

114TH CONGRESS
1ST SESSION

H. R. 2127

IN THE SENATE OF THE UNITED STATES

JULY 28, 2015

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

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-

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

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

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

16 (a) IN GENERAL.—Except as provided in subsection
17 (d), not later than 180 days after the date of the enact-
18 ment of this Act, the Administrator of the Transportation
19 Security Administration shall direct that access to expe-
20 dited airport security screening at an airport security
21 checkpoint be limited to only the following:

22 (1) A passenger who voluntarily submits bio-
23 graphic and biometric information for a security risk
24 assessment and whose application for the PreCheck
25 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:

KAREN L. HAAS,

Clerk.