Amendment to Homeland Security Appropriations Bill, 2004
Offered by Mr. Sabo

At the end of the bill (before the short title), insert the following:

Sec. _____ (a) None of the funds provided in this or previous appropriation Acts may be obligated for testing (other than simulations), deployment, or implementation of CAPPS2, the Computer Assisted Passenger Pre-screening System that the Transportation Security Administration ("TSA") plans to utilize to screen aviation passengers, until the General Accounting Office has reported to the Committees on Appropriations that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct incorrect information contained in CAPPS2;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false
positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS2 and has demonstrated that CAPPS2 can make an accurate predictive assessment of those passengers who would constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to oversee and monitor the manner in which CAPPS2 is being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS2 from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) Not later than December 31, 2003, the National Academy of Sciences shall submit a report to the Commit-
tees on Appropriations that assesses the likely impact of
the CAPPS2 system on privacy and civil liberties and in-
cludes recommendations for practices, procedures, regula-
tions, or legislation to eliminate or minimize adverse effect
of such system on privacy, discrimination, and other civil
liberties.