

(i) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated such sums as may be necessary for fiscal year 2005 and each fiscal year thereafter for the implementation, maintenance, and operation of the database required by subsection (e).*

TITLE IV—TRANSPORTATION SECURITY

Subtitle A—National Strategy for Transportation Security

SEC. 4001. NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) *IN GENERAL.*—*Section 114 of title 49, United States Code, is amended by adding at the end the following:*

“(t) *TRANSPORTATION SECURITY STRATEGIC PLANNING.*—

“(1) *IN GENERAL.*—*The Secretary of Homeland Security shall develop, prepare, implement, and update, as needed—*

“(A) *a National Strategy for Transportation Security;*

and

“(B) *transportation modal security plans.*

“(2) *ROLE OF SECRETARY OF TRANSPORTATION.*—*The Secretary of Homeland Security shall work jointly with the Secretary of Transportation in developing, revising, and updating the documents required by paragraph (1).*

“(3) *CONTENTS OF NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.*—*The National Strategy for Transportation Security shall include the following:*

“(A) *An identification and evaluation of the transportation assets in the United States that, in the interests of national security and commerce, must be protected from attack or disruption by terrorist or other hostile forces, including modal security plans for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets that could be at risk of such an attack or disruption.*

“(B) *The development of risk-based priorities across all transportation modes and realistic deadlines for addressing security needs associated with those assets referred to in subparagraph (A).*

“(C) *The most appropriate, practical, and cost-effective means of defending those assets against threats to their security.*

“(D) *A forward-looking strategic plan that sets forth the agreed upon roles and missions of Federal, state, regional, and local authorities and establishes mechanisms for encouraging private sector cooperation and participation in the implementation of such plan.*

“(E) *A comprehensive delineation of response and recovery responsibilities and issues regarding threatened and executed acts of terrorism within the United States.*

“(F) *A prioritization of research and development objectives that support transportation security needs, giving a higher priority to research and development directed toward protecting vital transportation assets.*

“(4) *SUBMISSIONS OF PLANS TO CONGRESS.*—

“(A) *INITIAL STRATEGY.*—The Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including the transportation modal security plans, developed under this subsection to the appropriate congressional committees not later than April 1, 2005.

“(B) *SUBSEQUENT VERSIONS.*—After December 31, 2005, the Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including the transportation modal security plans and any revisions to the National Strategy for Transportation Security and the transportation modal security plans, to appropriate congressional committees not less frequently than April 1 of each even-numbered year.

“(C) *PERIODIC PROGRESS REPORT.*—

“(i) *REQUIREMENT FOR REPORT.*—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary of Homeland Security shall submit to the appropriate congressional committees an assessment of the progress made on implementing the National Strategy for Transportation Security.

“(ii) *CONTENT.*—Each progress report under this subparagraph shall include, at a minimum, recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal security plans that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

“(D) *CLASSIFIED MATERIAL.*—Any part of the National Strategy for Transportation Security or the transportation modal security plans that involve information that is properly classified under criteria established by Executive order shall be submitted to the appropriate congressional committees separately in a classified format.

“(E) *APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.*—In this subsection, the term “appropriate congressional committees” means the Committee on Transportation and Infrastructure and the Select Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(5) *PRIORITY STATUS.*—

“(A) *IN GENERAL.*—The National Strategy for Transportation Security shall be the governing document for Federal transportation security efforts.

“(B) *OTHER PLANS AND REPORTS.*—The National Strategy for Transportation Security shall include, as an integral part or as an appendix—

“(i) the current National Maritime Transportation Security Plan under section 70103 of title 46;

“(ii) the report required by section 44938 of this title;

“(iii) transportation modal security plans required under this section; and

“(iv) any other transportation security plan or report that the Secretary of Homeland Security determines appropriate for inclusion.”.

(b) AVIATION SECURITY PLANNING; OPERATIONAL CRITERIA.—Section 44904 of title 49, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

“(c) MODAL SECURITY PLAN FOR AVIATION.—In addition to the requirements set forth in subparagraphs (B) through (F) of section 114(t)(3), the modal security plan for aviation prepared under section 114(t) shall—

“(1) establish a damage mitigation and recovery plan for the aviation system in the event of a terrorist attack; and

“(2) include a threat matrix document that outlines each threat to the United States civil aviation system and the corresponding layers of security in place to address such threat.

“(d) OPERATIONAL CRITERIA.—Not later than 90 days after the date of the submission of the National Strategy for Transportation Security under section 114(t)(4)(A), the Assistant Secretary of Homeland Security (Transportation Security Administration) shall issue operational criteria to protect airport infrastructure and operations against the threats identified in the plans prepared under section 114(t)(1) and shall approve best practices guidelines for airport assets.”.

Subtitle B—Aviation Security

SEC. 4011. PROVISION FOR THE USE OF BIOMETRIC OR OTHER TECHNOLOGY.

(a) USE OF BIOMETRIC IDENTIFIER TECHNOLOGY.—Section 44903(h) of title 49, United States Code, is amended—

(1) in paragraph (4)(E) by striking “may provide for” and inserting “shall issue, not later than March 31, 2005, guidance for”; and

(2) by adding at the end the following:

“(5) USE OF BIOMETRIC TECHNOLOGY IN AIRPORT ACCESS CONTROL SYSTEMS.—In issuing guidance under paragraph (4)(E), the Assistant Secretary of Homeland Security (Transportation Security Administration) in consultation with representatives of the aviation industry, the biometric identifier industry, and the National Institute of Standards and Technology, shall establish, at a minimum—

“(A) comprehensive technical and operational system requirements and performance standards for the use of biometric identifier technology in airport access control systems (including airport perimeter access control systems) to ensure that the biometric identifier systems are effective, reliable, and secure;

“(B) a list of products and vendors that meet the requirements and standards set forth in subparagraph (A);

“(C) procedures for implementing biometric identifier systems—

“(i) to ensure that individuals do not use an assumed identity to enroll in a biometric identifier system; and

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

“(D) best practices for incorporating biometric identifier technology into airport access control systems in the most effective manner, including a process to best utilize existing airport access control systems, facilities, and equipment and existing data networks connecting airports.

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

“(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Assistant Secretary, in consultation with the Attorney General, shall—

“(i) establish a law enforcement officer travel credential that incorporates biometric identifier technology and is uniform across all Federal, State, local, tribal, and territorial government law enforcement agencies;

“(ii) establish a process by which the travel credential will be used to verify the identity of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer;

“(iii) establish procedures—

“(I) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers are issued a law enforcement travel credential;

“(II) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential; and

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

“(iv) begin issuance of the travel credential to each Federal, State, local, tribal, or territorial government law enforcement officer authorized by the Assistant Secretary to carry a weapon on board an aircraft; and

“(v) take such other actions with respect to the travel credential as the Assistant Secretary considers appropriate.

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

“(7) DEFINITIONS.—In this subsection, the following definitions apply:

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

“(B) BIOMETRIC IDENTIFIER.—The term ‘biometric identifier’ means a technology that enables the automated iden-

tification, or verification of the identity, of an individual based on biometric information.

“(C) **FAILURE TO ENROLL.**—The term ‘failure to enroll’ means the inability of an individual to enroll in a biometric identifier system due to an insufficiently distinctive biometric sample, the lack of a body part necessary to provide the biometric sample, a system design that makes it difficult to provide consistent biometric identifier information, or other factors.

“(D) **FALSE MATCH.**—The term ‘false match’ means the incorrect matching of one individual’s biometric identifier information to another individual’s biometric identifier information by a biometric identifier system.

“(E) **FALSE NON-MATCH.**—The term ‘false non-match’ means the rejection of a valid identity by a biometric identifier system.

“(F) **SECURE AREA OF AN AIRPORT.**—The term ‘secure area of an airport’ means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).”.

(b) **AVIATION SECURITY RESEARCH AND DEVELOPMENT.**—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$20,000,000, in addition to any amounts otherwise authorized by law, for research and development of advanced biometric technology applications to aviation security, including mass identification technology.

(c) **SENSE OF CONGRESS ON TRANSFER OF TECHNOLOGY.**—It is the sense of Congress that the national intelligence community and the Department of Homeland Security should share information on and technological advancements to biometric systems, biometric technology, and biometric identifier systems obtained through research and development programs conducted by various Federal agencies.

(d) **BIOMETRIC CENTER OF EXCELLENCE.**—There is authorized to be appropriated \$1,000,000, in addition to any amounts otherwise authorized by law, for the establishment of a competitive center of excellence that will develop and expedite the Federal Government’s use of biometric identifiers.

SEC. 4012. ADVANCED AIRLINE PASSENGER PRESCREENING.

(a) **IN GENERAL.**—

(1) **DOMESTIC FLIGHTS.**—Section 44903(j)(2) of title 49, United States Code, is amended by adding at the end the following:

“(C) **ADVANCED AIRLINE PASSENGER PRESCREENING.**—

“(i) **COMMENCEMENT OF TESTING.**—Not later than January 1, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration), or the designee of the Assistant Secretary, shall commence testing of an advanced passenger prescreening system that will allow the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Assistant Secretary, to the automatic selectee and no fly lists, utilizing all appro-

appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

“(ii) ASSUMPTION OF FUNCTION.—Not later than 180 days after completion of testing under clause (i), the Assistant Secretary, or the designee of the Assistant Secretary, shall begin to assume the performance of the passenger prescreening function of comparing passenger information to the automatic selectee and no fly lists and utilize all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government in performing that function.

“(iii) REQUIREMENTS.—In assuming performance of the function under clause (ii), the Assistant Secretary shall—

“(I) establish a procedure to enable airline passengers, who are delayed or prohibited from boarding a flight because the advanced passenger prescreening system determined that they might pose a security threat, to appeal such determination and correct information contained in the system;

“(II) ensure that Federal Government databases that will be used to establish the identity of a passenger under the system will not produce a large number of false positives;

“(III) establish an internal oversight board to oversee and monitor the manner in which the system is being implemented;

“(IV) establish sufficient operational safeguards to reduce the opportunities for abuse;

“(V) implement substantial security measures to protect the system from unauthorized access;

“(VI) adopt policies establishing effective oversight of the use and operation of the system; and

“(VII) ensure that there are no specific privacy concerns with the technological architecture of the system.

“(iv) PASSENGER INFORMATION.—Not later than 180 days after the completion of the testing of the advanced passenger prescreening system, the Assistant Secretary, by order or interim final rule—

“(I) shall require air carriers to supply to the Assistant Secretary the passenger information needed to begin implementing the advanced passenger prescreening system; and

“(II) shall require entities that provide systems and services to air carriers in the operation of air carrier reservations systems to provide to air carriers passenger information in possession of such entities, but only to the extent necessary to comply with subclause (I).

“(D) SCREENING OF EMPLOYEES AGAINST WATCHLIST.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in coordination with the

Secretary of Transportation and the Administrator of the Federal Aviation Administration, shall ensure that individuals are screened against all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government before—

“(i) being certificated by the Federal Aviation Administration;

“(ii) being granted unescorted access to the secure area of an airport; or

“(iii) being granted unescorted access to the air operations area (as defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section) of an airport.

“(E) AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING.—

“(i) IN GENERAL.—Not later than 90 days after the date on which the Assistant Secretary assumes the performance of the advanced passenger prescreening function under subparagraph (C)(ii), the Assistant Secretary shall establish a process by which operators of aircraft to be used in charter air transportation with a maximum takeoff weight greater than 12,500 pounds and lessors of aircraft with a maximum takeoff weight greater than 12,500 pounds may—

“(I) request the Department of Homeland Security to use the advanced passenger prescreening system to compare information about any individual seeking to charter an aircraft with a maximum takeoff weight greater than 12,500 pounds, any passenger proposed to be transported aboard such aircraft, and any individual seeking to lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government; and

“(II) refuse to charter or lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to or transport aboard such aircraft any persons identified on such watch list.

“(ii) REQUIREMENTS.—The requirements of subparagraph (C)(iii) shall apply to this subparagraph.

“(iii) NO FLY AND AUTOMATIC SELECTEE LISTS.—The Secretary of Homeland Security, in consultation with the Terrorist Screening Center, shall design and review, as necessary, guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the no fly and automatic selectee lists.

“(F) APPLICABILITY.—Section 607 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44903 note; 117 Stat. 2568) shall not apply to the advanced passenger prescreening system established under subparagraph (C).

“(G) APPEAL PROCEDURES.—

“(i) *IN GENERAL.*—The Assistant Secretary shall establish a timely and fair process for individuals identified as a threat under one or more of subparagraphs (C), (D), and (E) to appeal to the Transportation Security Administration the determination and correct any erroneous information.

“(ii) *RECORDS.*—The process shall include the establishment of a method by which the Assistant 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 Transportation Security Administration record shall contain information determined by the Assistant Secretary to authenticate the identity of such a passenger or individual.

“(H) *DEFINITION.*—In this paragraph, the term ‘secure area of an airport’ means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).”

(2) *INTERNATIONAL FLIGHTS.*—Section 44909(c) of title 49, United States Code, is amended—

(i) by striking “paragraph (5),” in paragraph (4) and inserting “paragraphs (5) and (6),”; and

(ii) by adding at the end the following:

“(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.”

(b) *REPORT ON EFFECTS ON PRIVACY AND CIVIL LIBERTIES.*—

(1) *REQUIREMENT FOR REPORT.*—Not later than 180 days after the date of the enactment of this Act, the Security Privacy

Officer of the Department of Homeland Security shall submit a report assessing the impact of the automatic selectee and no fly lists on privacy and civil liberties to the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on the Judiciary, the Committee on Government Reform, the Committee on Transportation and Infrastructure, and the Select Committee on Homeland Security of the House of Representatives.

(2) *CONTENT.*—The report submitted under paragraph (1) shall include—

(A) *any recommendations for practices, procedures, regulations, or legislation that the Security Privacy Officer considers necessary to minimize adverse effects of automatic selectee and no fly lists on privacy, discrimination, due process, and other civil liberties;*

(B) *a discussion of the implications of applying those lists to other modes of transportation; and*

(C) *the effect that implementation of the recommendations would have on the effectiveness of the use of such lists to protect the United States against terrorist attacks.*

(3) *FORM.*—To the greatest extent consistent with the protection of law enforcement-sensitive information and classified information, and the administration of applicable law, the report shall be submitted in unclassified form and shall be available to the public. The report may contain a classified annex if necessary.

(c) *REPORT ON CRITERIA FOR CONSOLIDATED TERRORIST WATCH LIST.*—

(1) *IN GENERAL.*—Within 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Secretary of State, and the Attorney General, shall submit to Congress a report on the Terrorist Screening Center consolidated screening watch list.

(2) *CONTENTS.*—The report shall include—

(A) *the criteria for placing the name of an individual on the watch list;*

(B) *the minimum standards for reliability and accuracy of identifying information;*

(C) *the degree of information certainty and the range of threat levels that are to be identified for an individual; and*

(D) *the range of applicable consequences that are to apply to an individual, if located.*

(3) *FORM.*—To the greatest extent consistent with the protection of law enforcement-sensitive information and classified information and the administration of applicable law, the report shall be submitted in unclassified form and shall be available to the public. The report may contain a classified annex if necessary.

SEC. 4013. DEPLOYMENT AND USE OF DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.

(a) *IN GENERAL.*—Subchapter I of chapter 449, of title 49, United States Code, is amended by adding at the end the following:

“§ 44925. Deployment and use of detection equipment at airport screening checkpoints.

“(a) *WEAPONS AND EXPLOSIVES.*—The Secretary of Homeland Security shall give a high priority to developing, testing, improving, and deploying, at airport screening checkpoints, equipment that detects nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property. The Secretary shall ensure that the equipment alone, or as part of an integrated system, can detect under realistic operating conditions the types of weapons and explosives that terrorists would likely try to smuggle aboard an air carrier aircraft.

“(b) *STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.*—

“(1) *IN GENERAL.*—Not later than 90 days after the date of enactment of this section, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a strategic plan to promote the optimal utilization and deployment of explosive detection equipment at airports to screen individuals and their personal property. Such equipment includes walk-through explosive detection portals, document scanners, shoe scanners, and backscatter x-ray scanners. The plan may be submitted in a classified format.

“(2) *CONTENT.*—The strategic plan shall include, at minimum—

“(A) a description of current efforts to detect explosives in all forms on individuals and in their personal property;

“(B) a description of the operational applications of explosive detection equipment at airport screening checkpoints;

“(C) a deployment schedule and a description of the quantities of equipment needed to implement the plan;

“(D) a description of funding needs to implement the plan, including a financing plan that provides for leveraging of non-Federal funding;

“(E) a description of the measures taken and anticipated to be taken in carrying out subsection (d); and

“(F) a description of any recommended legislative actions.

“(c) *PORTAL DETECTION SYSTEMS.*—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$250,000,000, in addition to any amounts otherwise authorized by law, for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

“(d) *INTERIM ACTION.*—Until measures are implemented that enable the screening of all passengers for explosives, the Assistant Secretary shall provide, by such means as the Assistant Secretary considers appropriate, explosives detection screening for all passengers identified for additional screening and their personal property that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.”.

(b) *CONFORMING AMENDMENT.*—The analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44924 the following:

“44925. Deployment and use of detection equipment at airport screening checkpoints.”.

SEC. 4014. ADVANCED AIRPORT CHECKPOINT SCREENING DEVICES.

(a) *ADVANCED INTEGRATED AIRPORT CHECKPOINT SCREENING SYSTEM PILOT PROGRAM.*—Not later than March 31, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop and initiate a pilot program to deploy and test advanced airport checkpoint screening devices and technology as an integrated system at not less than 5 airports in the United States.

(b) *FUNDING.*—Of the amounts appropriated pursuant to section 48301(a) of title 49, United States Code, for each of fiscal years 2005 and 2006, not more than \$150,000,000 shall be available to carry out subsection (a).

SEC. 4015. IMPROVEMENT OF SCREENER JOB PERFORMANCE.

(a) *REQUIRED ACTION.*—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to improve the job performance of airport screening personnel.

(b) *HUMAN FACTORS STUDY.*—In carrying out this section, the Assistant Secretary shall provide, not later than 180 days after the date of the enactment of this Act, to the appropriate congressional committees a report on the results of any human factors study conducted by the Department of Homeland Security to better understand problems in screener performance and to improve screener performance.

SEC. 4016. FEDERAL AIR MARSHALS.

(a) *FEDERAL AIR MARSHAL ANONYMITY.*—The Director of the Federal Air Marshal Service of the Department of Homeland Security shall continue operational initiatives to protect the anonymity of Federal air marshals.

(b) *AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement, in addition to any amounts otherwise authorized by law, for the deployment of Federal air marshals under section 44917 of title 49, United States Code, \$83,000,000 for the 3 fiscal-year period beginning with fiscal year 2005. Such sums shall remain available until expended.

(c) *FEDERAL LAW ENFORCEMENT COUNTERTERRORISM TRAINING.*—

(1) *AVAILABILITY OF INFORMATION.*—The Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Department of Homeland Security, shall make available, as practicable, appropriate information on in-flight counterterrorism and weapons handling procedures and tactics training to Federal law enforcement officers who fly while in possession of a firearm.

(2) *IDENTIFICATION OF FRAUDULENT DOCUMENTS.*—The Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Depart-

ment of Homeland Security, in coordination with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall ensure that Transportation Security Administration screeners and Federal air marshals receive training in identifying fraudulent identification documents, including fraudulent or expired visas and passports. Such training shall also be made available to other Federal law enforcement agencies and local law enforcement agencies located in a State that borders Canada or Mexico.

SEC. 4017. INTERNATIONAL AGREEMENTS TO ALLOW MAXIMUM DEPLOYMENT OF FEDERAL AIR MARSHALS.

The President is encouraged to pursue aggressively international agreements with foreign governments to allow the maximum deployment of Federal air marshals on international flights.

SEC. 4018. FOREIGN AIR MARSHAL TRAINING.

Section 44917 of title 49, United States Code, is amended by adding at the end the following:

“(d) TRAINING FOR FOREIGN LAW ENFORCEMENT PERSONNEL.—

“(1) IN GENERAL.—The Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security, after consultation with the Secretary of State, may direct the Federal Air Marshal Service to provide appropriate air marshal training to law enforcement personnel of foreign countries.

“(2) WATCHLIST SCREENING.—The Federal Air Marshal Service may only provide appropriate air marshal training to law enforcement personnel of foreign countries after comparing the identifying information and records of law enforcement personnel of foreign countries against all appropriate records in the consolidated and integrated terrorist watchlists maintained by the Federal Government.

“(3) FEES.—The Assistant Secretary shall establish reasonable fees and charges to pay expenses incurred in carrying out this subsection. Funds collected under this subsection shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Assistant Secretary for purposes for which amounts in such account are available.”.

SEC. 4019. IN-LINE CHECKED BAGGAGE SCREENING.

(a) IN-LINE BAGGAGE SCREENING EQUIPMENT.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to expedite the installation and use of in-line baggage screening equipment at airports at which screening is required by section 44901 of title 49, United States Code.

(b) SCHEDULE.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall submit to the appropriate congressional committees a schedule to expedite the installation and use of in-line baggage screening equipment at such airports, with an estimate of the impact that such equipment, facility modification, and baggage conveyor placement will have on staffing needs and levels related to aviation security.

(c) REPLACEMENT OF TRACE-DETECTION EQUIPMENT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish and submit to the appropriate congres-

sional committees a schedule for replacing trace-detection equipment, as soon as practicable and where appropriate, with explosive detection system equipment.

(d) *COST-SHARING STUDY.*—The Secretary of Homeland Security, in consultation with representatives of air carriers, airport operators, and other interested parties, shall submit to the appropriate congressional committees, in conjunction with the submission of the budget for fiscal year 2006 to Congress under section 1105(a) of title 31, United States Code—

(1) a proposed formula for cost-sharing among the Federal Government, State and local governments, and the private sector for projects to install in-line baggage screening equipment that reflects the benefits that each of such entities derive from such projects, including national security benefits and labor and other cost savings;

(2) recommendations, including recommended legislation, for an equitable, feasible, and expeditious system for defraying the costs of the in-line baggage screening equipment authorized by this title; and

(3) the results of a review of innovative financing approaches and possible cost savings associated with the installation of in-line baggage screening equipment at airports.

(e) *AUTHORIZATION FOR EXPIRING AND NEW LOIS.*—

(1) *IN GENERAL.*—Section 44923(i) of title 49, United States Code, is amended by striking “\$250,000,000 for each of fiscal years 2004 through 2007.” and inserting “\$400,000,000 for each of fiscal years 2005, 2006, and 2007.”

(2) *PERIOD OF REIMBURSEMENT.*—Notwithstanding any other provision of law, the Secretary may provide that the period of reimbursement under any letter of intent may extend for a period not to exceed 10 years after the date that the Secretary issues such letter, subject to the availability of appropriations. This paragraph applies to letters of intent issued under section 44923 of title 49, United States Code, and letters of intent issued under section 367 of the Department of Transportation and Related Agencies Appropriation Act, 2003 (49 U.S.C. 47110 note).

SEC. 4020. CHECKED BAGGAGE SCREENING AREA MONITORING.

(a) *IN GENERAL.*—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide, subject to the availability of funds, assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2005 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 4021. WIRELESS COMMUNICATION.

(a) *STUDY.*—The Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Administrator of the Federal Aviation Administration, shall conduct a study to determine the viability of providing devices or methods, including wireless methods, to enable a flight crew to discreetly notify the pilot in the case of a security breach or safety issue occurring in the cabin.

(b) *MATTERS TO BE CONSIDERED.*—In conducting the study, the Transportation Security Administration and the Federal Aviation Administration shall consider technology that is readily available and can be quickly integrated and customized for use aboard aircraft for flight crew communication.

(c) *REPORT.*—Not later than 180 days after the date of enactment of this Act, the Transportation Security Administration shall submit to the appropriate congressional committees a report on the results of the study.

SEC. 4022. IMPROVED PILOT LICENSES.

(a) *IN GENERAL.*—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) *REQUIREMENTS.*—Improved pilots licenses issued under subsection (a) shall—

- (1) be resistant to tampering, alteration, and counterfeiting;
- (2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) *TAMPERING.*—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

(d) *USE OF DESIGNEES.*—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

SEC. 4023. AVIATION SECURITY STAFFING.

(a) *AVIATION SECURITY STAFFING.*—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop and submit to the appropriate congressional committees standards for determining the aviation security staffing for all airports at which screening is required under section 44901 of title 49, United States Code, necessary to—

- (1) provide necessary levels of aviation security; and
- (2) ensure that the average aviation security-related delay experienced by airline passengers is minimized.

(b) *GAO ANALYSIS.*—As soon as practicable after the date on which the Assistant Secretary has developed standards under subsection (a), the Comptroller General shall conduct an expedited analysis of, and submit a report to the appropriate congressional committees on, the standards for effectiveness, administrability, ease

of compliance, and consistency with the requirements of existing law.

(c) **INTEGRATION OF FEDERAL AIRPORT WORKFORCE AND AVIATION SECURITY.**—*The Secretary of Homeland Security shall conduct a study of the feasibility of combining operations of Federal employees involved in screening at commercial airports and aviation security-related functions under the authority of the Department of Homeland Security in order to coordinate security-related activities, increase the efficiency and effectiveness of those activities, and increase commercial air transportation security.*

SEC. 4024. IMPROVED EXPLOSIVE DETECTION SYSTEMS.

(a) **PLAN AND GUIDELINES.**—*The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop a plan and guidelines for implementing improved explosive detection system equipment.*

(b) **AUTHORIZATION OF APPROPRIATIONS.**—*There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$100,000,000, in addition to any amounts otherwise authorized by law, for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.*

SEC. 4025. PROHIBITED ITEMS LIST.

Not later than 60 days after the date of enactment of this Act, the Assistant Secretary for Homeland Security (Transportation Security Administration) shall complete a review of the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, and shall release a revised list that includes—

- (1) *butane lighters; and*
- (2) *any other modification that the Assistant Secretary considers appropriate.*

SEC. 4026. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

(a) **UNITED STATES POLICY ON NONPROLIFERATION AND EXPORT CONTROL.**—

(1) **TO LIMIT AVAILABILITY AND TRANSFER OF MANPADS.**—*The President shall pursue, on an urgent basis, further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to limit the availability, transfer, and proliferation of MANPADS worldwide.*

(2) **TO LIMIT THE PROLIFERATION OF MANPADS.**—*The President is encouraged to seek to enter into agreements with the governments of foreign countries that, at a minimum, would—*

(A) *prohibit the entry into force of a MANPADS manufacturing license agreement and MANPADS co-production agreement, other than the entry into force of a manufacturing license or co-production agreement with a country that is party to such an agreement;*

(B) *prohibit, except pursuant to transfers between governments, the export of a MANPADS, including any compo-*

ment, part, accessory, or attachment thereof, without an individual validated license; and

(C) prohibit the reexport or retransfer of a MANPADS, including any component, part, accessory, or attachment thereof, to a third person, organization, or government unless the written consent of the government that approved the original export or transfer is first obtained.

(3) *TO ACHIEVE DESTRUCTION OF MANPADS.*—The President should continue to pursue further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to assure the destruction of excess, obsolete, and illicit stocks of MANPADSs worldwide.

(4) *REPORTING AND BRIEFING REQUIREMENT.*—

(A) *PRESIDENT'S REPORT.*—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of diplomatic efforts under paragraphs (1), (2), and (3) and of efforts by the appropriate United States agencies to comply with the recommendations of the General Accounting Office set forth in its report GAO-04-519, entitled “Nonproliferation: Further Improvements Needed in U.S. Efforts to Counter Threats from Man-Portable Air Defense Systems”.

(B) *ANNUAL BRIEFINGS.*—Annually after the date of submission of the report under subparagraph (A) and until completion of the diplomatic and compliance efforts referred to in subparagraph (A), the Secretary of State shall brief the appropriate congressional committees on the status of such efforts.

(b) *FAA AIRWORTHINESS CERTIFICATION OF MISSILE DEFENSE SYSTEMS FOR COMMERCIAL AIRCRAFT.*—

(1) *IN GENERAL.*—As soon as practicable, but not later than the date of completion of Phase II of the Department of Homeland Security's counter-man-portable air defense system (MANPADS) development and demonstration program, the Administrator of the Federal Aviation Administration shall establish a process for conducting airworthiness and safety certification of missile defense systems for commercial aircraft certified as effective and functional by the Department of Homeland Security. The process shall require a certification by the Administrator that such systems can be safely integrated into aircraft systems and ensure airworthiness and aircraft system integrity.

(2) *CERTIFICATION ACCEPTANCE.*—Under the process, the Administrator shall accept the certification of the Department of Homeland Security that a missile defense system is effective and functional to defend commercial aircraft against MANPADSs.

(3) *EXPEDITIOUS CERTIFICATION.*—Under the process, the Administrator shall expedite the airworthiness and safety certification of missile defense systems for commercial aircraft certified by the Department of Homeland Security.

(4) *REPORTS.*—Not later than 90 days after the first airworthiness and safety certification for a missile defense system for commercial aircraft is issued by the Administrator, and an-

nually thereafter until December 31, 2008, the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains a detailed description of each airworthiness and safety certification issued for a missile defense system for commercial aircraft.

(c) PROGRAMS TO REDUCE MANPADS.—

(1) IN GENERAL.—The President is encouraged to pursue strong programs to reduce the number of MANPADSs worldwide so that fewer MANPADSs will be available for trade, proliferation, and sale.

(2) REPORTING AND BRIEFING REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of the programs being pursued under subsection (a). Annually thereafter until the programs are no longer needed, the Secretary of State shall brief the appropriate congressional committees on the status of programs.

(3) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(d) MANPADS VULNERABILITY ASSESSMENTS REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Department of Homeland Security's plans to secure airports and the aircraft arriving and departing from airports against MANPADSs attacks.

(2) MATTERS TO BE ADDRESSED.—The Secretary's report shall address, at a minimum, the following:

(A) The status of the Department's efforts to conduct MANPADSs vulnerability assessments at United States airports at which the Department is conducting assessments.

(B) How intelligence is shared between the United States intelligence agencies and Federal, State, and local law enforcement to address the MANPADS threat and potential ways to improve such intelligence sharing.

(C) Contingency plans that the Department has developed in the event that it receives intelligence indicating a high threat of a MANPADS attack on aircraft at or near United States airports.

(D) The feasibility and effectiveness of implementing public education and neighborhood watch programs in areas surrounding United States airports in cases in which intelligence reports indicate there is a high risk of MANPADS attacks on aircraft.

(E) Any other issues that the Secretary deems relevant.

(3) FORMAT.—The report required by this subsection may be submitted in a classified format.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on International Relations, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) *MANPADS.*—The term “MANPADS” means—

(A) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(B) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

SEC. 4027. TECHNICAL CORRECTIONS.

(a) *ADMINISTRATIVE IMPOSITION OF PENALTIES.*—Section 46301(d) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (2) by striking “46302, 46303,” and inserting “46302 (for a violation relating to section 46504),”;

(2) in the second sentence of paragraph (2)—

(A) by striking “Under Secretary of Transportation for Security” and inserting “Secretary of Homeland Security”; and

(B) by striking “44909” and inserting “44909), 46302 (except for a violation relating to section 46504), 46303,”;

(3) in paragraphs (2), (3), and (4) by striking “Under Secretary or” each place it occurs and inserting “Secretary of Homeland Security or”;

(4) in paragraph (4)(A) by moving clauses (i), (ii), and (iii) 2 ems to the left.

(b) *COMPROMISE AND SETOFF FOR FALSE INFORMATION.*—Section 46302(b)(1) of title 49, United States Code, is amended by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security and, for a violation relating to section 46504, the Secretary of Transportation,”.

(c) *CARRYING A WEAPON.*—Section 46303 of title 49, United States Code, is amended—

(1) in subsection (b)(1) by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”; and

(2) in subsection (c)(2) by striking “Under Secretary of Transportation for Security” and inserting “Secretary of Homeland Security”.

SEC. 4028. REPORT ON SECONDARY FLIGHT DECK BARRIERS.

Not later than 6 months after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the costs and benefits associated with the use of secondary flight deck barriers, including the recommendation of the Assistant Secretary whether or not the use of such barriers should be mandated for all air carriers. The report may be submitted in a classified form.

SEC. 4029. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking “and 2005” and inserting “2005, and 2006”.

Subtitle C—Air Cargo Security

SEC. 4051. PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS.

(a) *IN GENERAL.*—Beginning not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall carry out a pilot program to evaluate the use of blast-resistant containers for cargo and baggage on passenger aircraft to minimize the potential effects of detonation of an explosive device.

(b) *INCENTIVES FOR PARTICIPATION IN PILOT PROGRAM.*—

(1) *IN GENERAL.*—As part of the pilot program, the Assistant Secretary shall provide incentives to air carriers to volunteer to test the use of blast-resistant containers for cargo and baggage on passenger aircraft.

(2) *APPLICATIONS.*—To volunteer to participate in the incentive program, an air carrier shall submit to the Assistant Secretary an application that is in such form and contains such information as the Assistant Secretary requires.

(3) *TYPES OF INCENTIVES.*—Incentives provided by the Assistant Secretary to air carriers that volunteer to participate in the pilot program shall include the use of, and financial assistance to cover increased costs to the carriers associated with the use and maintenance of, blast-resistant containers, including increased fuel costs.

(c) *TECHNOLOGICAL IMPROVEMENTS.*—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation, shall support efforts to explore alternative technologies for minimizing the potential effects of detonation of an explosive device on cargo and passenger aircraft.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out subsections (a) and (b) \$2,000,000. Such sums shall remain available until expended.

SEC. 4052. AIR CARGO SECURITY.

(a) *AIR CARGO SCREENING TECHNOLOGY.*—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop technology to better identify, track, and screen air cargo.

(b) *IMPROVED AIR CARGO AND AIRPORT SECURITY.*—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration, in addition to any amounts otherwise authorized by law, for the purpose of improving aviation security related to the transportation of cargo on both passenger aircraft and all-cargo aircraft—

(1) \$200,000,000 for fiscal year 2005;

(2) \$200,000,000 for fiscal year 2006; and

(3) \$200,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

(c) *RESEARCH, DEVELOPMENT, AND DEPLOYMENT.*—To carry out subsection (a), there is authorized to be appropriated to the Secretary, in addition to any amounts otherwise authorized by law, for research and development related to enhanced air cargo security technology as well as for deployment and installation of enhanced air cargo security technology—

- (1) \$100,000,000 for fiscal year 2005;
- (2) \$100,000,000 for fiscal year 2006; and
- (3) \$100,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

(d) *ADVANCED CARGO SECURITY GRANTS.*—

(1) *IN GENERAL.*—The Secretary shall establish and carry out a program to issue competitive grants to encourage the development of advanced air cargo security technology, including use of innovative financing or other means of funding such activities. The Secretary may make available funding for this purpose from amounts appropriated pursuant to subsection (c).

(2) *ELIGIBILITY CRITERIA, ETC.*—The Secretary shall establish such eligibility criteria, establish such application and administrative procedures, and provide for such matching funding requirements, if any, as may be necessary and appropriate to ensure that the technology is deployed as fully and rapidly as possible.

SEC. 4053. AIR CARGO SECURITY REGULATIONS.

Not later than 240 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall issue a final rule in Docket Number TSA–2004–19515 to amend transportation security regulations to enhance and improve the security of air cargo transported in both passenger and all-cargo aircraft.

SEC. 4054. REPORT ON INTERNATIONAL AIR CARGO THREATS.

(a) *REPORT.*—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense and the Administrator of the Federal Aviation Administration, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the following:

(1) A description of the current procedures in place to address the threat of an inbound all-cargo aircraft from outside the United States that intelligence sources indicate could carry explosive, incendiary, chemical, biological, or nuclear devices.

(2) An analysis of the potential for establishing secure facilities along established international aviation routes for the purposes of diverting and securing aircraft described in paragraph (1).

(b) *REPORT FORMAT.*—The Secretary may submit all, or part, of the report required by this section in such a classified and redacted format as the Secretary determines appropriate or necessary.

Subtitle D—Maritime Security

SEC. 4071. WATCH LISTS FOR PASSENGERS ABOARD VESSELS.

(a) WATCH LISTS.—

(1) IN GENERAL.—As soon as practicable but not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(A) implement a procedure under which the Department of Homeland Security compares information about passengers and crew who are to be carried aboard a cruise ship with a comprehensive, consolidated database containing information about known or suspected terrorists and their associates;

(B) use the information obtained by comparing the passenger and crew information with the information in the database to prevent known or suspected terrorists and their associates from boarding such ships or to subject them to specific additional security scrutiny, through the use of “no transport” and “automatic selectee” lists or other means.

(2) WAIVER.—The Secretary may waive the requirement in paragraph (1)(B) with respect to cruise ships embarking at foreign ports if the Secretary determines that the application of such requirement to such cruise ships is impracticable.

(b) COOPERATION FROM OPERATORS OF CRUISE SHIPS.—The Secretary of Homeland Security shall by rulemaking require operators of cruise ships to provide the passenger and crew information necessary to implement the procedure required by subsection (a).

(c) MAINTENANCE OF ACCURACY AND INTEGRITY OF “NO TRANSPORT” AND “AUTOMATIC SELECTEE” LISTS.—

(1) WATCH LIST DATABASE.—The Secretary of Homeland Security, in consultation with the Terrorist Screening Center, shall develop guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the “no transport” and “automatic selectee” lists described in subsection (a)(1) that are designed to ensure the accuracy and integrity of the lists.

(2) ACCURACY OF ENTRIES.—In developing the “no transport” and “automatic selectee” lists under subsection (a)(1)(B), the Secretary shall establish a simple and timely method for correcting erroneous entries, for clarifying information known to cause false hits or misidentification errors, and for updating relevant information that is dispositive in the passenger and crew screening process. The Secretary shall also establish a process to provide an individual whose name is confused with, or similar to, a name in the watch list database with a means of demonstrating that such individual is not the person named in the database.

(d) CRUISE SHIP DEFINED.—In this section, the term “cruise ship” means a vessel on an international voyage that embarks or disembarks passengers at a port of United States jurisdiction to which subpart C of part 160 of title 33, Code of Federal Regulations, applies and that provides overnight accommodations.

SEC. 4072. DEADLINES FOR COMPLETION OF CERTAIN PLANS, REPORTS, AND ASSESSMENTS.

(a) *NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.*—Section 70103(a)(1) of title 46, United States Code, is amended by striking “The Secretary” and inserting “Not later than April 1, 2005, the Secretary”.

(b) *FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.*—Section 70102(b)(1) of title 46, United States Code, is amended by striking “, the Secretary” and inserting “and by not later than December 31, 2004, the Secretary”.

(c) *STRATEGIC PLAN REPORTS.*—Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) a comprehensive program management plan that identifies specific tasks to be completed, and deadlines for completion, for the transportation security card program under section 70105 of title 46, United States Code, that incorporates best practices for communicating, coordinating, and collaborating with the relevant stakeholders to resolve relevant issues, such as background checks;

(2) a report on the status of negotiations under section 103(a) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70111);

(3) the report required by section 107(b) of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1226 note); and

(4) a report on the status of the development of the system and standards required by section 111 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70116 note).

(d) *OTHER REPORTS.*—Not later than 90 days after the date of the enactment of this Act—

(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees—

(A) a report on the establishment of the National Maritime Security Advisory Committee under section 70112 of title 46, United States Code; and

(B) a report on the status of the program required by section 70116 of title 46, United States Code, to evaluate and certify secure systems of international intermodal transportation;

(2) the Secretary of Transportation shall submit to the appropriate congressional committees the annual report required by section 905 of the International Maritime and Port Security Act (46 U.S.C. App. 1802) that includes information that should have been included in the last preceding annual report that was due under that section; and

(3) the Commandant of the United States Coast Guard shall submit to the appropriate congressional committees the report required by section 110(b) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note).

Subtitle E—General Provisions

SEC. 4081. DEFINITIONS.

In this title (other than in sections 4001 and 4026), the following definitions apply:

(1) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—The term “appropriate congressional committees” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) *AVIATION DEFINITIONS.*—The terms “air carrier”, “air transportation”, “aircraft”, “airport”, “cargo”, “foreign air carrier”, and “intrastate air transportation” have the meanings given such terms in section 40102 of title 49, United States Code.

(3) *SECURE AREA OF AN AIRPORT.*—The term “secure area of an airport” means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulations).

SEC. 4082. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

TITLE V—BORDER PROTECTION, IMMIGRATION, AND VISA MATTERS

Subtitle A—Advanced Technology Northern Border Security Pilot Program

SEC. 5101. ESTABLISHMENT.

The Secretary of Homeland Security may carry out a pilot program to test various advanced technologies that will improve border security between ports of entry along the northern border of the United States.

SEC. 5102. PROGRAM REQUIREMENTS.

(a) *REQUIRED FEATURES.*—The Secretary of Homeland Security shall design the pilot program under this subtitle to have the following features:

(1) *Use of advanced technological systems, including sensors, video, and unmanned aerial vehicles, for border surveillance.*

(2) *Use of advanced computing and decision integration software for—*

(A) *evaluation of data indicating border incursions;*

(B) *assessment of threat potential; and*

(C) *rapid real-time communication, monitoring, intelligence gathering, deployment, and response.*

(3) *Testing of advanced technology systems and software to determine best and most cost-effective uses of advanced technology to improve border security.*

(4) *Operation of the program in remote stretches of border lands with long distances between 24-hour ports of entry with*