

Union Calendar No. 166

114TH CONGRESS
1ST SESSION

H. R. 2127

[Report No. 114–220]

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2015

Mr. THOMPSON of Mississippi (for himself, Mr. KATKO, and Miss RICE of New York) introduced the following bill; which was referred to the Committee on Homeland Security

JULY 22, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 30, 2015]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Securing Expedited*
5 *Screening Act”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

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

17 *(2) In October 2011, the Transportation Security*
18 *Administration began piloting the PreCheck program*
19 *in which a limited number of passengers who were*
20 *participants in the frequent flyer programs of domes-*
21 *tic air carriers were directed to special screening*
22 *lanes for expedited security screening.*

23 *(3) In December 2013, the Transportation Secu-*
24 *urity Administration opened the PreCheck program to*

1 *eligible passengers who submit biographic and biomet-*
2 *ric information for a security risk assessment.*

3 *(4) Today, expedited security screening is pro-*
4 *vided to passengers who, in general, are members of*
5 *populations identified by the Administrator of the*
6 *Transportation Security Administration as pre-*
7 *senting a low risk to aviation security, including*
8 *members of populations known and vetted by the Ad-*
9 *ministrator or through another Department of Home-*
10 *land Security trusted traveler program, and to pas-*
11 *sengers who are selected by expedited screening on a*
12 *case-by-case basis through the Transportation Secu-*
13 *rity Administration's Managed Inclusion process and*
14 *other procedures.*

15 *(5) According to the Transportation Security*
16 *Administration, the Managed Inclusion process "com-*
17 *bines the use of multiple layers of security to indi-*
18 *rectly conduct a real-time assessment of passengers"*
19 *through the use of Passenger Screening Canine teams,*
20 *Behavior Detection Officers, Explosives Trace Detec-*
21 *tion (ETD) machines, and other activities.*

22 *(6) In December 2014, the Comptroller General*
23 *of the United States concluded in a report entitled*
24 *"Rapid Growth in Expedited Passenger Screening*
25 *Highlights Need to Plan Effective Security Assess-*

1 *ments” that “it will be important for TSA to evaluate*
2 *the security effectiveness of the Managed Inclusion*
3 *process as a whole, to ensure that it is functioning as*
4 *intended and that passengers are being screened at a*
5 *level commensurate with their risk”.*

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

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

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

1 (1) *A passenger who voluntarily submits bio-*
2 *graphic and biometric information for a security risk*
3 *assessment and whose application for the PreCheck*
4 *program has been approved, or a passenger who is a*
5 *participant in another trusted or registered traveler*
6 *program of the Department of Homeland Security.*

7 (2) *A passenger traveling pursuant to section*
8 *44903 of title 49, United States Code (as established*
9 *under the Risk-Based Security for Members of the*
10 *Armed Forces Act (Public Law 112–86)), section*
11 *44927 of such title (as established under the Helping*
12 *Heroes Fly Act (Public Law 113–27)), or section*
13 *44928 of such title (as established under the Honor*
14 *Flight Act (Public Law 113–221)).*

15 (3) *A passenger who did not voluntarily submit*
16 *biographic and biometric information for a security*
17 *risk assessment but is a member of a population des-*
18 *ignated by the Administrator of the Transportation*
19 *Security Administration as known and low-risk and*
20 *who may be issued a unique, known traveler number*
21 *by the Administrator determining that such passenger*
22 *is a member of a category of travelers designated by*
23 *the Administrator as known and low-risk.*

24 (b) *PRECHECK OPERATIONS MAINTAINED.—In car-*
25 *rying out subsection (a), the Administrator of the Transpor-*

1 *tation Security Administration shall ensure that expedited*
2 *airport security screening remains available to passengers*
3 *at or above the level that exists on the day before the date*
4 *of the enactment of this Act.*

5 *(c) MINORS AND SENIORS.—The Administrator of the*
6 *Transportation Security Administration may provide ac-*
7 *cess to expedited airport security screening at an airport*
8 *security checkpoint to a passenger who is—*

9 *(1) 75 years old or older; or*

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

13 *(d) FREQUENT FLIERS.—If the Administrator of the*
14 *Transportation Security Administration determines that*
15 *such is appropriate, the date specified in subsection (a) may*
16 *be extended by up to one year to implement such subsection*
17 *with respect to the population of passengers who did not*
18 *voluntarily submit biographic and biometric information*
19 *for security risk assessments but who nevertheless receive ex-*
20 *pedited airport security screening because such passengers*
21 *are designated as frequent fliers by air carriers. If the Ad-*
22 *ministrator uses the authority provided by this subsection,*
23 *the Administrator shall notify the Committee on Homeland*
24 *Security of the House of Representatives and the Committee*
25 *on Homeland Security and Governmental Affairs and the*

1 *Committee on Commerce, Science, and Transportation of*
2 *the Senate of such phased-in implementation.*

3 (e) *ALTERNATE METHODS.*—*The Administrator of the*
4 *Transportation Security Administration may provide ac-*
5 *cess 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 Commerce,*
9 *Science, and Transportation of the Senate of an inde-*
10 *pendent assessment of the security effectiveness of such alter-*
11 *nate method that is conducted by an independent entity*
12 *that determines that such alternate method is designed to—*

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

16 (2) *mitigate the likelihood that a passenger who*
17 *may pose a security threat to the United States avia-*
18 *tion system is selected for expedited security screen-*
19 *ing; and*

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

22 (f) *INFORMATION SHARING.*—*The Administrator of the*
23 *Transportation Security Administration shall provide to*
24 *the entity conducting the independent assessment under*
25 *subsection (c) effectiveness testing results that are consistent*

1 *with established evaluation design practices, as identified*
2 *by the Comptroller General of the United States.*

3 **SEC. 4. REPORTING.**

4 *Not later than three months after the date of the enact-*
5 *ment of this Act and annually thereafter, the Administrator*
6 *of the Transportation Security Administration shall report*
7 *to the Committee on Homeland Security of the House of*
8 *Representatives and the Committee on Commerce, Science,*
9 *and Transportation of the Senate on the percentage of all*
10 *passengers who are provided expedited security screening,*
11 *and of such passengers so provided, the percentage who are*
12 *participants in the PreCheck program (who have volun-*
13 *tarily submitted biographic and biometric information for*
14 *security risk assessments), the percentage who are partici-*
15 *pants in another trusted traveler program of the Depart-*
16 *ment of Homeland Security, the percentage who are partici-*
17 *pants in the PreCheck program due to the Administrator's*
18 *issuance of known traveler numbers, and for the remaining*
19 *percentage of passengers granted access to expedited security*
20 *screening in PreCheck security lanes, information on the*
21 *percentages attributable to each alternative method utilized*
22 *by the Transportation Security Administration to direct*
23 *passengers to expedited airport security screening at*
24 *PreCheck security lanes.*

1 **SEC. 5. RULE OF CONSTRUCTION.**

2 *Nothing in this Act may be construed to—*

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

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

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