

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

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

1 SEC. _____. (a) None of the funds provided in this
2 or previous appropriation Acts may be obligated for test-
3 ing (other than simulations), deployment, or implementa-
4 tion of CAPPS2, the Computer Assisted Passenger Pre-
5 screening System that the Transportation Security Ad-
6 ministration (“TSA”) plans to utilize to screen aviation
7 passengers, until the General Accounting Office has re-
8 ported to the Committees on Appropriations that—

9 (1) a system of due process exists whereby avia-
10 tion passengers determined to pose a threat and ei-
11 ther delayed or prohibited from boarding their
12 scheduled flights by the TSA may appeal such deci-
13 sion and correct incorrect information contained in
14 CAPPS2;

15 (2) the underlying error rate of the government
16 and private data bases that will be used both to es-
17 tablish identity and assign a risk level to a pas-
18 senger will not produce a large number of false



1 positives that will result in a significant number of
2 passengers being treated mistakenly or security re-
3 sources being diverted;

4 (3) the TSA has stress-tested and demonstrated
5 the efficacy and accuracy of all search tools in
6 CAPPS2 and has demonstrated that CAPPS2 can
7 make an accurate predictive assessment of those
8 passengers who would constitute a threat to avia-
9 tion;

10 (4) the Secretary of Homeland Security has es-
11 tablished an internal oversight board to oversee and
12 monitor the manner in which CAPPS2 is being de-
13 veloped and prepared;

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

16 (6) substantial security measures are in place to
17 protect CAPPS2 from unauthorized access by hack-
18 ers or other intruders;

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

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

24 (b) Not later than December 31, 2003, the National
25 Academy of Sciences shall submit a report to the Commit-



1 tees on Appropriations that assesses the likely impact of
2 the CAPPS2 system on privacy and civil liberties and in-
3 cludes recommendations for practices, procedures, regula-
4 tions, or legislation to eliminate or minimize adverse effect
5 of such system on privacy, discrimination, and other civil
6 liberties.

