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2D SESSION

S. 4681

To ensure a timely, fair, meaningful, and transparent process for individuals to seek redress because they were wrongly identified as a threat under the screening and inspection regimes used by the Department of Homeland Security, to require a report on the effectiveness of enhanced screening programs of the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure a timely, fair, meaningful, and transparent process for individuals to seek redress because they were wrongly identified as a threat under the screening and inspection regimes used by the Department of Homeland Security, to require a report on the effectiveness of enhanced screening programs of the Department of Homeland Security, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Enhanced Oversight
3 and Accountability in Screening Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Homeland Security
10 and Governmental Affairs of the Senate;

11 (B) the Committee on the Judiciary of the
12 Senate;

13 (C) the Committee on Armed Services of
14 the Senate;

15 (D) the Select Committee on Intelligence
16 of the Senate;

17 (E) the Committee on Foreign Relations of
18 the Senate;

19 (F) the Committee on Homeland Security
20 of the House of Representatives;

21 (G) the Committee on Oversight and Ac-
22 countability of the House of Representatives;

23 (H) the Committee on the Judiciary of the
24 House of Representatives;

25 (I) the Committee on Armed Services of
26 the House of Representatives;

1 (J) the Permanent Select Committee on
2 Intelligence of the House of Representatives;
3 and

4 (K) the Committee on Foreign Affairs of
5 the House of Representatives.

6 (2) COMMITTEE.—The term “Committee”
7 means the Screening and Watchlisting Advisory
8 Committee established under section 3(a).

9 (3) CONSOLIDATED TERRORIST WATCHLIST.—
10 The term “consolidated terrorist watchlist” means
11 any database or watchlist maintained by the Ter-
12 rorist Screening Center for the purpose of moni-
13 toring individuals suspected of engaging in terrorist
14 activity, including the terrorist screening database
15 and any successor database.

16 (4) COVERED PROCESSES.—The term “covered
17 processes” means the practices, policies, and pro-
18 grams used to conduct primary, secondary, en-
19 hanced, and additional screenings, vettings, inspec-
20 tions, and other processes related to watchlists main-
21 tained by any Federal agency.

22 (5) DEPARTMENT.—The term “Department”
23 means the Department of Homeland Security.

24 (6) ENHANCED REDRESS.— The term “en-
25 hanced redress” means the process by which the De-

1 partment confirms whether a United States person,
2 who has been denied boarding and has applied for
3 redress, is on the No Fly List maintained by the
4 Terrorist Screening Center.

5 (7) HOMELAND SECURITY CONGRESSIONAL
6 COMMITTEES.—The term “homeland security con-
7 gressional committees” means—

8 (A) the Committee on Homeland Security
9 and Governmental Affairs of the Senate; and

10 (B) the Committee on Homeland Security
11 of the House of Representatives.

12 (8) REDRESS.— The term “redress” means the
13 process established by the Department to assist indi-
14 viduals to resolve travel-related issues, such as
15 being—

16 (A) denied or delayed airline boarding;

17 (B) denied or delayed entry into or exit
18 from the United States at a port of entry or
19 border crossing; or

20 (C) repeatedly referred to additional
21 screening or inspection.

22 (9) SECRETARY.—The term “Secretary” means
23 the Secretary of Homeland Security.

1 **SEC. 3. SCREENING AND WATCHLISTING ADVISORY COM-**
2 **MITTEE.**

3 (a) ESTABLISHMENT.—Not later than 60 days after
4 the date of enactment of this Act, the Secretary shall es-
5 tablish a Screening and Watchlisting Advisory Committee.

6 (b) MEMBERSHIP.—

7 (1) COMPOSITION.—The Committee shall be
8 composed of an odd number of members of not less
9 than 15 and not more than 23 members appointed
10 by the Secretary as follows:

11 (A) 2 members shall be the Civil Rights
12 and Civil Liberties Officer of the Department
13 and a representative from a nonprofit organiza-
14 tion, academia, or civil society, who shall serve
15 as Co-Chairs of the Committee.

16 (B) Not less than 1 member shall be ap-
17 pointed from each of the following components
18 of the Department:

19 (i) The Transportation Security Ad-
20 ministration.

21 (ii) U.S. Customs and Border Protec-
22 tion;

23 (iii) The Privacy Office.

24 (iv) The Office of Strategy, Policy,
25 and Plans.

1 (v) The Office of Intelligence and
2 Analysis.

3 (vi) Any other relevant component
4 germane to Department screening, inspec-
5 tions, and redress, as determined appro-
6 priate by the Secretary.

7 (C) 3 members shall be the following agen-
8 cy heads or their representatives:

9 (i) The Director of the Federal Bu-
10 reau of Investigation.

11 (ii) The Director of the Terrorist
12 Screening Center.

13 (iii) The Director of the National
14 Counterterrorism Center.

15 (D) Members of the nonprofit, academia,
16 or civil society sectors representing the fol-
17 lowing:

18 (i) Individuals of diverse backgrounds
19 in race, ethnicity, religion, and gender.

20 (ii) Individuals from various geo-
21 graphic regions within the United States.

22 (iii) National organizations that rep-
23 resent diverse racial, ethnic, and religious
24 communities.

1 (iv) Individuals with expertise in law,
2 transparency, technology, privacy, civil
3 rights, and civil liberties.

4 (E) Any other individuals as the Secretary
5 determines appropriate.

6 (2) NONGOVERNMENT MEMBERS.—There shall
7 be not less than 1 more member of the Committee
8 appointed under paragraph (1)(D) than the total
9 number of members appointed under subparagraphs
10 (A), (B), (C), and (E) of paragraph (1).

11 (3) DATE.—The appointments of members of
12 the Committee shall be made not later than 120
13 days after the date of enactment of this Act.

14 (4) VOLUNTARY SERVICE.—The members of the
15 Committee shall serve on the Committee on a vol-
16 untary basis.

17 (5) PUBLICATION OF LIST OF MEMBERS.—The
18 Committee shall publish an updated list of members
19 of the Committee on a publicly available website be-
20 fore each meeting of the Committee.

21 (c) PERIOD OF APPOINTMENT; VACANCIES.—

22 (1) TERM.—The term of a member of the Com-
23 mittee shall be 3 years, except that a member may
24 continue to serve until a successor is appointed.

1 (2) VACANCIES.—A vacancy in the Com-
2 mittee—

3 (A) shall not affect the powers of the Com-
4 mittee; and

5 (B) shall be filled in the same manner as
6 the original appointment.

7 (3) REAPPOINTMENT.—A member of the Advi-
8 sory Committee may be reappointed for not more
9 than 1 term.

10 (d) MEETINGS.—

11 (1) INITIAL MEETING.—Not later than 30 days
12 after the date on which all members of the Com-
13 mittee have been appointed, the Committee shall
14 hold the first meeting of the Committee.

15 (2) FREQUENCY; MANNER.—The Committee—

16 (A) shall meet—

17 (i) not less frequently than quarterly;

18 and

19 (ii) at the call of the Co-Chairs of the
20 Committee or the Secretary; and

21 (B) may meet remotely.

22 (e) DUTIES.—

23 (1) IN GENERAL.—The Committee shall—

24 (A) advise, consult with, and make rec-
25 ommendations to the Secretary, as appropriate,

1 on the development, refinement, implementa-
2 tion, and evaluation of policies, programs, and
3 planning pertaining to covered processes of the
4 Department, including—

5 (i) all covered processes implemented
6 by the Transportation Security Adminis-
7 tration;

8 (ii) all covered processes implemented
9 by U.S. Customs and Border Protection at
10 ports of entry and their equivalents;

11 (iii) trainings associated with these
12 covered processes;

13 (iv) the intelligence used to support
14 these covered processes;

15 (v) how data related to these covered
16 processes is used, collected, retained, ana-
17 lyzed, and shared;

18 (vi) internal Department oversight
19 over these covered processes;

20 (vii) metrics to assess the effectiveness
21 of covered processes, including any metrics
22 outlined in policy documents;

23 (viii) redress processes related to
24 these covered processes; and

1 (ix) any other matter related to cov-
2 ered processes as the Committee may de-
3 termine relevant;

4 (B) disclose to the public and Congress in-
5 formation about the covered processes described
6 in subparagraph (A), and the data and analyt-
7 ical system related to those processes, including
8 materials explaining how those processes work
9 and legal and policy analyses of the processes;

10 (C) provide recommendations for the plan
11 required under section 4(a), including—

12 (i) all recommendations agreed upon
13 by a simple majority of members of the
14 Committee; and

15 (ii) an identification of each of the
16 members of the Committee that agreed on
17 each recommendation; and

18 (D) consider, when providing recommenda-
19 tions for the plan required under section 4(a)—

20 (i) the use of external advocates who
21 are granted security clearances and may
22 access classified information to assist pas-
23 sengers;

24 (ii) the establishment of a Federal of-
25 fice to serve as advocates for passengers;

1 (iii) the establishment of an inde-
2 pendent ombudsman office to assist pas-
3 sengers with the redress process;

4 (iv) expanding the enhanced redress
5 process to include United States persons
6 who wish to contest their placement on the
7 Selectee List, the Expanded Selectee List,
8 or the consolidated terrorist watchlist;

9 (v) how to provide United States per-
10 sons subject to the enhanced redress proc-
11 ess with a significant amount of informa-
12 tion about the placement of the person on
13 the No Fly List and what a reasonable
14 amount of time for this disclosure should
15 be;

16 (vi) whether it is advisable to create a
17 system that would allow an individual to
18 demonstrate that the individual does not
19 pose a threat to aviation or border secu-
20 rity, and if advisable, the options for devel-
21 oping such a system;

22 (vii) the extent to which an applicant
23 for redress can be notified about placement
24 on any other lists maintained by the De-
25 partment or other Federal agencies aside

1 from those described in clause (iv), and a
2 summary of the basis for that placement;

3 (viii) which policies, procedures, and
4 guidelines related to covered processes and
5 redress can be made available to the public
6 and, for those policies, procedures, and
7 guidelines that are required to be withheld
8 in part or in full, how the Department and
9 other Federal agencies can release sum-
10 maries of those policies, procedures, and
11 guidelines to the public;

12 (ix) notifying applicants for redress of
13 whether any records have changed as a re-
14 sult of the application; and

15 (x) the potential for redress for an ap-
16 plicant who opts in to receive an expedited
17 or discounted review of an application for
18 a trusted traveler program of the Depart-
19 ment.

20 (2) CONSULTATION.—

21 (A) IN GENERAL.—To ensure input and
22 coordination from relevant components of the
23 Department and the public, the Secretary shall
24 regularly consult and work with the Committee

1 on the administration of Department covered
2 processes and redress policies and procedures.

3 (B) COMMITTEE CONSULTATION.—The
4 Committee may consult with applicable Federal
5 agencies other than the Department to ensure
6 a holistic review of covered processes.

7 (C) ACCESS TO MATERIALS.—The Com-
8 mittee shall have access to all materials nec-
9 essary to implement its responsibilities, includ-
10 ing all materials marked as for official use only,
11 law enforcement sensitive, or sensitive security
12 information.

13 (3) REPORTS.—

14 (A) PERIODIC REPORTS.—The Committee
15 shall periodically submit to the Secretary re-
16 ports on screening, inspections, and redress
17 matters identified by the Secretary and on mat-
18 ters of concern identified by a majority of the
19 members of the Committee.

20 (B) ANNUAL REPORT.—

21 (i) IN GENERAL.—Not later than Sep-
22 tember 30 of each year, the Co-Chairs of
23 the Committee shall submit to the home-
24 land security congressional committees and
25 the Secretary a report on the activities of

1 the Committee for the preceding year,
2 which shall include—

3 (I) information from the periodic
4 reports submitted under subparagraph
5 (A) during the year covered by the re-
6 port; and

7 (II) the activities of any sub-
8 committees established under sub-
9 section (f)(5).

10 (ii) PUBLICATION.—Not more than 30
11 days after the date on which the Secretary
12 receives a report under clause (i), the Sec-
13 retary shall publish a public version of the
14 report.

15 (4) CONGRESSIONAL BRIEFING.—Not more
16 than 10 days after the date on which the Co-Chairs
17 of the Committee submit to the Secretary the report
18 required under paragraph (3)(B)(i), the Co-Chairs
19 of the Committee shall provide a briefing to the
20 homeland security congressional committees on the
21 work, recommendations, and dissenting opinions of
22 the Committee and any actions taken as the result
23 of the work, recommendations, and dissenting opin-
24 ions.

25 (f) POWERS OF THE COMMITTEE.—

1 (1) HEARINGS.—The Committee may hold such
2 hearings, sit and act at such times and places, take
3 such testimony, and receive such evidence as the
4 Committee considers advisable to carry out this Act.

5 (2) INFORMATION FROM FEDERAL AGENCIES.—

6 (A) IN GENERAL.—The Committee may
7 secure directly from a Federal department or
8 agency such information as the Committee con-
9 siders necessary to carry out this Act.

10 (B) FURNISHING INFORMATION.—On re-
11 quest of the Co-Chairs of the Committee, the
12 head of the department or agency shall furnish
13 the information to the Committee.

14 (3) POSTAL SERVICES.—The Committee may
15 use the United States mail in the same manner and
16 under the same conditions as other departments and
17 agencies of the Federal Government.

18 (4) GIFTS.—The Committee may accept, use,
19 and dispose of gifts or donations of services or prop-
20 erty.

21 (5) SUBCOMMITTEES.—

22 (A) IN GENERAL.—The Co-Chairs of the
23 Committee may establish subcommittees to ac-
24 complish the duties of the Committee.

25 (B) INTELLIGENCE MATTERS.—

1 (i) IN GENERAL.—The Co-Chairs of
2 the Committee shall establish a sub-
3 committee on intelligence matters related
4 to covered processes.

5 (ii) MEMBERSHIP.—The sub-
6 committee described in clause (i) shall in-
7 clude the Co-Chairs of the Committee and
8 may include other members of the Com-
9 mittee who are not Federal employees.

10 (iii) SECURITY CLEARANCES.—The
11 Department shall expeditiously provide the
12 Committee members and staff of the sub-
13 committee established under clause (i) with
14 appropriate security clearances to the ex-
15 tent possible under existing procedures and
16 requirements to perform oversight of intel-
17 ligence matters relating to covered proc-
18 esses.

19 (C) OPEN MEETINGS.— To the greatest
20 extent possible, all meetings of a subcommittee
21 described in this paragraph shall be open to the
22 public.

23 (g) COMMITTEE PERSONNEL MATTERS.—

24 (1) PROHIBITION ON COMPENSATION.—No non-
25 Federal member of the Committee may receive pay

1 or benefits from the United States Government by
2 reason of service on the Committee.

3 (2) TRAVEL EXPENSES.—All members of the
4 Committee may be paid travel, per diem, and other
5 necessary expenses while traveling away from such
6 member’s home or regular place of business in the
7 performance of the duties of the Committee.

8 (h) TERMINATION.—The Committee shall terminate
9 on December 31, 2030.

10 **SEC. 4. REVISING DEPARTMENT REDRESS PROCESSES.**

11 (a) PLAN TO IMPROVE REDRESS PROCESSES.—

12 (1) IN GENERAL.—Not later than 2 years after
13 the date of enactment of this Act, the Secretary
14 shall submit to the homeland security congressional
15 committees a plan, to be known as the “DHS Plan
16 to Improve Redress”, to improve and expand the im-
17 plementation by the Department of the appeal and
18 redress process required under section 44926 of title
19 49, United States Code.

20 (2) ELEMENTS.—The plan required under
21 paragraph (1) shall include—

22 (A) the needs and intended outcomes of
23 the redress process, including—

- 1 (i) protecting national security and
2 upholding transparency, privacy, civil
3 rights, and civil liberties principles;
- 4 (ii) an implementation schedule with
5 key milestones; and
- 6 (iii) delegation of responsibilities;
- 7 (B) improved processes to seek redress for
8 individuals who believe they have been delayed,
9 prohibited from boarding a commercial aircraft,
10 denied or delayed entry into the United States,
11 subjected to electronic device searches, or de-
12 nied Department credentials because they were
13 wrongly identified as a risk under the regimes
14 utilized by the Transportation Security Admin-
15 istration, U.S. Customs and Border Protection,
16 or any other office or component of the Depart-
17 ment;
- 18 (C) efforts to ensure the redress process is
19 timely, fair, and provides for sufficient constitu-
20 tional protections and corrective actions to min-
21 imize misidentifications and wrongful place-
22 ments;
- 23 (D) opportunities for the public to provide
24 feedback before and after implementation of the
25 plan;

1 (E) a description of concrete steps the De-
2 partment will take to strengthen the redress
3 process and make the redress process more
4 transparent and readily available for people of
5 all backgrounds, including individuals who lack
6 access to technology or familiarity with the
7 Federal government; and

8 (F) a list of policies, procedures, and
9 guidelines related to redress and covered proc-
10 esses of the Department that the Department
11 will make available to the public and, for those
12 policies, procedures, and guidelines that must
13 be withheld in part or in full, how the Depart-
14 ment and other Federal agencies can release
15 summaries of those policies, procedures, and
16 guidelines to the public.

17 (3) CONSIDERATIONS.—The Secretary shall
18 consider any recommendations made by the Com-
19 mittee under section 3(e)(1) when developing the
20 plan required under paragraph (1) and provide an
21 explanation for any rejected recommendations.

22 (4) FORM.—The plan required under paragraph
23 (1) shall be submitted in unclassified form, but may
24 include a classified annex.

1 (5) PUBLIC AVAILABILITY.—Not later than 30
2 days after the date on which the Secretary submits
3 the plan required under paragraph (1), the Sec-
4 retary shall publish a public version of the plan.

5 (6) BRIEFING.—Not later than 10 days after
6 the Secretary publishes a public version of the plan
7 under paragraph (5), the Secretary shall brief the
8 homeland security congressional committees on the
9 plan.

10 (b) EXPANSION OF OFFICE OF APPEALS AND RE-
11 DRESS.—Section 44926(b)(1) of title 49, United States
12 Code, is amended—

13 (1) by striking “The Secretary shall” and in-
14 serting the following:

15 “(A) IN GENERAL.—The Secretary shall”;

16 (2) by striking “The Office shall include rep-
17 resentatives” and inserting the following:

18 “(B) COMPOSITION.—The Office shall in-
19 clude—

20 “(i) representatives”;

21 (3) in subparagraph (B), as so designated—

22 (A) in clause (i), by striking the period at
23 the end and inserting a semicolon; and

24 (B) by adding at the end the following:

1 “(ii) the Privacy Officer of the De-
2 partment; and

3 “(iii) the Officer for Civil Rights and
4 Civil Liberties of the Department.”.

5 (c) ANNUAL REPORT TO CONGRESS.—

6 (1) IN GENERAL.— Not later than 180 days
7 after the date of enactment of this Act, and annually
8 thereafter until December 31, 2030, the Attorney
9 General, in consultation with the Secretary, the Di-
10 rector of National Intelligence, the Secretary of
11 State, and the Secretary of Defense, shall submit to
12 appropriate congressional committees a report on
13 the consolidated terrorist watchlist, which shall in-
14 clude—

15 (A) the criteria and guidance used by Fed-
16 eral agencies for placing the name of an indi-
17 vidual on the consolidated terrorist watchlist, by
18 category, including a summary of any changes
19 made in the 1-year period preceding submission
20 of the report;

21 (B) the total number of identities on the
22 consolidated terrorist watchlist, and the number
23 of identities by each category, including the
24 number of United States person identities in
25 each category;

1 (C) the minimum standards for reliability
2 and accuracy of identifying information;

3 (D) the degree of information certainty, in-
4 cluding all audits conducted in the 1-year pe-
5 riod preceding submission of the report;

6 (E) a list of policies and programs for
7 which the consolidated terrorist watchlist is
8 used and the range of applicable consequences
9 that are to apply to an individual, including
10 screening and inspection activities that may
11 apply as a result;

12 (F) the types of records contained within
13 the consolidated terrorist watchlist;

14 (G) the list of government and nongovern-
15 ment entities with whom the consolidated ter-
16 rorist watchlist information is shared, including
17 foreign government entities, the way those enti-
18 ties use consolidated terrorist watchlist infor-
19 mation, and the categories from the consoli-
20 dated terrorist watchlist that those entities re-
21 ceive; and

22 (H) the number of records added, removed,
23 and changed in the consolidated terrorist
24 watchlist, including, for each removal, the num-
25 ber of such records by reason for the removal,

1 in the 1-year period preceding submission of the
2 report.

3 (I) any additional information maintained
4 by the Terrorist Screening Center.

5 (2) FORM.—Each report required under para-
6 graph (1) shall be submitted in unclassified form,
7 but may include a classified annex.

8 (3) BRIEFING.—Not later than 10 days after
9 the date on which the Attorney General submits the
10 first report under paragraph (1), the Attorney Gen-
11 eral shall brief the appropriate congressional com-
12 mittees on the report.

13 **SEC. 5. REPORT ON EFFECTIVENESS OF ENHANCED**
14 **SCREENING PROGRAMS.**

15 (a) DEFINITIONS.—In this section:

16 (1) DHS TRIP.—The term “DHS TRIP”
17 means the Traveler Redress Inquiry Program of the
18 Department.

19 (2) ENHANCED SCREENING.—The term “en-
20 hanced screening” means enhanced or additional
21 screening by the Transportation Security Adminis-
22 tration of a passenger at an airport or secondary in-
23 spection by U.S. Customs and Border Protection of
24 an individual at a port of entry or the equivalent.

1 (3) REPORTING PERIOD.—The term “reporting
2 period”, with respect to a report required by sub-
3 section (b), means the one-year period preceding
4 submission of the report.

5 (b) REPORT.—Not later than 1 year after the date
6 of the enactment of this Act, and annually thereafter for
7 the next 10 years, the Secretary shall submit to the Com-
8 mittee on Homeland Security and Governmental Affairs
9 and the Committee on Commerce, Science, and Transpor-
10 tation of the Senate and the Committee on Homeland Se-
11 curity of the House of Representatives a report evaluating
12 the effectiveness, during the reporting period, of the mech-
13 anisms of the Transportation Security Administration and
14 U.S. Customs and Border Protection for performing en-
15 hanced screening of passengers at airports and individuals
16 at ports of entry or the equivalent.

17 (c) ELEMENTS.—Each report required by subsection
18 (b) shall include, at a minimum, the following, for the re-
19 porting period:

20 (1) The number of individuals who underwent
21 at least 1 enhanced screening, the number of en-
22 hanced screenings conducted, and the number of en-
23 hanced screenings disaggregated by the following
24 reasons for screening, as appropriate:

1 (A) The individual being on the Selectee
2 List.

3 (B) The individual being on the Expanded
4 Selectee List.

5 (C) A rules-based screening, disaggregated
6 by whether the screening was conducted under
7 the Silent Partner or Quiet Skies program of
8 the Transportation Security Administration or
9 pursuant to a rule of U.S. Customs and Border
10 Protection.

11 (D) Identification of the individual by the
12 Transportation Security Administration under
13 section 114(h)(2) of title 49, United States
14 Code.

15 (E) Agricultural inspection.

16 (F) Customs inspection.

17 (G) At the discretion of an employee of
18 U.S. Customs and Border Protection or Trans-
19 portation Security Administration, including by
20 a member of a Tactical Terrorism Response
21 Team.

22 (H) Random selection, disaggregated by
23 whether enhanced screening was conducted—

1 (i) under the Secure Flight program
2 of the Transportation Security Administra-
3 tion; or

4 (ii) at a port of entry or at an airport
5 security checkpoint, including for partici-
6 pants in trusted traveler programs or the
7 Registered Traveler program.

8 (I) In response to a flag from another Fed-
9 eral agency, disaggregated by which agency and
10 what that flag was for, including because the
11 individual is on the Do Not Board List or the
12 Public Health Lookout List of the Centers for
13 Disease Control and Prevention.

14 (J) Air carrier designation.

15 (K) Other reasons, including information
16 with respect to such other reasons.

17 (2) The enhanced screenings described in para-
18 graph (1) that resulted in—

19 (A) the discovery of a violation of the law,
20 disaggregated by violation;

21 (B) the revocation of a visa;

22 (C) the placement of an individual in de-
23 tention;

24 (D) the addition of an individual to the
25 Terrorist Screening Database;

1 (E) the levying of a fine or penalty; or

2 (F) no consequences.

3 (3) Whether there were individuals who under-
4 went more than 1 enhanced screening, including—

5 (A) how many individuals underwent more
6 than 1 enhanced screening;

7 (B) how often those individuals received
8 enhanced screenings;

9 (C) whether there were common reasons
10 for the multiple enhanced screenings;

11 (D) whether individuals who received en-
12 hanced screenings received those screenings be-
13 cause of a rules-based screening program
14 matched to more than 1 rule and, if so, how
15 many rules they matched to;

16 (E) whether there were any common
17 trends or characteristics to the individuals who
18 underwent more than 1 enhanced screening
19 that the Department was able to identify, in-
20 cluding nationality, gender, or another relevant
21 characteristic;

22 (F) whether there were individuals who
23 were previously removed from the Terrorist
24 Screening Database who after that removal re-
25 ceived an enhanced screening that was not re-

1 lated to the previous placement in the Data-
2 base; and

3 (G) whether the individuals who underwent
4 more than 1 enhanced screening, by either the
5 Transportation Security Administration or U.S.
6 Customs and Border Protection, had also un-
7 dergone more than 1 enhanced screening in the
8 previous 2 years.

9 (4) With respect to searches of electronic de-
10 vices arising from enhanced screenings, the fol-
11 lowing:

12 (A) The number of electronic devices
13 searched, disaggregated by agency and airport
14 or port of entry and basic or advanced search,
15 and the names of third-party tools used to con-
16 duct the search.

17 (B) The number of requests for technical
18 assistance to search an electronic device or for
19 assistance to conduct analysis of the findings of
20 a search of a device, disaggregated by request-
21 ing agency, airport or port of entry, and assist-
22 ing agency, and including the number of re-
23 quests granted and a description of the result
24 of each request.

1 (C) The total number of individuals whose
2 electronic devices were searched during the re-
3 porting period.

4 (D) The number of those individuals who
5 were, at the time of the search, included on the
6 No Fly List, the Selectee List, the Terrorist
7 Screening Database, or other subsidiary lists
8 shared with the Department, disaggregated by
9 list.

10 (E) The number of individuals who, as a
11 result of the search in part or wholly, were
12 newly added to a list described in subparagraph
13 (D).

14 (5) With respect to each rules-based screening
15 program, the following:

16 (A) A description of each rule that was in
17 effect at any point during the reporting period.

18 (B) A statement of the following:

19 (i) The total number of rules and the
20 number of rules added, changed, main-
21 tained, or archived.

22 (ii) For the number of rules added or
23 changed, a statement of—

1 (I) the number added or changed
2 through standard rule review proce-
3 dures; and

4 (II) the number added or
5 changed through procedures designed
6 for exigent circumstances.

7 (iii) The total number of rules that
8 rely in part or wholly on race, ethnicity,
9 nationality, sex, age, or religion, a break-
10 down of the rules by each trait, and a de-
11 scription of how each rule uses that trait.

12 (6) With respect to DHS TRIP, a statement of
13 the following:

14 (A) The number of applications to DHS
15 TRIP.

16 (B) With respect to the No Fly List, the
17 Selectee List, the Terrorist Screening Database,
18 or other subsidiary lists shared with the De-
19 partment, the following:

20 (i) The number of applicants that
21 DHS TRIP determined were properly in-
22 cluded on one of those lists, disaggregated
23 by list.

24 (ii) The number of applicants that
25 DHS TRIP determined were incorrectly

1 included on one of those lists,
2 disaggregated by list.

3 (iii) The number of applicants that
4 DHS TRIP determined had no nexus to
5 one of those lists.

6 (iv) The number of applicants that
7 DHS TRIP determined were mistakenly
8 identified as an individual on one of those
9 lists, disaggregated by list.

10 (C) The number of applicants that DHS
11 TRIP determined were included as random se-
12 lectees for enhanced screening under the Secure
13 Flight program.

14 (D) The number of applicants for DHS
15 TRIP who encountered travel incidents that fall
16 into categories not described in any of subpara-
17 graphs (A) through (C), disaggregated by cat-
18 egory.

19 (E) The number of applications to DHS
20 TRIP that stated that an agency or officer re-
21 lied upon race, ethnicity, nationality, sex, age,
22 or religion to make any decision.

23 (7) Any other information the Secretary con-
24 siders relevant to evaluating the effectiveness of the
25 enhanced screening selection procedures of the

1 Transportation Security Administration and U.S.
2 Customs and Border Protection.

3 (d) ANALYSIS OF CIVIL RIGHTS AND CIVIL LIB-
4 ERTIES IMPACT.—Each report required by subsection (b)
5 shall include an analysis of any impacts on civil rights or
6 civil liberties of enhanced screening based on the data in-
7 cluded in the report.

8 (e) DATA COLLECTION.—The data to be included in
9 each report required by subsection (b) shall—

10 (1) be provided by the Transportation Security
11 Administration and U.S. Customs and Border Pro-
12 tection to the Office of Homeland Security Statis-
13 tics; and

14 (2) be collected and analyzed—

15 (A) by the Office of Homeland Security
16 Statistics, in coordination with the Transpor-
17 tation Security Administration, U.S. Customs
18 and Border Protection, and other relevant
19 agencies; and

20 (B) in a manner that—

21 (i) is consistent with the Constitution
22 of the United States;

23 (ii) complies with all applicable laws
24 and policies, including laws and policies

1 protecting privacy, civil rights, and civil
2 liberties.

3 (f) LIMITATIONS ON USE OF DATA.—Data that is ag-
4 gregated for purposes of a report required by subsection
5 (b)—

6 (1) may be used only for purposes of preparing
7 the report, analyzing trends, making recommenda-
8 tions for improving the efficiency and effectiveness
9 of enhanced screening at airports and ports of entry,
10 or auditing enhanced screening programs; and

11 (2) may not be used for purposes of tracking,
12 vetting, or screening individuals.

13 (g) FORM OF REPORT.—Each report required by
14 subsection (b) shall be submitted in unclassified form, but
15 may include a classified appendix.

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