
11      screening of passengers who participate in such pro-  
12      grams, thereby allowing security screening personnel  
13      to focus on those passengers who should be subject  
14      to more extensive screening.”.

15          (2) In October 2011, the Transportation Secu-  
16      rity Administration began piloting the PreCheck  
17      program in which a limited number of passengers  
18      who were participants in the frequent flyer programs  
19      of domestic air carriers were directed to special  
20      screening lanes for expedited security screening.

21          (3) In December 2013, the Transportation Se-  
22      curity Administration opened the PreCheck program  
23      to eligible passengers who submit biographic and bi-  
24      ometric information for a security risk assessment.

25          (4) Today, expedited security screening is pro-  
26      vided to passengers who, in general, are members of

1 populations identified by the Administrator of the  
2 Transportation Security Administration as pre-  
3 senting a low risk to aviation security, including  
4 members of populations known and vetted by the  
5 Administrator or through another Department of  
6 Homeland Security trusted traveler program, and to  
7 passengers who are selected by expedited screening  
8 on a case-by-case basis through the Transportation  
9 Security Administration’s Managed Inclusion process  
10 and other procedures.

11 (5) According to the Transportation Security  
12 Administration, the Managed Inclusion process  
13 “combines the use of multiple layers of security to  
14 indirectly conduct a real-time assessment of pas-  
15 sengers” through the use of Passenger Screening  
16 Canine teams, Behavior Detection Officers, Explo-  
17 sives Trace Detection (ETD) machines, and other  
18 activities.

19 (6) In December 2014, the Comptroller General  
20 of the United States concluded in a report entitled  
21 “Rapid Growth in Expedited Passenger Screening  
22 Highlights Need to Plan Effective Security Assess-  
23 ments” that “it will be important for TSA to evalu-  
24 ate the security effectiveness of the Managed Inclu-  
25 sion process as a whole, to ensure that it is func-

tioning as intended and that passengers are being screened at a level commensurate with their risk”.

(7) On March 16, 2015, the Inspector General of the Department of Homeland Security released a report entitled “Allegation of Granting Expedited Screening through TSA PreCheck Improperly”, in which the Inspector General determined that the Transportation Security Administration granted expedited security screening at a PreCheck security lane to a passenger who had served time in prison for felonies committed as a member of a domestic terrorist group and who was not a participant in the PreCheck program.

**SEC. 3. LIMITATION; PRECHECK OPERATIONS MAINTAINED;  
ALTERNATE METHODS.**

(a) IN GENERAL.—Except as provided in subsection (d), not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall direct that access to expedited airport security screening at an airport security checkpoint be limited to only the following:

(1) A passenger who voluntarily submits biographic and biometric information for a security risk assessment and whose application for the PreCheck program has been approved, or a passenger who is

1 a participant in another trusted or registered trav-  
2 eler program of the Department of Homeland Secu-  
3 rity.

4 (2) A passenger traveling pursuant to section  
5 44903 of title 49, United States Code (as estab-  
6 lished under the Risk-Based Security for Members  
7 of the Armed Forces Act (Public Law 112–86)), sec-  
8 tion 44927 of such title (as established under the  
9 Helping Heroes Fly Act (Public Law 113–27)), or  
10 section 44928 of such title (as established under the  
11 Honor Flight Act (Public Law 113–221)).

12 (3) A passenger who did not voluntarily submit  
13 biographic and biometric information for a security  
14 risk assessment but is a member of a population  
15 designated by the Administrator of the Transpor-  
16 tation Security Administration as known and low-  
17 risk and who may be issued a unique, known trav-  
18 eler number by the Administrator determining that  
19 such passenger is a member of a category of trav-  
20 elers designated by the Administrator as known and  
21 low-risk.

22 (b) PRECHECK OPERATIONS MAINTAINED.—In car-  
23 rying out subsection (a), the Administrator of the Trans-  
24 portation Security Administration shall ensure that expe-  
25 dited airport security screening remains available to pas-

1 sengers at or above the level that exists on the day before  
2 the date of the enactment of this Act.

3 (c) MINORS AND SENIORS.—The Administrator of  
4 the Transportation Security Administration may provide  
5 access to expedited airport security screening at an airport  
6 security checkpoint to a passenger who is—

7 (1) 75 years old or older; or

8 (2) 12 years old or under and who is traveling  
9 with a parent or guardian who is a participant in  
10 the PreCheck program.

11 (d) FREQUENT FLIERS.—If the Administrator of the  
12 Transportation Security Administration determines that  
13 such is appropriate, the date specified in subsection (a)  
14 may be extended by up to 1 year to implement such sub-  
15 section with respect to the population of passengers who  
16 did not voluntarily submit biographic and biometric infor-  
17 mation for security risk assessments but who nevertheless  
18 receive expedited airport security screening because such  
19 passengers are designated as frequent fliers by air car-  
20 riers. If the Administrator uses the authority provided by  
21 this subsection, the Administrator shall notify the Com-  
22 mittee on Homeland Security of the House of Representa-  
23 tives and the Committee on Homeland Security and Gov-  
24 ernmental Affairs and the Committee on Commerce,

1 Science, and Transportation of the Senate of such phased-  
2 in implementation.

3 (e) ALTERNATE METHODS.—The Administrator of  
4 the Transportation Security Administration may provide  
5 access to expedited airport security screening to additional  
6 passengers pursuant to an alternate method upon the sub-  
7 mission to the Committee on Homeland Security of the  
8 House of Representatives and the Committee on Com-  
9 merce, Science, and Transportation of the Senate of an  
10 independent assessment of the security effectiveness of  
11 such alternate method that is conducted by an inde-  
12 pendent entity that determines that such alternate method  
13 is designed to—

14 (1) reliably and effectively identify passengers  
15 who likely pose a low risk to the United States avia-  
16 tion system;

17 (2) mitigate the likelihood that a passenger who  
18 may pose a security threat to the United States  
19 aviation system is selected for expedited security  
20 screening; and

21 (3) address known and evolving security risks  
22 to the United States aviation system.

23 (f) INFORMATION SHARING.—The Administrator of  
24 the Transportation Security Administration shall provide  
25 to the entity conducting the independent assessment under

1 subsection (c) effectiveness testing results that are con-  
2 sistent with established evaluation design practices, as  
3 identified by the Comptroller General of the United  
4 States.

5 **SEC. 4. REPORTING.**

6 Not later than 3 months after the date of the enact-  
7 ment of this Act and annually thereafter, the Adminis-  
8 trator of the Transportation Security Administration shall  
9 report to the Committee on Homeland Security of the  
10 House of Representatives and the Committee on Com-  
11 merce, Science, and Transportation of the Senate on the  
12 percentage of all passengers who are provided expedited  
13 security screening, and of such passengers so provided, the  
14 percentage who are participants in the PreCheck program  
15 (who have voluntarily submitted biographic and biometric  
16 information for security risk assessments), the percentage  
17 who are participants in another trusted traveler program  
18 of the Department of Homeland Security, the percentage  
19 who are participants in the PreCheck program due to the  
20 Administrator's issuance of known traveler numbers, and  
21 for the remaining percentage of passengers granted access  
22 to expedited security screening in PreCheck security lanes,  
23 information on the percentages attributable to each alter-  
24 native method utilized by the Transportation Security Ad-



1 ministration to direct passengers to expedited airport se-  
2 curity screening at PreCheck security lanes.

3 **SEC. 5. RULE OF CONSTRUCTION.**

4 Nothing in this Act may be construed to—

5 (1) authorize or direct the Administrator of the  
6 Transportation Administration to reduce or limit the  
7 availability of expedited security screening at an air-  
8 port; or

9 (2) limit the authority of the Administrator to  
10 use technologies and systems, including passenger  
11 screening canines and explosives trace detection, as  
12 a part of security screening operations.

Passed the House of Representatives July 27, 2015.

Attest:

*Clerk.*

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