

U.S. Department of Homeland Security
Statement of Stephen McHale
Deputy Administrator, Transportation Security Administration
Meeting in Brussels with the European Parliament
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Good morning, Madam Chairman, distinguished members of European Parliament, ladies and gentlemen. Thank you for this opportunity to appear before you today on behalf of the administrator of the Transportation Security Administration to discuss how the United States government will use limited passenger information to safeguard against the threat global terrorism poses to civil aviation while protecting the privacy rights that Americans and Europeans alike have so long cherished.

My colleague, Doug Browning, described you the role of the Bureau of Customs and Border Protection (CBP) in using passenger information to safeguard international travel and commerce, as part of an integrated effort by the Department of Homeland Security to protect against the threat of international terrorism. I will discuss how the Transportation Security Administration (TSA) will use information technology to strengthen domestic and international aviation security, while at the same time protecting the privacy rights of all people who travel to and within the United States. This meeting provides an important forum in our continuing Transatlantic dialog towards a common understanding of how security and privacy are complementary, not conflicting goals.

What I want to discuss today is not a new system. Airlines in the United States currently operate the Computer Assisted Passenger Prescreening system, commonly referred to as CAPPs, which is used to identify passengers for enhanced screening before boarding a commercial aircraft. They have been doing this since the PanAm 103 bombing over Scotland almost 15 years ago. In the wake of the

tragic events of September 11, 2001, Congress determined that the existing CAPPS system was not an effective counter-terrorist measure in light of the new international terrorist threat environment.

In response to this Congressional concern, the Transportation Security Administration began developing the enhanced Computer Assisted Passenger Prescreening system, or CAPPS II, a fully automated screening tool that will be operated by TSA.

CAPS II will enable TSA to conduct far more effective authentication of traveler identity and improve security at airports through a more robust risk assessment process, capable of screening all passengers to assess the terrorist threat to civil aviation before the passenger boards the aircraft. By focusing screening and security resources more efficiently, the CAPPS II system will enable TSA to safeguard travelers, protect civil aviation assets and infrastructure, and also significantly enhance the convenience of all airline passengers traveling to, from and within the United States.

CAPPS II is a passenger-screening tool only designed to further TSA's sole mission - to protect civil aviation from terrorism. CAPPS II will operate under a strict privacy protection protocol being developed through discussions with privacy advocacy groups, the public - and now the European Union. Strict firewalls and access rules will protect a traveler's information from inappropriate use, sharing, or disclosure.

CAPS II will minimize the amount of information on travelers coming into the system, collecting only that information needed to authenticate the passenger's identity and conduct a risk assessment. The CAPPS II authentication function will be conducted using commercially available data. Commercial data companies assisting with the authentication process will not acquire traveler personal information and TSA will not have access to data about the passenger from

commercial databases. CAPPS II will implement a system of "firewalls" and other technologies to ensure the security of the data.

A passenger will provide the information used in the CAPPS II system at the time of reservation or ticketing. Passengers will be given notice of the information we are collecting, and the reasons for the collection. The system will not use ethnic, religious or racial data. It does not profile on racial or ethnic matters, conduct surveillance, or "data mine". CAPPS II will not use "sensitive data" as defined by Article 8(1) of the EU Data Privacy Directive.

CAPS II is designed to reduce the number of people who receive enhanced screening. Today almost 15 % of airline passengers travelling within the United States are subjected to additional or secondary screening. We fully expect that when CAPPS II is implemented, the vast majority of passengers will proceed directly to the airline-boarding gate through a minimal security process. A far smaller proportion than today will be asked to submit to additional screening prior to boarding. And a very small fraction of passengers may be identified as possible terrorists or the associates of known terrorists - in such cases, the appropriate law enforcement authorities in the European Union or the United States would be notified. CAPPS II most significantly contribution will be its ability to authenticate identity. We expect that there will be a very substantial reduction in the number of people who are misidentified as potential threats.

CAPS II will also include a comprehensive redress process for passengers. TSA will appoint a Passenger Advocate to work with our current Ombudsman program, to handle any inquiries or complaints raised by passengers with regard to the CAPPS II system. Where a passenger - of any nationality - believes that he or she is being improperly singled out for heightened scrutiny, this will be the place for this passenger to turn to have his or her concerns addressed. This is more than a matter of fairness - because CAPPS II is also a resource allocation tool, it is in TSA's interest to know where we are making mistakes. The Passenger Advocate

will thus not only promote fairness and privacy and passenger confidence, but system effectiveness and efficiency. As Ms. Kelly will explain in a moment, she, as the Chief Privacy Officer of the Department of Homeland Security, will oversee TSA's actions and provide a further avenue of redress.

We are confident that the CAPPS II system will enable TSA to enhance aviation security, protect civil aviation assets and infrastructure, and most importantly protect the safety of all passengers while providing solid guarantees of privacy protection.

CAPPS II, however, has a purpose beyond the simple screening of passengers. It is intended to restore the public's confidence in the aviation system. If passengers do not feel that they can fly safely, or that the personal information they provide to the airlines is not adequately protected, they will be less inclined to fly. We will have failed and the terrorists will have secured a victory based on fear.

Thank you again for this opportunity to explain the CAPPS II program and I look forward to answer any questions you may have.