

Calendar No. 738118TH CONGRESS
2^D SESSION**S. 4681****[Report No. 118–318]**

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

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

11 (A) the Committee on Homeland Security
12 and Governmental Affairs of the Senate;

13 (B) the Committee on the Judiciary of the
14 Senate;

15 (C) the Committee on Armed Services of
16 the Senate;

17 (D) the Select Committee on Intelligence
18 of the Senate;

19 (E) the Committee on Foreign Relations of
20 the Senate;

21 (F) the Committee on Homeland Security
22 of the House of Representatives;

23 (G) the Committee on Oversight and Ae-
24 countability of the House of Representatives;

1 (H) the Committee on the Judiciary of the
2 House of Representatives;

3 (I) the Committee on Armed Services of
4 the House of Representatives;

5 (J) the Permanent Select Committee on
6 Intelligence of the House of Representatives;

7 and

8 (K) the Committee on Foreign Affairs of
9 the House of Representatives.

10 (2) COMMITTEE.—The term “Committee”
11 means the Screening and Watchlisting Advisory
12 Committee established under section 3(a).

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

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

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

3 (6) ENHANCED REDRESS.— The term “en-
4 hanced redress” means the process by which the De-
5 partment confirms whether a United States person,
6 who has been denied boarding and has applied for
7 redress, is on the No Fly List maintained by the
8 Terrorist Screening Center.

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

12 (A) the Committee on Homeland Security
13 and Governmental Affairs of the Senate; and

14 (B) the Committee on Homeland Security
15 of the House of Representatives.

16 (8) REDRESS.— The term “redress” means the
17 process established by the Department to assist indi-
18 viduals to resolve travel-related issues, such as
19 being—

20 (A) denied or delayed airline boarding;

21 (B) denied or delayed entry into or exit
22 from the United States at a port of entry or
23 border crossing; or

24 (C) repeatedly referred to additional
25 screening or inspection.

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

3 **SEC. 3. SCREENING AND WATCHLISTING ADVISORY COM-**
4 **MITTEE.**

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

8 (b) MEMBERSHIP.—

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

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

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

21 (i) The Transportation Security Ad-
22 ministration.

23 (ii) U.S. Customs and Border Protec-
24 tion;

25 (iii) The Privacy Office.

1 (iv) The Office of Strategy, Policy,
2 and Plans.

3 (v) The Office of Intelligence and
4 Analysis.

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

9 (C) ~~3~~ members shall be the following agen-
10 cy heads or their representatives:

11 (i) The Director of the Federal Bu-
12 reau of Investigation.

13 (ii) The Director of the Terrorist
14 Screening Center.

15 (iii) The Director of the National
16 Counterterrorism Center.

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

20 (i) Individuals of diverse backgrounds
21 in race, ethnicity, religion, and gender.

22 (ii) Individuals from various geo-
23 graphic regions within the United States.

1 (iii) National organizations that rep-
2 resent diverse racial, ethnic, and religious
3 communities.

4 (iv) Individuals with expertise in law,
5 transparency, technology, privacy, civil
6 rights, and civil liberties.

7 (E) Any other individuals as the Secretary
8 determines appropriate.

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

14 ~~(3) DATE.—~~The appointments of members of
15 the Committee shall be made not later than 120
16 days after the date of enactment of this Act.

17 ~~(4) VOLUNTARY SERVICE.—~~The members of the
18 Committee shall serve on the Committee on a vol-
19 untary basis.

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

24 ~~(c) PERIOD OF APPOINTMENT; VACANCIES.—~~

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

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

6 (A) shall not affect the powers of the Com-
7 mittee; and

8 (B) shall be filled in the same manner as
9 the original appointment.

10 (3) REAPPOINTMENT.—A member of the Advi-
11 sory Committee may be reappointed for not more
12 than 1 term.

13 (d) MEETINGS.—

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

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

19 (A) shall meet—

20 (i) not less frequently than quarterly;

21 and

22 (ii) at the call of the Co-Chairs of the
23 Committee or the Secretary; and

24 (B) may meet remotely.

25 (e) DUTIES.—

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

2 (A) advise, consult with, and make rec-
3 ommendations to the Secretary, as appropriate,
4 on the development, refinement, implementa-
5 tion, and evaluation of policies, programs, and
6 planning pertaining to covered processes of the
7 Department, including—

8 (i) all covered processes implemented
9 by the Transportation Security Adminis-
10 tration;

11 (ii) all covered processes implemented
12 by U.S. Customs and Border Protection at
13 ports of entry and their equivalents;

14 (iii) trainings associated with these
15 covered processes;

16 (iv) the intelligence used to support
17 these covered processes;

18 (v) how data related to these covered
19 processes is used, collected, retained, ana-
20 lyzed, and shared;

21 (vi) internal Department oversight
22 over these covered processes;

23 (vii) metrics to assess the effectiveness
24 of covered processes, including any metrics
25 outlined in policy documents;

1 (viii) redress processes related to
2 these covered processes; and

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

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

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

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

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

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

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

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

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

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

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

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

24 (vii) the extent to which an applicant
25 for redress can be notified about placement

1 on any other lists maintained by the De-
2 partment or other Federal agencies aside
3 from those described in clause (iv); and a
4 summary of the basis for that placement;

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

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

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

22 (2) CONSULTATION.—

23 (A) IN GENERAL.—To ensure input and
24 coordination from relevant components of the
25 Department and the public, the Secretary shall

1 regularly consult and work with the Committee
2 on the administration of Department covered
3 processes and redress policies and procedures.

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

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

14 (3) REPORTS.—

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

21 (B) ANNUAL REPORT.—

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

1 the Secretary a report on the activities of
2 the Committee for the preceding year,
3 which shall include—

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

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

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

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

1 (f) POWERS OF THE COMMITTEE.—

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

6 (2) INFORMATION FROM FEDERAL AGENCIES.—

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

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

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

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

22 (5) SUBCOMMITTEES.—

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

1 (B) INTELLIGENCE MATTERS.—

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

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

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

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

24 (g) COMMITTEE PERSONNEL MATTERS.—

1 (1) PROHIBITION ON COMPENSATION.—No non-
 2 Federal member of the Committee may receive pay
 3 or benefits from the United States Government by
 4 reason of service on the Committee.

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

10 (h) TERMINATION.—The Committee shall terminate
 11 on December 31, 2030.

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

13 (a) PLAN TO IMPROVE REDRESS PROCESSES.—

14 (1) IN GENERAL.—Not later than 2 years after
 15 the date of enactment of this Act, the Secretary
 16 shall submit to the homeland security congressional
 17 committees a plan, to be known as the “DHS Plan
 18 to Improve Redress”, to improve and expand the im-
 19 plementation by the Department of the appeal and
 20 redress process required under section 44926 of title
 21 49, United States Code.

22 (2) ELEMENTS.—The plan required under
 23 paragraph (1) shall include—

24 (A) the needs and intended outcomes of
 25 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 pro-
10 cesses 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 (e) 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 ~~(1) 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.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Enhanced Oversight and*
18 *Accountability in Screening Act”.*

19 **SEC. 2. DEFINITIONS.**

20 *In this Act:*

21 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
22 *TEES.*—*The term “appropriate congressional commit-*
23 *tees” means—*

24 (A) *the Committee on Homeland Security*
25 *and Governmental Affairs of the Senate;*

1 (B) *the Committee on the Judiciary of the*
2 *Senate;*

3 (C) *the Committee on Armed Services of the*
4 *Senate;*

5 (D) *the Select Committee on Intelligence of*
6 *the Senate;*

7 (E) *the Committee on Foreign Relations of*
8 *the Senate;*

9 (F) *the Committee on Homeland Security of*
10 *the House of Representatives;*

11 (G) *the Committee on Oversight and Ac-*
12 *countability of the House of Representatives;*

13 (H) *the Committee on the Judiciary of the*
14 *House of Representatives;*

15 (I) *the Committee on Armed Services of the*
16 *House of Representatives;*

17 (J) *the Permanent Select Committee on In-*
18 *telligence of the House of Representatives; and*

19 (K) *the Committee on Foreign Affairs of the*
20 *House of Representatives.*

21 (2) *COMMITTEE.*—*The term “Committee” means*
22 *the Screening and Watchlisting Advisory Committee*
23 *established under section 3(a).*

24 (3) *CONSOLIDATED TERRORIST WATCHLIST.*—
25 *The term “consolidated terrorist watchlist” has the*

1 *meaning given the term “terrorist screening database”*
2 *in section 2101 of the Homeland Security Act of 2002*
3 *(6 U.S.C. 621).*

4 (4) *COVERED PROCESSES.—The term “covered*
5 *processes” means the practices, policies, and programs*
6 *used to conduct primary, secondary, enhanced, and*
7 *additional screenings, vettings, inspections, and other*
8 *processes at airports and other ports of entry, includ-*
9 *ing those related to watchlists maintained by the Ter-*
10 *rorist Screening Center, the Department, or a compo-*
11 *nent of the Department.*

12 (5) *DEPARTMENT.—The term “Department”*
13 *means the Department of Homeland Security.*

14 (6) *ENHANCED REDRESS.—The term “enhanced*
15 *redress” means the process by which the Department*
16 *confirms whether a United States person, who has*
17 *been denied boarding and has applied for redress, is*
18 *on the No Fly List maintained by the Terrorist*
19 *Screening Center.*

20 (7) *FOREIGN PERSON.—The term “foreign per-*
21 *son” means an individual that is not a United States*
22 *person.*

23 (8) *HOMELAND SECURITY CONGRESSIONAL COM-*
24 *MITTEES.—The term “homeland security congres-*
25 *sional committees” means—*

1 (A) *the Committee on Homeland Security*
2 *and Governmental Affairs of the Senate; and*

3 (B) *the Committee on Homeland Security of*
4 *the House of Representatives.*

5 (9) *REDRESS.—The term “redress” means the*
6 *process established by the Department to resolve re-*
7 *quests by individuals to address issues relating to*
8 *travel, such as being—*

9 (A) *denied airline boarding or delayed in*
10 *boarding an aircraft;*

11 (B) *denied entry into or exit from or de-*
12 *layed in entering into or exiting from the United*
13 *States at a port of entry or border crossing; or*

14 (C) *repeatedly referred to additional screen-*
15 *ing or inspection.*

16 (10) *SECRETARY.—The term “Secretary” means*
17 *the Secretary of Homeland Security.*

18 (11) *UNITED STATES PERSON.—The term*
19 *“United States person” means a United States citizen*
20 *or an alien lawfully admitted for permanent resi-*
21 *dence to the United States.*

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

3 (a) *ESTABLISHMENT.*—Not later than 120 days after
4 the date of enactment of this Act, the Secretary shall estab-
5 lish a Screening and Watchlisting Advisory Committee.

6 (b) *MEMBERSHIP.*—

7 (1) *COMPOSITION.*—The Committee shall be com-
8 posed of an odd number of members of not less than
9 15 and not more than 25 members appointed by the
10 Secretary as follows:

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

16 (B) Not less than 1 member shall be ap-
17 pointed from each of the following components of
18 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, and
25 Plans.

1 (v) *The Office of Intelligence and Anal-*
2 *ysis.*

3 (vi) *Any other relevant component ger-*
4 *mane to Department screening, inspections,*
5 *and redress, as determined appropriate by*
6 *the Secretary.*

7 (C) *5 members shall be the following agency*
8 *heads or their representatives:*

9 (i) *The Director of the Federal Bureau*
10 *of Investigation.*

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

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

15 (iv) *The Secretary of State.*

16 (v) *The Chair of the Privacy and Civil*
17 *Liberties Oversight Board established under*
18 *section 1061 of the Intelligence Reform and*
19 *Terrorism Prevention Act of 2004 (42*
20 *U.S.C. 2000ee).*

21 (D) *Members of the nonprofit, academic, or*
22 *civil society sectors representing the following:*

23 (i) *Individuals who represent commu-*
24 *nities of diverse backgrounds in race, eth-*
25 *nicity, religion, and gender.*

1 (ii) *Individuals who represent commu-*
2 *nities from various geographic regions with-*
3 *in the United States.*

4 (iii) *National organizations that rep-*
5 *resent diverse racial, ethnic, and religious*
6 *communities.*

7 (iv) *Individuals with expertise in law,*
8 *transparency, technology, privacy, civil*
9 *rights, and civil liberties.*

10 (E) *Any other individuals as the Secretary*
11 *determines appropriate.*

12 (2) *NONGOVERNMENT MEMBERS.—There shall be*
13 *not less than 1 more member of the Committee ap-*
14 *pointed under paragraph (1)(D) than the total num-*
15 *ber of members appointed under subparagraphs (A),*
16 *(B), (C), and (E) of paragraph (1).*

17 (3) *DATE.—The appointments of members of the*
18 *Committee shall be made not later than 120 days*
19 *after the date of enactment of this Act.*

20 (4) *VOLUNTARY SERVICE.—The members of the*
21 *Committee shall serve on the Committee on a vol-*
22 *untary basis.*

23 (5) *PUBLICATION OF LIST OF MEMBERS.—The*
24 *Committee shall publish an updated list of members*

1 of the Committee on a publicly available website be-
2 fore each meeting of the Committee.

3 (c) *PERIOD OF APPOINTMENT; VACANCIES.*—

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

7 (2) *VACANCIES.*—*A vacancy in the Committee—*

8 (A) *shall not affect the powers of the Com-*
9 *mittee; and*

10 (B) *shall be filled in the same manner as*
11 *the original appointment.*

12 (3) *REAPPOINTMENT.*—*A member of the Advi-*
13 *sory Committee may be reappointed for not more*
14 *than 1 term.*

15 (d) *MEETINGS.*—

16 (1) *INITIAL MEETING.*—*Not later than 30 days*
17 *after the date on which all members of the Committee*
18 *have been appointed, the Committee shall hold the*
19 *first meeting of the Committee.*

20 (2) *FREQUENCY; MANNER.*—*The Committee—*

21 (A) *shall meet—*

22 (i) *not less frequently than quarterly;*

23 *and*

24 (ii) *at the call of the Co-Chairs of the*
25 *Committee or the Secretary; and*

1 (B) *may meet remotely.*

2 (e) *DUTIES.—*

3 (1) *IN GENERAL.—The Committee shall—*

4 (A) *advise, consult with, and make rec-*
5 *ommendations to the Secretary, as appropriate,*
6 *on the development, refinement, implementation,*
7 *and evaluation of policies, programs, and plan-*
8 *ning pertaining to covered processes of the De-*
9 *partment, including—*

10 (i) *all covered processes implemented*
11 *by the Transportation Security Administra-*
12 *tion;*

13 (ii) *all covered processes implemented*
14 *by U.S. Customs and Border Protection at*
15 *ports of entry and their equivalents;*

16 (iii) *trainings associated with these*
17 *covered processes;*

18 (iv) *the intelligence used to support*
19 *these covered processes;*

20 (v) *how data related to these covered*
21 *processes is used, collected, retained, ana-*
22 *lyzed, and shared;*

23 (vi) *internal Department oversight*
24 *over these covered processes;*

1 (vii) metrics to assess the effectiveness
2 of covered processes, including any metrics
3 outlined in policy documents;

4 (viii) redress processes related to these
5 covered processes; and

6 (ix) any other matter related to covered
7 processes as the Committee may determine
8 relevant;

9 (B) as appropriate, disclose to the public
10 and Congress information about the covered
11 processes described in subparagraph (A), and the
12 data and analytical system related to those proc-
13 esses, including materials explaining how those
14 processes work and legal and policy analyses of
15 the processes;

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

18 (i) all recommendations agreed upon
19 by a simple majority of members of the
20 Committee; and

21 (ii) an identification of each of the
22 members of the Committee that agreed on
23 each recommendation; and

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

1 (i) the use of external advocates who
2 are granted security clearances and may ac-
3 cess classified information to assist pas-
4 sengers;

5 (ii) the establishment of a Federal of-
6 fice to serve as advocates for passengers or
7 the designation of an existing Federal office
8 to serve that purpose;

9 (iii) the establishment of an inde-
10 pendent ombudsman office to assist pas-
11 sengers with the redress process;

12 (iv) expanding the enhanced redress
13 process to include United States persons
14 who wish to contest their placement on the
15 Selectee List, the Expanded Selectee List, or
16 the consolidated terrorist watchlist;

17 (v) how to provide United States per-
18 sons subject to the enhanced redress process
19 with a significant amount of information
20 about the placement of the person on the No
21 Fly List and what a reasonable amount of
22 time for this disclosure should be;

23 (vi) whether it is advisable to create a
24 system that would allow an individual to
25 demonstrate that the individual does not

1 *pose a threat to aviation or border security,*
2 *and if advisable, the options for developing*
3 *such a system;*

4 *(vii) the extent to which an applicant*
5 *for redress can be notified about placement*
6 *on any other lists maintained by the De-*
7 *partment or other Federal agencies aside*
8 *from those described in clause (iv), and a*
9 *summary of the basis for that placement;*

10 *(viii) which policies, procedures, and*
11 *guidelines related to covered processes and*
12 *redress can be made available to the public*
13 *and, for those policies, procedures, and*
14 *guidelines that are required to be withheld*
15 *in part or in full, how the Department and*
16 *other Federal agencies can release meaning-*
17 *ful information about those policies, proce-*
18 *dures, and guidelines to the public;*

19 *(ix) notifying applicants for redress of*
20 *whether any records, including records re-*
21 *lating to the status of the applicant, have*
22 *changed as a result of the application; and*

23 *(x) the potential for a redress appli-*
24 *cant who opts in to receive an expedited or*

1 *discounted review of an application for a*
2 *trusted traveler program of the Department.*

3 (2) *CONSULTATION.*—

4 (A) *IN GENERAL.*—*To ensure input and co-*
5 *ordination from relevant components of the De-*
6 *partment and the public, the Secretary shall reg-*
7 *ularly seek the advice of the Committee on the*
8 *administration of Department covered processes*
9 *and redress policies and procedures.*

10 (B) *COMMITTEE CONSULTATION.*—*The Com-*
11 *mittee may consult with applicable Federal*
12 *agencies other than the Department to ensure a*
13 *holistic review of covered processes.*

14 (C) *ACCESS TO MATERIALS.*—*The Com-*
15 *mittee shall have access to all materials nec-*
16 *essary to implement its responsibilities, includ-*
17 *ing all materials marked as for official use only,*
18 *law enforcement sensitive, or sensitive security*
19 *information.*

20 (3) *REPORTS.*—

21 (A) *PERIODIC REPORTS.*—*The Committee*
22 *shall periodically submit to the Secretary reports*
23 *on screening, inspections, and redress matters*
24 *identified by the Secretary and on matters of*

1 concern identified by a majority of the members
2 of the Committee.

3 (B) ANNUAL REPORT.—

4 (i) IN GENERAL.—Not later than Sep-
5 tember 30 of each year, the Co-Chairs of the
6 Committee shall submit to the homeland se-
7 curity congressional committees and the
8 Secretary a report on the activities of the
9 Committee for the preceding year, which
10 shall include—

11 (I) information from the periodic
12 reports submitted under subparagraph
13 (A) during the year covered by the re-
14 port; and

15 (II) the activities of any sub-
16 committees established under subsection
17 (f)(5).

18 (ii) PUBLICATION.—Not later than 30
19 days after the date on which the Secretary
20 receives a report under clause (i), the Sec-
21 retary shall publish a public version of the
22 report.

23 (4) CONGRESSIONAL BRIEFING.—Not later than
24 10 days after the date on which the Co-Chairs of the
25 Committee submit to the Secretary an annual report

1 *required under paragraph (3)(B)(i), the Co-Chairs of*
2 *the Committee shall provide a briefing to the home-*
3 *land security congressional committees on the work,*
4 *recommendations, and dissenting opinions of the*
5 *Committee and any actions taken as the result of the*
6 *work, recommendations, and dissenting opinions.*

7 *(f) POWERS OF THE COMMITTEE.—*

8 *(1) HEARINGS.—The Committee may hold such*
9 *hearings, sit and act at such times and places, take*
10 *such testimony, and receive such evidence as the Com-*
11 *mittee considers advisable to carry out this Act.*

12 *(2) INFORMATION FROM FEDERAL AGENCIES.—*

13 *(A) IN GENERAL.—The Committee may se-*
14 *cure directly from a Federal department or agen-*
15 *cy such information as the Committee considers*
16 *necessary to carry out this Act.*

17 *(B) FURNISHING INFORMATION.—On re-*
18 *quest of the Co-Chairs of the Committee, the head*
19 *of the relevant Federal department or agency*
20 *shall furnish the information to the Committee.*

21 *(C) SAFEGUARDS.—Each member of the*
22 *Committee shall abide by the relevant executive*
23 *orders, regulations, and policies regarding the*
24 *use, safeguarding, and sharing of information*

1 *that regularly apply to the information accessed*
2 *and role of the member on the Committee.*

3 (3) *POSTAL SERVICES.*—*The Committee may use*
4 *the United States mail in the same manner and*
5 *under the same conditions as other departments and*
6 *agencies of the Federal Government.*

7 (4) *GIFTS.*—*The Committee may accept, use,*
8 *and dispose of gifts or donations of services or prop-*
9 *erty.*

10 (5) *SUBCOMMITTEES.*—

11 (A) *IN GENERAL.*—*The Co-Chairs of the*
12 *Committee may establish subcommittees to ac-*
13 *complish the duties of the Committee.*

14 (B) *INTELLIGENCE MATTERS.*—

15 (i) *IN GENERAL.*—*The Co-Chairs of the*
16 *Committee shall establish a subcommittee on*
17 *intelligence matters related to covered proc-*
18 *esses.*

19 (ii) *MEMBERSHIP.*—*The subcommittee*
20 *described in clause (i) shall include the Co-*
21 *Chairs of the Committee and may include*
22 *other members of the Committee who are*
23 *not Federal employees.*

24 (iii) *SECURITY CLEARANCES.*—

1 (I) *IN GENERAL.*—Subject to sub-
2 clause (II), the Department shall exp-
3 editiously provide the Committee mem-
4 bers and staff of the subcommittee es-
5 tablished under clause (i) with appro-
6 priate security clearances to the extent
7 possible under existing procedures and
8 requirements to perform oversight of
9 intelligence matters relating to covered
10 processes.

11 (II) *PROHIBITION.*—No indi-
12 vidual may be appointed to the sub-
13 committee established under clause (i)
14 if such individual is determined not to
15 be eligible to receive the requisite secu-
16 rity clearance.

17 (III) *SECURITY CLEARANCE RE-*
18 *QUIREMENTS.*—Any individual ap-
19 pointed to the subcommittee established
20 under clause (i) shall abide by the re-
21 quirements to hold a security clearance
22 provided under this clause.

23 (C) *OPEN MEETINGS.*— To the greatest ex-
24 tent possible, all meetings of a subcommittee de-

1 *scribed in this paragraph shall be open to the*
2 *public.*

3 *(g) COMMITTEE PERSONNEL MATTERS.—*

4 *(1) PROHIBITION ON COMPENSATION.—No non-*
5 *Federal member of the Committee may receive pay or*
6 *benefits from the United States Government by reason*
7 *of service on the Committee.*

8 *(2) TRAVEL EXPENSES.—All members of the*
9 *Committee may be paid travel, per diem, and other*
10 *necessary expenses while traveling away from such*
11 *member’s home or regular place of business in the*
12 *performance of the duties of the Committee.*

13 *(h) APPLICABILITY OF FACA.—Chapter 10 of title 5,*
14 *United States Code (commonly referred to as the “Federal*
15 *Advisory Committee Act”), shall apply to the Committee.*

16 *(i) RULE OF CONSTRUCTION.—Nothing in this section*
17 *shall be construed to limit the communications of the mem-*
18 *bers of the Committee with Congress.*

19 *(j) TERMINATION.—The Committee shall terminate on*
20 *December 31, 2030.*

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

22 *(a) PLAN TO IMPROVE REDRESS PROCESSES.—*

23 *(1) IN GENERAL.—Not later than 2 years after*
24 *the date of enactment of this Act, the Secretary shall*
25 *submit to the homeland security congressional com-*

1 *mittees a plan, to be known as the “DHS Plan to Im-*
2 *prove Redress”, to improve and expand the imple-*
3 *mentation by the Department of the appeal and re-*
4 *dress process required under section 44926 of title 49,*
5 *United States Code.*

6 (2) *ELEMENTS.—The plan required under para-*
7 *graph (1) shall include—*

8 (A) *the needs and intended outcomes of the*
9 *redress process, including—*

10 (i) *protecting national security and*
11 *upholding transparency, privacy, civil*
12 *rights, and civil liberties;*

13 (ii) *an implementation schedule with*
14 *key milestones; and*

15 (iii) *delegation of responsibilities;*

16 (B) *improved processes to seek redress for*
17 *individuals who believe they have been delayed,*
18 *prohibited from boarding a commercial aircraft,*
19 *denied or delayed entry into the United States,*
20 *subjected to electronic device searches, or denied*
21 *Department credentials because they were wrong-*
22 *ly identified as a risk under the regimes utilized*
23 *by the Transportation Security Administration,*
24 *U.S. Customs and Border Protection, or any*
25 *other office or component of the Department;*

1 (C) efforts to ensure the redress process is
2 timely, fair, and provides for sufficient constitu-
3 tional protections and corrective actions to mini-
4 mize misidentifications and wrongful place-
5 ments;

6 (D) opportunities for the public to provide
7 feedback before and after implementation of the
8 plan;

9 (E) a description of concrete steps the De-
10 partment will take to strengthen the redress proc-
11 ess and make the redress process more trans-
12 parent and readily available for people of all
13 backgrounds, including individuals who lack ac-
14 cess to technology or familiarity with the Federal
15 Government; and

16 (F) a list of policies, procedures, and guide-
17 lines related to redress and covered processes of
18 the Department that the Department will make
19 available to the public and, for those policies,
20 procedures, and guidelines that must be withheld
21 in part or in full as a result of reasonable na-
22 tional security concerns, how the Department
23 and other Federal agencies can release meaning-
24 ful information about those policies, procedures,
25 and guidelines to the public.

1 (3) *CONSIDERATIONS.*—*The Secretary shall con-*
2 *sider any recommendations made by the Committee*
3 *under section 3(e)(1) when developing the plan re-*
4 *quired under paragraph (1) of this subsection and*
5 *provide an explanation for any rejected recommenda-*
6 *tions.*

7 (4) *FORM.*—*The plan required under paragraph*
8 *(1) shall be submitted in unclassified form, but may*
9 *include a classified annex.*

10 (5) *PUBLIC AVAILABILITY.*—*Not later than 30*
11 *days after the date on which the Secretary submits*
12 *the plan required under paragraph (1), the Secretary*
13 *shall publish a public version of the plan.*

14 (6) *BRIEFING.*—*Not later than 10 days after the*
15 *date on which the Secretary publishes a public*
16 *version of the plan under paragraph (5), the Sec-*
17 *retary shall brief the homeland security congressional*
18 *committees on the plan.*

19 (b) *EXPANSION OF OFFICE OF APPEALS AND RE-*
20 *DRESS.*—*Section 44926(b)(1) of title 49, United States*
21 *Code, is amended—*

22 (1) *by striking “The Secretary shall” and insert-*
23 *ing the following:*

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

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

3 “(B) *COMPOSITION.—The Office shall in-*
4 *clude—*

5 “(i) *representatives*”;

6 (3) *in subparagraph (B), as so designated—*

7 (A) *in clause (i), by striking the period at*
8 *the end and inserting a semicolon; and*

9 (B) *by adding at the end the following:*

10 “(ii) *the Privacy Officer of the Depart-*
11 *ment; and*

12 “(iii) *the Officer for Civil Rights and*
13 *Civil Liberties of the Department.*”.

14 (c) *ANNUAL REPORT TO CONGRESS.—*

15 (1) *IN GENERAL.— Not later than 180 days after*
16 *the date of enactment of this Act, and annually there-*
17 *after until December 31, 2030, the Attorney General,*
18 *in consultation with the Secretary, the Director of*
19 *National Intelligence, the Secretary of State, and the*
20 *Secretary of Defense, shall submit to the appropriate*
21 *congressional committees a report on the consolidated*
22 *terrorist watchlist, which shall include—*

23 (A) *the criteria and guidance used by Fed-*
24 *eral agencies for placing the name of an indi-*
25 *vidual on the consolidated terrorist watchlist, by*

1 *category, including a summary of any changes*
2 *made during the 1-year period preceding submis-*
3 *sion of the report;*

4 *(B) the total number of identities on the*
5 *consolidated terrorist watchlist, and the number*
6 *of identities by each category, including the*
7 *number of United States person identities in*
8 *each category;*

9 *(C) the minimum standards for reliability*
10 *and accuracy of identifying information;*

11 *(D) the degree of information certainty, in-*
12 *cluding all audits conducted during the 1-year*
13 *period preceding submission of the report;*

14 *(E) a list of policies and programs for*
15 *which the consolidated terrorist watchlist is used*
16 *and the range of applicable consequences that are*
17 *to apply to an individual, including screening*
18 *and inspection activities that may apply as a*
19 *result;*

20 *(F) the types of records contained within*
21 *the consolidated terrorist watchlist;*

22 *(G) the list of government and nongovern-*
23 *ment entities with whom the consolidated ter-*
24 *rorist watchlist information is shared, including*
25 *foreign government entities, the way those enti-*

1 *ties use consolidated terrorist watchlist informa-*
2 *tion, and the categories from the consolidated*
3 *terrorist watchlist that those entities receive;*

4 *(H) the number of records added, removed,*
5 *and changed in the consolidated terrorist*
6 *watchlist, including, for each removal, the num-*
7 *ber of such records by reason for the removal,*
8 *during the 1-year period preceding submission of*
9 *the report; and*

10 *(I) a description of new information main-*
11 *tained by the Terrorist Screening Center.*

12 *(2) FORM.—Each report required under para-*
13 *graph (1) shall be submitted in unclassified form, but*
14 *may include a classified annex.*

15 *(3) BRIEFING.—Not later than 10 days after the*
16 *date on which the Attorney General submits the first*
17 *report under paragraph (1), the Attorney General*
18 *shall brief the appropriate congressional committees*
19 *on the report.*

20 *(4) PUBLICATION.—The Attorney General shall*
21 *develop and publish on the website of the Department*
22 *of Justice a public version of each report required*
23 *under this subsection in a manner that makes avail-*
24 *able any information in the report that would not*
25 *harm national security.*

1 **SEC. 5. REPORT ON EFFECTIVENESS OF ENHANCED**
2 **SCREENING PROGRAMS.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *DHS TRIP.—The term “DHS TRIP” means*
5 *the Traveler Redress Inquiry Program of the Depart-*
6 *ment.*

7 (2) *ENHANCED SCREENING.—The term “en-*
8 *hanced screening” means enhanced or additional*
9 *screening by the Transportation Security Administra-*
10 *tion of a passenger at an airport or secondary inspec-*
11 *tion by U.S. Customs and Border Protection of an in-*
12 *dividual at a port of entry or the equivalent.*

13 (3) *REPORTING PERIOD.—The term “reporting*
14 *period”, with respect to a report required by sub-*
15 *section (b), means the 1-year period preceding sub-*
16 *mission of the report.*

17 (b) *REPORTS.—Not later than 1 year after the date*
18 *of the enactment of this Act, and annually thereafter for*
19 *the next 10 years, the Secretary shall—*

20 (1) *submit to the Committee on Homeland Secu-*
21 *rity and Governmental Affairs and the Committee on*
22 *Commerce, Science, and Transportation of the Senate,*
23 *the Committee on Homeland Security of the House of*
24 *Representatives, and the Comptroller General of the*
25 *United States a report evaluating the effectiveness,*
26 *during the reporting period, of the mechanisms of the*

1 *Transportation Security Administration and U.S.*
2 *Customs and Border Protection for performing en-*
3 *hanced screening of passengers at airports and indi-*
4 *viduals at ports of entry or the equivalent; and*

5 (2) *work with the Chief Information Officer of*
6 *the Department and the Science and Technology Di-*
7 *rectorate of the Department to develop any new tools*
8 *or mechanisms needed to track the information de-*
9 *scribed in paragraph (1) in a manner that shall not*
10 *delay travelers and shall report any challenges in de-*
11 *velopment of that technology to the appropriate con-*
12 *gressional committees.*

13 (c) *ELEMENTS OF REPORTS.—*

14 (1) *IN GENERAL.—Each report required by sub-*
15 *section (b) shall include for the reporting period, at*
16 *a minimum, the following data, disaggregated with*
17 *respect to the Transportation Security Administra-*
18 *tion and U.S. Customs and Border Protection, as ap-*
19 *plicable to each agency:*

20 (A) *The number of individuals who under-*
21 *went at least 1 enhanced screening, the number*
22 *of enhanced screenings conducted, and the num-*
23 *ber of enhanced screenings disaggregated by the*
24 *following reasons for screening, as appropriate:*

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

3 (ii) *The individual being on the Ex-*
4 *expanded Selectee List.*

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

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

15 (v) *Agricultural inspection.*

16 (vi) *Customs inspection.*

17 (vii) *Immigration inspection.*

18 (viii) *At the discretion of an employee*
19 *of U.S. Customs and Border Protection or*
20 *Transportation Security Administration,*
21 *including by a member of a Tactical Ter-*
22 *rорism Response Team.*

23 (ix) *Random selection, disaggregated*
24 *by whether enhanced screening was con-*
25 *ducted—*

1 (I) under the Secure Flight pro-
2 gram of the Transportation Security
3 Administration; or

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

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

16 (xi) Air carrier designation.

17 (xii) Other reasons, including informa-
18 tion with respect to such other reasons.

19 (B) The enhanced screenings described in
20 subparagraph (A) that, as appropriate to the
21 Transportation Security Administration and
22 U.S. Customs and Border Protection, resulted
23 in—

24 (i) the discovery of a violation of the
25 law, disaggregated by violation;

- 1 (ii) the revocation of a visa;
- 2 (iii) the placement of an individual in
- 3 detention;
- 4 (iv) the nomination of an individual
- 5 to the Terrorist Screening Database;
- 6 (v) the levying of a fine or penalty;
- 7 (vi) the detection of a prohibited item;
- 8 or
- 9 (vii) no consequences.

10 (C) Whether there were individuals who,

11 during the period covered under the relevant re-

12 port, underwent more than 1 enhanced screening,

13 including—

- 14 (i) how many individuals underwent
- 15 more than 1 enhanced screening;
- 16 (ii) how often those individuals re-
- 17 ceived enhanced screenings;
- 18 (iii) whether there were common rea-
- 19 sons for the multiple enhanced screenings;
- 20 (iv) whether individuals who received
- 21 enhanced screenings received those
- 22 screenings because of a rules-based screening
- 23 program matched to more than 1 rule and,
- 24 if so, how many rules they matched to;

1 (v) whether there were any common
2 trends or characteristics to the individuals
3 who underwent more than 1 enhanced
4 screening that the Department was able to
5 identify, including nationality, gender, or
6 another relevant characteristic;

7 (vi) whether there were individuals
8 who were previously removed from the Ter-
9 rorist Screening Database who after that re-
10 moval received an enhanced screening that
11 was not related to the previous placement in
12 the Database; and

13 (vii) whether the individuals who un-
14 derwent more than 1 enhanced screening, by
15 either the Transportation Security Admin-
16 istration or U.S. Customs and Border Pro-
17 tection, had also undergone more than 1 en-
18 hanced screening in the previous 2 years.

19 (D) With respect to the searches of the con-
20 tent of electronic devices arising from enhanced
21 screenings, the following:

22 (i) The number of electronic devices
23 searched, disaggregated by airport or port of
24 entry and basic or advanced search, and the

1 *names of third-party tools used to conduct*
2 *the search.*

3 (ii) *The number of requests for tech-*
4 *nical assistance to search an electronic de-*
5 *vice or for assistance to conduct analysis of*
6 *the findings of a search of a device,*
7 *disaggregated by requesting agency, airport*
8 *or port of entry, and assisting agency, and*
9 *including the number of requests granted*
10 *and a description of the result of each re-*
11 *quest.*

12 (iii) *The total number of individuals*
13 *whose electronic devices were searched dur-*
14 *ing the reporting period.*

15 (iv) *The number of those individuals*
16 *who were, at the time of the search, included*
17 *on the No Fly List, the Selectee List, the*
18 *Terrorist Screening Database, or other sub-*
19 *sidary lists shared with the Department,*
20 *disaggregated by list.*

21 (v) *The number of individuals who, as*
22 *a result of the search in part or wholly,*
23 *were newly added to a list described in*
24 *clause (iv).*

1 (E) *With respect to each Transportation Se-*
2 *curity Administration and U.S. Customs and*
3 *Border Protection rules-based screening program,*
4 *the following:*

5 (i) *A description of each rule that was*
6 *in effect at any point during the reporting*
7 *period.*

8 (ii) *A statement of the following:*

9 (I) *The total number of rules and*
10 *the number of rules added, changed,*
11 *maintained, or archived.*

12 (II) *For the number of rules*
13 *added or changed, a statement of—*

14 (aa) *the number added or*
15 *changed through standard rule re-*
16 *view procedures; and*

17 (bb) *the number added or*
18 *changed through procedures de-*
19 *signed for exigent circumstances.*

20 (III) *The total number of rules*
21 *that rely in part or wholly on race,*
22 *ethnicity, nationality, sex, age, or reli-*
23 *gion, a breakdown of the rules by each*
24 *trait, and a description of how each*
25 *rule uses that trait.*

1 (F) *With respect to DHS TRIP, a state-*
2 *ment of the following:*

3 (i) *The number of applications to*
4 *DHS TRIP.*

5 (ii) *With respect to the No Fly List,*
6 *the Selectee List, the Terrorist Screening*
7 *Database, or other subsidiary lists shared*
8 *with the Department, the following:*

9 (I) *The number of applicants to*
10 *DHS TRIP who were included on one*
11 *of those lists and were not removed as*
12 *a result of the application,*
13 *disaggregated by list.*

14 (II) *The number of applicants to*
15 *DHS TRIP who were included on one*
16 *of those lists at the time of a redress*
17 *application and whose status changed*
18 *as a result of the redress process,*
19 *disaggregated by list.*

20 (III) *The number of applicants*
21 *that DHS TRIP determined had no*
22 *nexus to one of those lists.*

23 (IV) *The number of applicants*
24 *that DHS TRIP determined were mis-*

1 *takenly identified as an individual on*
2 *one of those lists, disaggregated by list.*

3 *(iii) The number of applicants that*
4 *DHS TRIP determined were included as*
5 *random selectees for enhanced screening*
6 *under the Secure Flight program.*

7 *(iv) The number of applicants for*
8 *DHS TRIP who encountered travel inci-*
9 *dents that fall into categories not described*
10 *in any of clauses (i), (ii), or (iii),*
11 *disaggregated by category.*

12 *(v) The number of applications to*
13 *DHS TRIP that stated that an agency or*
14 *officer relied upon race, ethnicity, nation-*
15 *ality, sex, age, or religion to make any deci-*
16 *sion.*

17 *(G) Any other information the Secretary*
18 *considers relevant to evaluating the effectiveness*
19 *of the enhanced screening selection procedures of*
20 *the Transportation Security Administration and*
21 *U.S. Customs and Border Protection, including*
22 *any improvements the Secretary has identified*
23 *as a result of the report and plans to implement*
24 *or the effect of improvements made as a result of*
25 *reports submitted during previous years.*

1 (2) *INITIAL REPORT.*—*In submitting the first re-*
2 *port in accordance with this subsection, the Secretary*
3 *shall include the following:*

4 (A) *An explanation for any required infor-*
5 *mation and data described in paragraph (1)*
6 *that is not available on the date of the submis-*
7 *sion but can be collected in the future, includ-*
8 *ing—*

9 (i) *whether technological or other*
10 *changes will need to be made to collect the*
11 *information or data;*

12 (ii) *the timeline for collecting the in-*
13 *formation or data, including any specific*
14 *agency responsibilities; and*

15 (iii) *any additional resources nec-*
16 *essary for collecting the information or*
17 *data.*

18 (B) *With respect to any required informa-*
19 *tion and data described in paragraph (1) that*
20 *the Secretary cannot collect, an explanation as*
21 *to why the information or data cannot be col-*
22 *lected.*

23 (3) *SUBSEQUENT REPORTS.*—*Each report sub-*
24 *mitted after the initial report described in paragraph*
25 *(2) shall include a description of any required infor-*

1 *mation or data described in paragraph (1) that is*
2 *missing from the report, including the following:*

3 *(A) A description of the missing required*
4 *information or data described in paragraph (1).*

5 *(B) The Transportation Security Adminis-*
6 *tration or U.S. Customs and Border Protection*
7 *or other Government entity screening entity, ac-*
8 *tivity, or program that uses, produces, or is best*
9 *positioned to have knowledge of the missing re-*
10 *quired information or data described in para-*
11 *graph (1).*

12 *(C) The reasons the required information or*
13 *data described in paragraph (1) are missing*
14 *from the report.*

15 *(D) Any updates relating to changes made*
16 *based on subsection (2)(A).*

17 *(E) Any additional required authorities, re-*
18 *sources, or other needed actions to begin tracking*
19 *the missing required information or data de-*
20 *scribed in paragraph (1), if practicable.*

21 *(d) ANALYSIS OF CIVIL RIGHTS, CIVIL LIBERTIES,*
22 *AND PRIVACY IMPACT.—Each report required under sub-*
23 *section (b) shall include an analysis of any impacts on civil*
24 *rights, civil liberties, or privacy of enhanced screening based*
25 *on the data included in the report.*

1 (e) *DISAGGREGATION.*—Each report required under
2 subsection (b) shall disaggregate the information contained
3 in the report relating to individuals into the categories of
4 United States persons and foreign persons.

5 (f) *GAO REVIEW.*—

6 (1) *REVIEW.*—Upon receipt of the first report
7 submitted under subsection (b), the Comptroller Gen-
8 eral of the United States shall commence a review of
9 the section of the report submitted in compliance with
10 subsection (c)(2).

11 (2) *BRIEFING.*—Not later than 1 year after re-
12 ceipt of the first report submitted under subsection
13 (b), the Comptroller General of the United States
14 shall provide a briefing on the findings of the review
15 to the Committee on Homeland Security and Govern-
16 mental Affairs and the Committee on Commerce,
17 Science, and Transportation of the Senate and to the
18 Committee on Homeland Security of the House of
19 Representatives.

20 (g) *DATA COLLECTION.*—The data to be included in
21 each report required by subsection (b) shall—

22 (1) be provided by the Transportation Security
23 Administration and U.S. Customs and Border Protec-
24 tion to the Office of Homeland Security Statistics;
25 and

1 (2) *be collected and analyzed—*

2 (A) *by the Office of Homeland Security*
3 *Statistics, in coordination with the Transpor-*
4 *tation Security Administration, U.S. Customs*
5 *and Border Protection, and other relevant agen-*
6 *cies; and*

7 (B) *in a manner that—*

8 (i) *is consistent with the Constitution*
9 *of the United States; and*

10 (ii) *complies with all applicable laws*
11 *and policies, including laws and policies*
12 *protecting privacy, civil rights, and civil*
13 *liberties.*

14 (h) *LIMITATIONS ON USE OF DATA.—Data that is ag-*
15 *gregated for purposes of a report required by subsection*
16 *(b)—*

17 (1) *shall be used only for purposes of preparing*
18 *the report, analyzing trends, making recommenda-*
19 *tions for improving the efficiency and effectiveness of*
20 *enhanced screening at airports and ports of entry or*
21 *implementing those improvements, or reviewing en-*
22 *hanced screening programs; and*

23 (2) *may not be used for purposes of tracking,*
24 *vetting, or screening individuals.*

1 (i) *FORM OF REPORT.*—*Each report required by sub-*
2 *section (b) shall be submitted in unclassified form, but may*
3 *include a classified appendix.*

4 (j) *PUBLICATION.*—*The Secretary shall develop and*
5 *publish on the website of the Department of Homeland Se-*
6 *curity a public version of each report required under this*
7 *section in a manner that makes available any information*
8 *in the report that would not harm national security.*

Calendar No. 738

118TH CONGRESS
2^D SESSION

S. 4681

[Report No. 118-318]

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.

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported with an amendment