

# H.R. \_\_\_\_, The “Securing Expedited Screening Act”

## FACT SHEET

As introduced by

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- The Aviation and Transportation Security Act (Public Law 107-71) authorized the Transportation Security Administration to “establish requirements to implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.”
- In October 2011, the Transportation Security Administration began piloting the PreCheck program, in which a limited number of passengers who were participants in the frequent flyer programs of domestic air carriers were directed to special screening lanes for expedited security screening. In December 2013, the Transportation Security Administration opened the PreCheck program to eligible passengers who submit biographic information for a security risk assessment.
- Today, expedited screening is not only provided to passengers who have applied and been accepted through the PreCheck application program, but also to populations identified by the Administrator of the TSA as presenting a low risk to aviation security, including members of populations known and vetted by the Administrator or through another Department of Homeland Security trusted traveler program.
- Expedited screening is also provided to passengers who are selected on a case-by-case basis through the Transportation Security Administration’s Managed Inclusion process, which according to TSA, “combines the use of multiple layers of security to indirectly conduct a real-time assessment of passengers” through the use of Passenger Screening Canine teams, Behavior Detection Officers, Explosives Trace Detection machines, among other activities. TSA’s use of random or case-by-case, on-site security risk assessments to identify passengers for expedited screening have been found, by both the Government Accountability Office (GAO) and the Department of Homeland Security Office of Inspector General (OIG) as lacking.
  - In December 2014, the GAO released a report that found, among other things, that TSA has not comprehensively tested the effectiveness of Managed Inclusion. The report concluded that “it will be important for TSA to evaluate the security effectiveness of the Managed Inclusion process as a whole, to ensure that it is

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

- In March 2015, the OIG reported that TSA granted expedited 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 of the PreCheck program.

### **The Securing Expedited Screening Act**

The “Securing Expedited Screening Act” would direct TSA to limit expedited screening to passengers who:

- (1) participate in the TSA PreCheck known traveler program or another Department of Homeland Security trusted traveler program;
- (2) Are military servicemembers, disabled military servicemembers, and veterans traveling on Honor Flights, and other passengers eligible for expedited screening pursuant to the ‘Risk Based Security for Members of the Armed Forces Act’, the ‘Helping Heroes Fly Act’, and the ‘Honor Flight Act’;
- (3) Are in populations identified by TSA as known and low risk; and
- (4) Are 75 or older, or 12 years and under and traveling with a parent or guardian who is a participant of the PreCheck program.

Under this measure, if TSA wants to utilize an alternate method to make determinations of eligibility for expedited screening for passengers outside of the authorized categories, TSA must secure an independent assessment that the method is designed to:

- (1) reliably and effectively identifies passengers who likely pose a low risk to the aviation system;
- (2) mitigate the likelihood that a passenger who may pose a security threat is selected for expedited screening; and
- (3) address known and evolving security threat to the aviation system.

To ensure that passengers who participate in the PreCheck program continue to get expedited screening, the bill specifically includes a provision requiring TSA to ensure that expedited screening remains available at or above the level that exists on the day before the day of enactment.