

# United States Senate

WASHINGTON, DC 20510

May 29, 2005

Hon. Michael Chertoff  
Secretary  
Department of Homeland Security  
Nebraska Avenue Complex  
3801 Nebraska Avenue, NW  
Washington DC, 20528

Dear Secretary Chertoff,

I write today to express my deep concern regarding the Department of Homeland Security's requirement that airlines submit their international flight manifest after a flight departs rather than before it takes off. As you are probably aware, DHS has exceeded a Congressionally mandated timeline to propose a rule requiring airlines to submit to DHS the passenger list before take-off. I urge you to propose and implement a final requirement as soon as possible. I realize and appreciate your efforts to reform DHS and congratulate you on your progress so far, but in light of recent incidents, feel this hole in our nation's aviation security system requires your attention.

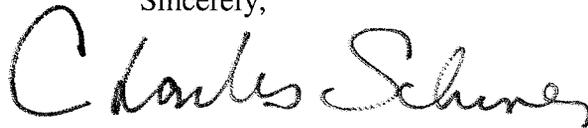
Over the past months, the Federal Aviation Administration and DHS have diverted several flights after a name on the passenger manifest matched a name on the Consolidated Terrorist Watch List. Thankfully, none of the passengers who raised a red flag were a threat to the aircraft or civilians on the ground and the flights landed without incident. However, the fact that the flights were already in-transit when the watch-list match occurred exposes an opportunity for an actual terrorist to take control of a flight before he or she is detected as a potential threat. I strongly believe the practice of airlines transmitting to DHS an international flight's manifest after a flight leaves its origin leaves passengers and our homeland open to another attack.

Current law requires airlines to transmit their international flight manifests within 15 minutes of take off. Recognizing the potential for terrorist exploitation, Congress, in December 2004, passed in to law a requirement that DHS offer within 60 days of passage a Notice of Proposed Rule Making mandating airlines transmit their international flight manifests before an international flight takes off. This would allow Customs and Border Protection enough time to check passenger information in order to stop a terrorist from even boarding the plane. However, 60 days has come and gone.

While I understand and applaud your swift and comprehensive actions to reform DHS and the breadth of security concerns that fall to you, I am very concerned both that international manifests are checked only after a flight takes off and that DHS has exceeded this deadline.

I respectfully ask that you ensure that a new rule is devised, submitted, and implemented with all due speed. We cannot afford to wait any longer.

Sincerely,

A handwritten signature in black ink that reads "Charles E. Schumer". The signature is written in a cursive style with a large initial "C".

Charles E. Schumer  
US Senator