

108TH CONGRESS  
2D SESSION

# H. R. 4914

To amend title 49, United States Code, to clarify the importance of utilizing existing, as well as emerging, biometric technology to improve aviation security, including airport perimeter access security.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. MICA (for himself, Mr. DEFAZIO, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. HOLDEN, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. EHLERS, Mr. PEARCE, Mr. BAKER, Mr. SHUSTER, Ms. NORTON, Mr. MORAN of Kansas, Mr. MATHESON, Mr. DUNCAN, Mr. RAHALL, Mr. CAPUANO, Mr. LOBIONDO, Mr. CHOCOLA, Mr. PASCRELL, Mr. ISAKSON, Mr. BEAUPREZ, Mr. HAYES, Mr. KENNEDY of Minnesota, Mr. BACHUS, Mr. DOOLITTLE, Mr. REHBERG, Mr. GRAVES, Mr. BOOZMAN, Mr. GERLACH, and Mr. MARIO DIAZ-BALART of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to clarify the importance of utilizing existing, as well as emerging, biometric technology to improve aviation security, including airport perimeter access security.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Aviation Biometric  
3 Technology Utilization Act”.

4 **SEC. 2. USE OF BIOMETRIC TECHNOLOGY.**

5 Section 44903(h) of title 49, United States Code, is  
6 amended—

7 (1) in paragraph (4)(E) by striking “may pro-  
8 vide for” and inserting “shall issue, not later than  
9 4 months after the date of enactment of the Aviation  
10 Biometric Technology Utilization Act, guidance for”;  
11 and

12 (2) by adding at the end the following:

13 “(5) USE OF BIOMETRIC TECHNOLOGY IN AIR-  
14 PORT ACCESS CONTROL SYSTEMS.—In issuing guid-  
15 ance under paragraph (4)(E), the Under Secretary,  
16 in consultation with representatives of the aviation  
17 industry, shall establish at a minimum—

18 “(A) comprehensive technical and oper-  
19 ational system requirements and performance  
20 standards for the use of biometrics in airport  
21 access control systems (including airport perim-  
22 eter access control systems) to ensure that the  
23 biometric systems are effective, reliable, and se-  
24 cure;

25 “(B) procedures for implementing biomet-  
26 ric systems—

1 “(i) to ensure that individuals do not  
2 use an assumed identity to enroll in a bio-  
3 metric system; and

4 “(ii) to resolve failures to enroll, false  
5 matches, and false non-matches; and

6 “(C) best practices for incorporating bio-  
7 metric technology into airport access control  
8 systems in the most effective manner, including  
9 a process to best utilize existing airport access  
10 control systems, facilities, and equipment and  
11 existing data networks connecting airports.

12 “(6) USE OF BIOMETRIC TECHNOLOGY FOR  
13 LAW ENFORCEMENT OFFICER TRAVEL.—

14 “(A) IN GENERAL.—Not later than De-  
15 cember 31, 2004, the Under Secretary shall—

16 “(i) establish a law enforcement offi-  
17 cer travel credential that incorporates bio-  
18 metrics and is uniform across all Federal,  
19 State, and local government law enforce-  
20 ment agencies;

21 “(ii) establish a process by which the  
22 travel credential will be used to verify the  
23 identity of a Federal, State, or local gov-  
24 ernment law enforcement officer seeking to  
25 carry a weapon on board an aircraft, with-

1 out unnecessarily disclosing to the public  
2 that the individual is a law enforcement of-  
3 ficer;

4 “(iii) establish procedures—

5 “(I) to ensure that only Federal,  
6 State, and local government law en-  
7 forcement officers are issued the trav-  
8 el credential;

9 “(II) to resolve failures to enroll,  
10 false matches, and false non-matches  
11 relating to use of the travel credential;  
12 and

13 “(III) to invalidate any travel  
14 credential that is lost, stolen, or no  
15 longer authorized for use;

16 “(iv) begin issuance of the travel cre-  
17 dential to each Federal, State, and local  
18 government law enforcement officer au-  
19 thorized by the Under Secretary to carry a  
20 weapon on board an aircraft; and

21 “(v) take such other actions with re-  
22 spect to the travel credential as the Sec-  
23 retary considers appropriate.

1           “(B) FUNDING.—There is authorized to be  
2           appropriated such sums as may be necessary to  
3           carry out this paragraph.

4           “(7) DEFINITIONS.—In this subsection, the fol-  
5           lowing definitions apply:

6           “(A) BIOMETRIC INFORMATION.—The  
7           term ‘biometric information’ means the distinct  
8           physical or behavioral characteristics that are  
9           used for identification, or verification of the  
10          identity, of an individual.

11          “(B) BIOMETRICS.—The term ‘biometrics’  
12          means a technology that enables the automated  
13          identification, or verification of the identity, of  
14          an individual based on biometric information.

15          “(C) FAILURE TO ENROLL.—The term  
16          ‘failure to enroll’ means the inability of an indi-  
17          vidual to enroll in a biometric system due to an  
18          insufficiently distinctive biometric sample, the  
19          lack of a body part necessary to provide the bio-  
20          metric sample, a system design that makes it  
21          difficult to provide consistent biometric infor-  
22          mation, or other factors.

23          “(D) FALSE MATCH.—The term ‘false  
24          match’ means the incorrect matching of one in-  
25          dividual’s biometric information to another indi-

1           vidual’s biometric information by a biometric  
2           system.

3           “(E) FALSE NON-MATCH.—The term ‘false  
4           non-match’ means the rejection of a valid iden-  
5           tity by a biometric system.

6           “(F) SECURE AREA OF AN AIRPORT.—The  
7           term ‘secure area of an airport’ means the ster-  
8           ile area and the Secure Identification Display  
9           Area of an airport, as such terms are defined  
10          in section 1540.5 of title 49, Code of Federal  
11          Regulations.”.

12 **SEC. 3. FUNDING FOR USE OF BIOMETRIC TECHNOLOGY IN**  
13 **AIRPORT ACCESS CONTROL SYSTEMS.**

14          (a) GRANT AUTHORITY.—Section 44923(a)(4) of  
15 title 49, United States Code, is amended—

16           (1) by striking “and” at the end of paragraph  
17           (3);

18           (2) by redesignating paragraph (4) as para-  
19           graph (5); and

20           (3) by inserting after paragraph (3) the fol-  
21           lowing:

22           “(4) for projects to implement biometric tech-  
23           nologies in accordance with guidance issued under  
24           section 44903(h)(4)(E); and”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 44923(i)(1) of such title is amended by striking  
3 “\$250,000,000 for each of fiscal years 2004 through  
4 2007” and inserting “\$250,000,000 for fiscal year 2004,  
5 \$345,000,000 for fiscal year 2005, and \$250,000,000 for  
6 each of fiscal years 2006 and 2007”.

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