

AMENDMENT NO.

CAL. NO.

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

March 11, 2003

Purpose: To require the Secretary of Homeland Security to report to the Congress in writing on the impact of the Computer Assisted Passenger Prescreening System, proposed to be implemented by the Transportation Security Administration, on the privacy and civil liberties of United States citizens.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—108TH Cong., 1ST Sess.**

S. 165, 108TH Congress, 1ST Session

MARCH 13, 2003

INTENDED to be proposed by Mr. WYDEN

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ——. REPORT ON PASSENGER PRESCREENING PRO-**

3 **GRAM.**

4 (a) IN GENERAL.—Within 90 days after the date of

5 enactment of this Act, the Secretary of Homeland Secu-

6 rity, after consultation with the Attorney General, shall

7 submit a report in writing to the Senate Committee on

8 Commerce, Science, and Transportation and the House of

9 Representatives Committee on Transportation and Infra-

1 structure on the potential impact of the Transportation
2 Security Administration's Computer Assisted Passenger
3 Prescreening system, commonly known as CAPPS II, on
4 the privacy and civil liberties of United States Citizens.

5 (b) SPECIFIC ISSUES TO BE ADDRESSED.—The re-
6 port shall include answers to the following:

7 (1) Whether and for what period of time will
8 data gathered on individual travelers be retained,
9 who will have access to such data, and who will
10 make decisions concerning access to such data?

11 (2) How will the Transportation Security Ad-
12 ministration treat the scores assigned to individual
13 travelers to measure the likelihood they may pose a
14 security threat, including how long such scores will
15 be retained and whether and under what cir-
16 cumstances they may be shared with other govern-
17 mental, non-governmental, or commercial entities?

18 (3) What role will airlines and outside vendors
19 or contractors have in implementing and operating
20 the system, and to what extent will they have access,
21 or the means to obtain access, to data, scores, or
22 other information generated by the system?

23 (4) What safeguards will be implemented to en-
24 sure that data, scores, or other information gen-

1 erated by the system will be used only as officially
2 intended?

3 (5) What procedures will be implemented to
4 mitigate the effect of any errors, and what proce-
5 dural recourse will be available to passengers who
6 believe the system has wrongly barred them from
7 taking flights?

8 (6) What oversight procedures will be imple-
9 mented to ensure that, on an ongoing basis, privacy
10 and civil liberties issues will continue to be consid-
11 ered and addressed with high priority as the system
12 is installed, operated and updated?

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