

110TH CONGRESS  
1ST SESSION

# H. R. 2561

To protect the United States by targeting terrorists at the border, and  
for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2007

Mr. DENT introduced the following bill; which was referred to the Committee  
on Homeland Security

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## A BILL

To protect the United States by targeting terrorists at the  
border, 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 “Fast and Secure Trav-  
5 el at the Borders Act of 2007” or the “FAST Borders  
6 Act of 2007”.

7 **SEC. 2. FINDINGS OF THE 9/11 COMMISSION.**

8 Congress finds that the National Commission on Ter-  
9 rorist Attacks Upon the United States (commonly referred  
10 to as the 9/11 Commission) concluded the following:

1 (a) “The small terrorist travel intelligence collection  
2 and analysis program currently in place has produced dis-  
3 proportionately useful results. It should be expanded.  
4 Since officials at the border encounter 12 travelers and  
5 their documents first and investigate travel facilitators,  
6 they must work closely with intelligence officials.”.

7 (b) “Information systems able to authenticate travel  
8 documents and detect potential terrorist indicators should  
9 be used at consulates, at primary border inspection lines,  
10 in immigration service offices, and intelligence and en-  
11 forcement units.”.

12 (c) “The President should direct the Department of  
13 Homeland Security to lead the effort to design a com-  
14 prehensive screening system, addressing common problems  
15 and setting common standards with systemwide goals in  
16 mind.”.

17 (d) “A screening system looks for particular, identifi-  
18 able suspects or indicators of risk. It does not involve  
19 guesswork about who might be dangerous. It requires  
20 frontline border officials who have the tools and resources  
21 to establish that people are who they say they are, inter-  
22 cept identifiable suspects, and disrupt terrorist oper-  
23 ations.”.

1 **SEC. 3. AUTOMATED TARGETING SYSTEM FOR PERSONS**  
2 **ENTERING OR DEPARTING THE UNITED**  
3 **STATES.**

4 (a) **IN GENERAL.**—The Secretary of Homeland Secu-  
5 rity, acting through the Commissioner of Customs and  
6 Border Protection, may establish an automated system for  
7 the purpose of the enforcement of United States law, in-  
8 cluding laws relating to antiterrorism and border security,  
9 to assist in the screening of persons seeking to enter or  
10 depart the United States (in this section referred to as  
11 the “system”).

12 (b) **ADMINISTRATIVE PROCESS TO CORRECT INFOR-**  
13 **MATION.**—The Secretary, acting through the Commis-  
14 sioner, shall ensure that an administrative process is es-  
15 tablished, or application of an existing administrative  
16 process is extended, pursuant to which any individual may  
17 apply to correct any information retained by the system  
18 established under subsection (a). Nothing in this section  
19 shall be construed as creating a private right of action and  
20 no court shall have jurisdiction based on any of the provi-  
21 sions of this section to hear any case or claim arising from  
22 the application of the system or the corrective administra-  
23 tive process established or applied under this subsection.

24 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
25 tion shall be construed as abrogating, diminishing, or  
26 weakening the provisions of any Federal or State law that

1 prevents or protects against the unauthorized collection or  
2 release of personal records.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to the Secretary such  
5 sums as may be necessary to carry out this section.

6 **SEC. 4. PASSENGER AND CREW MANIFESTS FOR VESSELS,**  
7 **VEHICLES, AND AIRCRAFT ARRIVING IN OR**  
8 **DEPARTING FROM THE UNITED STATES.**

9 Part II of title IV of the Tariff Act of 1930 (19  
10 U.S.C. 1431 et seq.) is amended by inserting after section  
11 434 the following new section:

12 **“SEC. 435. PASSENGER AND CREW MANIFESTS FOR VES-**  
13 **SELS, VEHICLES, AND AIRCRAFT ARRIVING IN**  
14 **OR DEPARTING FROM THE UNITED STATES.**

15 “(a) PASSENGER AND CREW MANIFESTS RE-  
16 QUIRED.—The Commissioner of United States Customs  
17 and Border Protection of the Department of Homeland  
18 Security may require each vessel, vehicle, and aircraft ar-  
19 riving in the United States from, or departing the United  
20 States to, a foreign port or place to transmit to United  
21 States Customs and Border Protection a passenger mani-  
22 fest and crew manifest containing the information set  
23 forth in subsection (c) for each such arrival in or depar-  
24 ture from the United States.

1       “(b) TRANSMISSION.—A passenger manifest and  
2 crew manifest required pursuant to subsection (a) shall  
3 be transmitted to United States Customs and Border Pro-  
4 tection in advance of arrival in or departure from the  
5 United States in such manner, time, and form as the Com-  
6 missioner of United States Customs and Border Protec-  
7 tion may prescribe by regulations.

8       “(c) INFORMATION.—The information to be provided  
9 with respect to each person listed on a passenger manifest  
10 or crew manifest required pursuant to subsection (a) may  
11 include—

12               “(1) the person’s complete name, date of birth,  
13 citizenship, gender, passport number and country of  
14 issuance, and alien registration number, if applica-  
15 ble; and

16               “(2) such other information as the Commis-  
17 sioner of United States Customs and Border Protec-  
18 tion determines is necessary to enforce the customs,  
19 immigration, and other related laws of the United  
20 States, to ensure the transportation security of the  
21 United States, and to protect the national security  
22 of the United States.

23       “(d) CIVIL PENALTY.—Any person who fails to pro-  
24 vide accurate and full information in a passenger manifest  
25 or crew manifest required pursuant to subsections (a) and

1 (c) or regulations issued thereunder, or fails to provide  
2 the manifest in the manner prescribed pursuant to sub-  
3 section (b) or regulations issued thereunder, may be liable  
4 for a civil penalty of not more than \$5,000 with respect  
5 to each person listed on the manifest for whom such accu-  
6 rate or full information is not provided in accordance with  
7 such requirements.

8 “(e) PASSENGER NAME RECORD INFORMATION.—

9 “(1) REQUIREMENT.—The Commissioner of  
10 United States Customs and Border Protection may  
11 require each commercial carrier arriving in the  
12 United States from, or departing the United States  
13 to, a foreign port or place to make available to  
14 United States Customs and Border Protection, upon  
15 the agency’s request, passenger name record infor-  
16 mation for each such arrival in or departure from  
17 the United States in such manner, time, and form  
18 as the Commissioner may prescribe by regulations.

19 “(2) CIVIL PENALTY.—Any person who fails to  
20 provide passenger name record information required  
21 pursuant to paragraph (1) or fails to provide such  
22 information in the manner prescribed by the Com-  
23 missioner of United States Customs and Border  
24 Protection may be liable for a civil penalty of not  
25 more than \$5,000 with respect to each person for

1       whom such information is not provided in accord-  
2       ance with such requirements.

3       “(f) SHARING OF MANIFEST AND PASSENGER NAME  
4 RECORD INFORMATION WITH OTHER GOVERNMENT  
5 AGENCIES.—The Commissioner of United States Customs  
6 and Border Protection may provide information contained  
7 in passenger and crew manifests and passenger name  
8 record information received pursuant to this section to  
9 other government authorities in order to protect the na-  
10 tional security of the United States or as otherwise au-  
11 thorized by law.

12       “(g) CONSIDERATION OF ECONOMIC IMPACT.—Prior  
13 to issuing any final regulation under this section, the Com-  
14 missioner of United States Customs and Border Protec-  
15 tion shall consult with stakeholders from the transpor-  
16 tation industry and assess the economic impact that the  
17 regulation would have on private industry.

18       “(h) SAVINGS CLAUSE.—Nothing in this section ab-  
19 rogates, diminishes, or weakens the provisions of any Fed-  
20 eral or State law that prevents or protects against the un-  
21 authorized collection or release of personal records.”.

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