

111TH CONGRESS
2D SESSION

H. R. 5221

To amend title 49, United States Code, to require air carriers and foreign air carriers to transmit a passenger and crew manifest for a flight in foreign air transportation to or from the United States to the Commissioner of U.S. Customs and Border Protection at least 24 hours before the departure of the flight, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2010

Mrs. LOWEY introduced the following bill; which was referred to the
Committee on Homeland Security

A BILL

To amend title 49, United States Code, to require air carriers and foreign air carriers to transmit a passenger and crew manifest for a flight in foreign air transportation to or from the United States to the Commissioner of U.S. Customs and Border Protection at least 24 hours before the departure of the flight, 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. PASSENGER MANIFESTS.**

4 (a) IN GENERAL.—Section 44909(c) of title 49,
5 United States Code, is amended—

1 (1) in the subsection heading by striking “TO
2 THE UNITED STATES” and inserting “TO OR FROM
3 THE UNITED STATES”;

4 (2) in paragraph (1) by striking “to the United
5 States” and inserting “to or from the United
6 States”;

7 (3) in paragraph (4)—

8 (A) by striking “paragraphs (5) and (6)”
9 and inserting “paragraphs (5), (6), and (7)”;
10 and

11 (B) by striking “in advance of the aircraft
12 landing in the United States” and inserting “in
13 advance of the departure of the aircraft to or
14 from the United States”; and

15 (4) by adding at the end the following:

16 “(7) DEADLINE FOR TRANSMISSION OF MANI-
17 FEST.—

18 “(A) IN GENERAL.—An air carrier or for-
19 eign air carrier required to transmit a pas-
20 senger and crew manifest for a flight to the
21 Commissioner of U.S. Customs and Border
22 Protection under paragraph (1) shall transmit
23 the manifest at least 24 hours before the depar-
24 ture of the flight.

1 “(B) TICKETING AND CREW ASSIGNMENTS
2 FOLLOWING TRANSMISSION OF MANIFEST.—If,
3 after an air carrier or foreign air carrier trans-
4 mits a passenger and crew manifest for a flight
5 under subparagraph (A), a passenger purchases
6 or otherwise acquires a ticket for the flight or
7 a crewmember is assigned to the flight, the air
8 carrier or foreign air carrier shall transmit to
9 the Commissioner of U.S. Customs and Border
10 Protection, immediately following the purchase,
11 acquisition, or assignment, a supplement to the
12 manifest under paragraph (1) that contains the
13 information described in paragraph (2) con-
14 cerning the passenger or crewmember.

15 “(C) SPECIAL PROCEDURES FOR LATE
16 TICKETING AND CREW ASSIGNMENTS.—An air
17 carrier or foreign air carrier may permit a pas-
18 senger to purchase or otherwise acquire a ticket
19 for a flight described in paragraph (1), or may
20 assign a crewmember to the flight, within the 2-
21 hour period preceding the departure of the
22 flight, only if the Secretary of Homeland Secu-
23 rity issues procedures permitting such ticketing
24 and assignments. The procedures shall ensure
25 that the information described in paragraph (2)

1 concerning the passenger or crewmember is
2 transmitted to the Commissioner of U.S. Cus-
3 toms and Border Protection immediately fol-
4 lowing the purchase, acquisition, or assignment
5 in such manner and form as the Commissioner
6 prescribes.

7 “(8) COMPARISON OF MANIFEST INFORMATION
8 TO NO FLY LIST.—The Secretary of Homeland Secu-
9 rity shall require an air carrier or foreign air carrier
10 that transmits a passenger and crew manifest for a
11 flight under this subsection to conduct a final com-
12 parison of the passenger information on the manifest
13 to the no fly list of the Transportation Security Ad-
14 ministration within 60 minutes of the departure of
15 the flight.”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to air carriers and foreign air car-
18 riers beginning on the date of enactment of this Act.

19 (c) TECHNICAL AMENDMENTS.—Section 44909 of
20 such title is amended—

21 (1) by striking “Secretary of Transportation”
22 each place it appears and inserting “Secretary of
23 Homeland Security”;

1 (2) by striking “Commissioner of Customs”
2 each place it appears and inserting “Commissioner
3 of U.S. Customs and Border Protection”;

4 (3) by striking “Under Secretary” each place it
5 appears and inserting “Assistant Secretary of
6 Homeland Security (Transportation Security Admin-
7 istration)”; and

8 (4) by striking “Customs Service” each place it
9 appears and inserting “U.S. Customs and Border
10 Protection”.

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