

**BACKGROUND:** Scheduled to be implemented in 2009, Secure Flight is a Transportation Security Administration (TSA) program that will shift pre-departure watch list matching responsibilities from individual aircraft operators to the TSA, carrying out a key recommendation of the 9/11 Commission. By assuming watch list matching responsibilities, TSA believes it can better resolve possible misidentifications when a traveler's name is similar to one found on a watch list.

Under a final regulation published in October of 2008, airlines will be required to collect a passenger's full name, date of birth and gender when an individual or third party makes an airline reservation. This additional information will be particularly important for those individuals with names similar to those on the watch list. The program will initially assume the watch list matching responsibility for passengers on domestic flights beginning in early 2009 and become mandatory in August of 2009. In a second stage, the program would assume, from U.S. Customs and Border Protection and the international air carriers, the watch list matching function for passengers on international flights.

Secure Flight has been under development since 9/11 and previously was known as CAPPS II. Congress has slowed the program since 2005 by requiring certifications from the Government Accountability Office related to privacy and program performance. Secure Flight critics include privacy advocates and those arguing that terrorists would assume false identities to circumvent the watch list check.

While TSA expects Secure Flight to dramatically reduce the number of passengers misidentified as a match to the watch list, DHS and TSA also have developed a redress process through the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). While DHS TRIP has been successful in resolving over 40,000 cases to date, it has come under criticism for being too slow and not well-publicized. The House of Representatives passed the FAST Redress Act, H.R. 4179, to establish a "cleared list" of individuals through a redress application for use in all DHS programs, including aviation. The Senate has not acted on companion legislation.

#### **ISSUES FOR THE NEW ADMINISTRATION:**

1. **Ensure Robust System Performance:** Although air carriers generally support Secure Flight and were supportive of the required data elements and lengthy implementation period, actual use of the Secure Flight vetting systems for millions of air travelers could overwhelm IT systems. Even small glitches could have tremendous impacts on airline operations and passenger convenience.

#### ***Action Item:***

- As air carriers transition watch list operations to TSA, the performance of TSA IT systems and integration with carrier systems must be monitored carefully and contingency plans should be developed to address technology breakdowns.
2. **Inform Travelers to Eliminate Confusion with Other Security Programs:** Travelers, especially foreign travelers boarding flights at U.S. airports, may be confused by the myriad vetting programs and repeated requests for personal information. The visa interview, ESTA, APIS, PNR, US-VISIT, Global Entry and/or CAPPS I each may require submission of biographic and/or biometric data.

***Action Item:***

- Explaining the benefits of and reasons for Secure Flight to travelers, especially international travelers, requires a more concerted communications plan. The new Administration should fully support passage of H.R. 3232 (as introduced in the 110<sup>th</sup> Congress), the Travel Promotion Act, which would enable DHS to partner with the private sector to create a multi-million dollar campaign to explain the need for these security programs to foreign travelers.