

TITLE 49 - TRANSPORTATION
SUBTITLE VII - AVIATION PROGRAMS
PART A - AIR COMMERCE AND SAFETY
subpart iii - safety
CHAPTER 449 - SECURITY
SUBCHAPTER I - REQUIREMENTS

§ 44909. Passenger manifests

(a) Air Carrier Requirements.—

(1) Not later than March 16, 1991, the Secretary of Transportation shall require each air carrier to provide a passenger manifest for a flight to an appropriate representative of the Secretary of State—

(A) not later than one hour after that carrier is notified of an aviation disaster outside the United States involving that flight; or

(B) if it is not technologically feasible or reasonable to comply with clause (A) of this paragraph, then as expeditiously as possible, but not later than 3 hours after the carrier is so notified.

(2) The passenger manifest should include the following information:

(A) the full name of each passenger.

(B) the passport number of each passenger, if required for travel.

(C) the name and telephone number of a contact for each passenger.

(3) In carrying out this subsection, the Secretary of Transportation shall consider the necessity and feasibility of requiring air carriers to collect passenger manifest information as a condition for passengers boarding a flight of the carrier.

(b) Foreign Air Carrier Requirements.— The Secretary of Transportation shall consider imposing a requirement on foreign air carriers comparable to that imposed on air carriers under subsection (a)(1) and (2) of this section.

(c) Flights in Foreign Air Transportation to the United States.—

(1) **In general.—** Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to the Commissioner of Customs by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2). Carriers may use the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) to provide the information required by the preceding sentence.

(2) **Information.—** A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

(A) The full name of each passenger and crew member.

(B) The date of birth and citizenship of each passenger and crew member.

(C) The sex of each passenger and crew member.

(D) The passport number and country of issuance of each passenger and crew member if required for travel.

(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

(F) Such other information as the Under Secretary, in consultation with the Commissioner of Customs, determines is reasonably necessary to ensure aviation safety.

(3) **Passenger name records.—** The carriers shall make passenger name record information available to the Customs Service upon request.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 2, 2006 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

(4) Transmission of manifest.— Subject to paragraphs (5) and (6), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Customs Service in advance of the aircraft landing in the United States in such manner, time, and form as the Customs Service prescribes.

(5) Transmission of manifests to other federal agencies.— Upon request, information provided to the Under Secretary or the Customs Service under this subsection may be shared with other Federal agencies for the purpose of protecting national security.

(6) Prescreening international passengers.—

(A) In general.— Not later than 60 days after date of enactment of this paragraph, the Secretary of Homeland Security, or the designee of the Secretary, shall issue a notice of proposed rulemaking that will allow the Department of Homeland Security to compare passenger information for any international flight to or from the United States against the consolidated and integrated terrorist watchlist maintained by the Federal Government before departure of the flight.

(B) Appeal procedures.—

(i) In general.— The Secretary of Homeland Security shall establish a timely and fair process for individuals identified as a threat under subparagraph (A) to appeal to the Department of Homeland Security the determination and correct any erroneous information.

(ii) Records.— The process shall include the establishment of a method by which the Secretary will be able to maintain a record of air passengers and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers and other individuals, the Department of Homeland Security record shall contain information determined by the Secretary to authenticate the identity of such a passenger or individual.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1211; Pub. L. 106–181, title VII, § 718, Apr. 5, 2000, 114 Stat. 163; Pub. L. 107–71, title I, § 115, Nov. 19, 2001, 115 Stat. 623; Pub. L. 108–458, title IV, § 4012(a)(2), Dec. 17, 2004, 118 Stat. 3717.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44909(a)(1)		
49 App.:1380(a).		
	Aug. 23, 1958, Pub. L. 85–726, § 410, 72 Stat. 769; Oct. 15, 1962, Pub. L. 87–820, § 8, 76 Stat. 936; restated Nov. 16, 1990, Pub. L. 101–604, § 203(a), 104 Stat. 3082.	
44909(a)(2)		
49 App.:1380(b).		
44909(a)(3)		
49 App.:1380 (note).		
	Nov. 16, 1990, Pub. L. 101–604, § 203(b), 104 Stat. 3082.	
44909(b)		
49 App.:1380 (note).		
	Nov. 16, 1990, Pub. L. 101–604, § 203(c), 104 Stat. 3083.	

In subsection (a)(1), before clause (A), the words “each air carrier” are substituted “all United States air carriers” because of the definition of “air carrier” in section 40102(a) of the revised title. The words “an appropriate representative of the Secretary of State” are substituted for “appropriate representatives of the United States Department of State” because of 22:2651 and for consistency in the revised title and with

other titles of the United States Code. In clause (B), the words “to comply with clause (A) of this paragraph” are substituted for “to fulfill the requirement of this subsection” for consistency in the revised title and with other titles of the Code.

In subsection (a)(2), before clause (B), the words “For purposes of this section” are omitted as unnecessary.

In subsection (a)(3), the words “In carrying out this subsection” are substituted for “In implementing the requirement pursuant to the amendment made by subsection (a) of this section” for clarity and to eliminate unnecessary words.

In subsection (b), the word “imposing” is added for clarity. The words “imposed on air carriers under subsection (a)(1) and (2) of this section” are substituted for “imposed pursuant to the amendment made by subsection (a)” for clarity and because of the restatement.

References in Text

The date of enactment of the Aviation and Transportation Security Act, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 107–71, which was approved Nov. 19, 2001.

The date of enactment of this paragraph, referred to in subsec. (c)(6)(A), is the date of enactment of Pub. L. 108–458, which was approved Dec. 17, 2004.

Amendments

2004—Subsec. (c)(4). Pub. L. 108–458, § 4012(a)(2)(A), substituted “paragraphs (5) and (6),” for “paragraph (5).”

Subsec. (c)(6). Pub. L. 108–458, § 4012(a)(2)(B), added par. (6).

2001—Subsec. (c). Pub. L. 107–71 which directed the addition of subsec. (c) to section 44909, without specifying the Code title to be amended, was executed by making the addition to this section, to reflect the probable intent of Congress.

2000—Subsec. (a)(2). Pub. L. 106–181 substituted “should” for “shall” in introductory provisions.

Effective Date of 2000 Amendment

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as a note under section 106 of this title.

Transfer of Functions

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203 (2), 551 (d), 552 (d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203 (1), 551 (d), 552 (d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.