

110TH CONGRESS
1ST SESSION

H. R. 4179

To amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2007

Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. PERLMUTTER, Mr. CARNEY, Ms. NORTON, Mr. AL GREEN of Texas, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. CUELLAR, and Ms. LORETTA SANCHEZ of California) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Fair, Accurate, Secure
5 and Timely Redress Act of 2007” or the “FAST Redress
6 Act of 2007”.

1 **SEC. 2. ESTABLISHMENT OF APPEAL AND REDRESS PROC-**
2 **ESS FOR INDIVIDUALS WRONGLY DELAYED**
3 **OR PROHIBITED FROM BOARDING A FLIGHT,**
4 **OR DENIED A RIGHT, BENEFIT, OR PRIVI-**
5 **LEGE.**

6 (a) IN GENERAL.—Subtitle H of title VIII of the
7 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
8 is amended by adding at the end the following new section:

9 **“SEC. 890A. APPEAL AND REDRESS PROCESS FOR PAS-**
10 **SENGERS WRONGLY DELAYED OR PROHIB-**
11 **ITED FROM BOARDING A FLIGHT.**

12 “(a) ESTABLISHMENT.—The Secretary of Homeland
13 Security shall establish a timely and fair process for indi-
14 viduals who believe they have been delayed or prohibited
15 from boarding a commercial aircraft or denied a right,
16 benefit, or privilege because they were wrongly identified
17 as a threat under the regimes, including the Terrorist
18 Screening Database, utilized by the Transportation Secu-
19 rity Administration, United States Customs and Border
20 Protection, or any other office or component of the De-
21 partment of Homeland Security.

22 “(b) OFFICE OF APPEALS AND REDRESS.—

23 “(1) ESTABLISHMENT.—The Secretary shall es-
24 tablish in the Department an Office of Appeals and
25 Redress to implement, coordinate, and execute the
26 process established by the Secretary pursuant to

1 subsection (a). The Office shall include representa-
2 tives from the Transportation Security Administra-
3 tion, United States Customs and Border Protection,
4 and such other offices and components of the De-
5 partment as the Secretary determines appropriate.

6 “(2) COMPREHENSIVE CLEARED LIST.—The
7 process established by the Secretary pursuant to
8 subsection (a) shall include the establishment of a
9 method by which the Office, under the direction of
10 the Secretary, will be able to maintain a comprehen-
11 sive list of individuals who have been misidentified
12 and have corrected erroneous information, to be
13 known as the ‘Comprehensive Cleared List’.

14 “(3) INFORMATION.—To prevent repeated
15 delays of a misidentified passenger or other indi-
16 vidual denied a right, benefit, or privilege, the Office
17 shall ensure that the Comprehensive Cleared List
18 contains information determined by the Secretary to
19 authenticate the identity of such a passenger or indi-
20 vidual.

21 “(4) USE OF COMPREHENSIVE CLEARED
22 LIST.—The Secretary shall—

23 “(A) transmit to the Transportation Secu-
24 rity Administration, United States Customs and
25 Border Protection, or any other appropriate of-

1 fice or component of the Department, other
2 Federal, State, local, and Tribal entities, and
3 domestic air carriers and foreign air carriers
4 that use the Terrorist Screening Database the
5 Comprehensive Cleared List and any other in-
6 formation the Secretary determines necessary to
7 resolve misidentifications and improve the ad-
8 ministration of the advanced passenger
9 prescreening system and reduce the number of
10 false positives; and

11 “(B) ensure that the Comprehensive
12 Cleared List is taken into account by all appro-
13 priate offices or components of the Department
14 when assessing the security risk of an indi-
15 vidual.

16 “(5) INTERGOVERNMENTAL EFFORTS.—The
17 Secretary may—

18 “(A) enter into memoranda of under-
19 standing with other Federal agencies, as nec-
20 essary, to improve appeal and redress processes;
21 and

22 “(B) work with other Federal, State, local,
23 and Tribal authorities that use the Terrorist
24 Screening Database to ensure, to the greatest
25 extent practicable, that the Comprehensive

1 Cleared List is taken into account when assess-
2 ing the security risk of an individual.

3 “(6) HANDLING OF PERSONALLY IDENTIFIABLE
4 INFORMATION.—The Secretary, in conjunction with
5 the Chief Privacy Officer of the Department, shall—

6 “(A) require that Federal employees of the
7 Department handling personally identifiable in-
8 formation of individuals (in this paragraph re-
9 ferred to as ‘PII’) complete mandatory privacy
10 and security training prior to being authorized
11 to handle PII;

12 “(B) ensure that the information main-
13 tained under this subsection is secured by
14 encryption, one-way hashing, other data
15 anonymization techniques, or such other equiva-
16 lent technical security protections as the Sec-
17 retary determines necessary;

18 “(C) limit the information collected from
19 misidentified passengers or other individuals to
20 the minimum amount necessary to resolve a re-
21 dress request;

22 “(D) ensure that the information main-
23 tained under this subsection is shared or trans-
24 ferred via a secure data network that has been
25 audited to ensure that the anti-hacking and

1 other security related software functions prop-
2 erly and is updated as necessary;

3 “(E) ensure that any employee of the De-
4 partment receiving the information maintained
5 under this subsection handles such information
6 in accordance with the section 552a of title 5,
7 United States Code, and the Federal Informa-
8 tion Security Management Act of 2002 (Public
9 Law 107–296);

10 “(F) only retain the information main-
11 tained under this subsection for as long as
12 needed to assist the individual traveler in the
13 redress process; and

14 “(G) conduct and publish a privacy impact
15 assessment of the appeal and redress process
16 established under section and transmit the as-
17 sessment to the Committee on Homeland Secu-
18 rity of the House of Representatives, the Com-
19 mittee on Commerce, Science, and Transpor-
20 tation of the Senate, and Committee on Home-
21 land Security and Governmental Affairs of the
22 Senate.

23 “(7) INITIATION OF REDRESS PROCESS AT AIR-
24 PORTS.—The Office shall establish at each airport at
25 which the Department has a significant presence a

1 process to provide information to air carrier pas-
2 sengers to begin the redress process established pur-
3 suant to subsection (a).

4 “(8) REPORT TO CONGRESS.—Not later than
5 240 days after the date of the enactment of this sec-
6 tion, the Secretary shall submit to the Committee on
7 Homeland Security of the House of Representatives
8 and the Committee on Homeland Security and Gov-
9 ernment Affairs of the Senate on a report on the
10 status of information sharing among users at the
11 Department of the Terrorist Screening Database.
12 The report shall include the following information:

13 “(A) A description of processes and status
14 of implementation of this section to share the
15 Comprehensive Cleared List with all Depart-
16 ment components and other Federal, State,
17 local, and Tribal authorities that utilize the
18 Terrorist Screening Database.

19 “(B) A description of the extent to which
20 Department components other than the Trans-
21 portation Security Administration are taking
22 into account the Comprehensive Cleared List.

23 “(C) Data on the number of individuals
24 who have successfully obtained redress through
25 the Office of Appeals and Redress.

