

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
DE FAZIO OF OREGON, OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES:

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~~AMENDMENT TO H.R. 4437, AS REPORTED
OFFERED BY MR. DEFAZIO OF OREGON AND MR.
DANIEL E. LUNGREN OF CALIFORNIA~~

At the end of the bill, add the following (and conform the table of contents accordingly):

1 **TITLE ____—PRESCREENING OF**
2 **AIR PASSENGERS**
3 **SEC. ____ 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
9 of passengers on flights in foreign air transportation, as
10 defined by section 40102 of title 49, United States Code,
11 that are bound for the United States.

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

16 (1) compare the passenger’s information
17 against the integrated and consolidated terrorist
18 watchlist maintained by the Federal Government



1 and provide the results of the comparison to the air
2 carrier or foreign air carrier before the passenger is
3 permitted to board the flight;

4 (2) provide functions similar to the advanced
5 passenger information system established under sec-
6 tion 431 of the Tariff Act of 1930 (19 U.S.C.
7 1431); and

8 (3) make use of machine-readable data ele-
9 ments on passports and other travel and entry docu-
10 ments in a manner consistent with international
11 standards.

12 (c) OPERATION.—The pilot program shall be
13 conducted—

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

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

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

23 (e) PRIVACY PROTECTION.—The Secretary shall en-
24 sure that the passenger data is collected under the pilot



1 program in a manner consistent with the standards estab-
2 lished under section 552a of title 5, United States Code.

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

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

7 (h) REPORT.—Not later than 30 days after the date
8 of completion of the pilot program, the Secretary shall
9 submit 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 a report
12 containing the following:

13 (1) An assessment of the technical performance
14 of each of the tested systems, including the system’s
15 accuracy, scalability, and effectiveness with respect
16 to measurable factors, including, at a minimum, pas-
17 senger throughput, the rate of flight diversions, and
18 the rate of false negatives and positives.

19 (2) A description of the provisions of each test-
20 ed system to protect the civil liberties and privacy
21 rights of passengers, as well as a description of the
22 adequacy of an immediate redress or appeals process
23 for passengers denied authorization to travel.

24 (3) Cost projections for implementation of each
25 tested system, including—



1 (A) projected costs to the Department of
2 Homeland Security; and

3 (B) projected costs of compliance to air
4 carriers operating flights described in sub-
5 section (a).

6 (4) A determination as to which tested system
7 is the best-performing and most efficient system to
8 ensure immediate prescreening of international pas-
9 sengers. Such determination shall be made after con-
10 sultation with individuals in the private sector hav-
11 ing expertise in airline industry, travel, tourism, pri-
12 vacy, national security, and computer security
13 issues.

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

