

109TH CONGRESS
1ST SESSION

H. R. 4512

To direct the Secretary of Homeland Security to conduct a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2005

Mr. DEFAZIO (for himself and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To direct the Secretary of Homeland Security to conduct a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation.

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. IMMEDIATE INTERNATIONAL PASSENGER**
4 **PRESCREENING PILOT PROGRAM.**

5 (a) PILOT PROGRAM.—Not later than 90 days after
6 the date of enactment of this Act, the Secretary of Home-
7 land Security shall initiate a pilot program to evaluate the
8 use of automated systems for the immediate prescreening

1 of passengers on flights in foreign air transportation, as
2 defined by section 40102 of title 49, United States Code,
3 that are bound for the United States.

4 (b) REQUIREMENTS.—At a minimum, with respect to
5 a passenger on a flight described in subsection (a) oper-
6 ated by an air carrier or foreign air carrier, the automated
7 systems evaluated under the pilot program shall—

8 (1) compare the passenger’s information
9 against the integrated and consolidated terrorist
10 watchlist maintained by the Federal Government
11 and provide the results of the comparison to the air
12 carrier or foreign air carrier before the passenger is
13 permitted to board the flight;

14 (2) provide functions similar to the advanced
15 passenger information system established under sec-
16 tion 431 of the Tariff Act of 1930 (19 U.S.C.
17 1431); and

18 (3) make use of machine-readable data ele-
19 ments on passports and other travel and entry docu-
20 ments in a manner consistent with international
21 standards.

22 (c) OPERATION.—The pilot program shall be con-
23 ducted—

24 (1) in not fewer than 2 foreign airports; and

1 (2) in collaboration with not fewer than one air
2 carrier at each airport participating in the pilot pro-
3 gram.

4 (d) EVALUATION OF AUTOMATED SYSTEMS.—In con-
5 ducting the pilot program, the Secretary shall evaluate not
6 more than 3 automated systems. One or more of such sys-
7 tems shall be commercially available and currently in use
8 to prescreen passengers.

9 (e) PRIVACY PROTECTION.—The Secretary shall en-
10 sure that the passenger data is collected under the pilot
11 program in a manner consistent with the standards estab-
12 lished under section 552a of title 5, United States Code.

13 (f) DURATION.—The Secretary shall conduct the
14 pilot program for not fewer than 90 days.

15 (g) PASSENGER DEFINED.—In this section, the term
16 “passenger” includes members of the flight crew.

17 (h) REPORT.—Not later than 30 days after the date
18 of completion of the pilot program, the Secretary shall
19 submit to the Committee on Homeland Security of the
20 House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate a report
22 containing the following:

23 (1) An assessment of the technical performance
24 of each of the tested systems, including the system’s
25 accuracy, scalability, and effectiveness with respect

1 to measurable factors, including, at a minimum, pas-
2 senger throughput, the rate of flight diversions, and
3 the rate of false negatives and positives.

4 (2) A description of the provisions of each test-
5 ed system to protect the civil liberties and privacy
6 rights of passengers, as well as a description of the
7 adequacy of an immediate redress or appeals process
8 for passengers denied authorization to travel.

9 (3) Cost projections for implementation of each
10 tested system, including—

11 (A) projected costs to the Department of
12 Homeland Security; and

13 (B) projected costs of compliance to air
14 carriers operating flights described in sub-
15 section (a).

16 (4) A determination as to which tested system
17 is the best-performing and most efficient system to
18 ensure immediate prescreening of international pas-
19 sengers. Such determination shall be made after con-
20 sultation with individuals in the private sector hav-
21 ing expertise in airline industry, travel, tourism, pri-
22 vacy, national security, and computer security
23 issues.

- 1 (5) A plan to fully deploy the best-performing
- 2 and most efficient system tested by not later than
- 3 January 1, 2007.

