

community in which the people could live.

America, along with many other countries, remains firm and will not be deterred from achieving the goal of seeing a democracy in Iraq.

There is a realistic understanding of the difficulties and dangers in Iraq, but there are also visionary, optimistic leaders in Iraq and in the many countries that make up the multinational force who are determined to see the insurgency fail.

There have been many references to the July 2004 National Intelligence Estimate, or the NIE. In fact, Senator KENNEDY said in this Chamber on 29 September 2004 that the best case scenario in that NIE was that violence in Iraq would continue at current levels, with tenuous political and economic stability. Regardless of what this classified NIE actually said, I do know it was based on information that is but a snapshot in time and that time continues to move on.

There are many things visible today that were not clear when that NIE was written. The character of the Iraqi leadership was unknown last June, but no one who heard Prime Minister Allawi speak to the Joint Session of Congress recently could be anything but impressed with his enthusiasm, his intellect, and, most importantly, his determination to see a free and safe and democratic Iraq.

Lieutenant General Petraeus has been working assiduously to build up the Iraqi security forces. Last June, when the NIE was written, very few of those forces had completed their training. Now trained and competent Iraqi Army and police units are on duty and are assuming the major role in restoring security in their own country, and the training continues, so we can expect even more Iraqi security forces to assume their duties every month, just as they did in Samarra this past weekend.

We are engaged in an enormous struggle of historic proportions to see freedom and democracy spread throughout the Islamic world, and this will set the foundation for a final peaceful solution between Israel and Palestine. It will also, in the long term, eliminate the politically oppressive environment and poor economic conditions that have been the breeding grounds for terrorists to find new recruits.

I want to say to our military personnel and their families that your role in this historic and important struggle is the key to its success. You will look back with pride on your contributions and your sacrifices to make our country and the world safer. When you see what you have accomplished from an eagle's view, you will not see the hole that a pessimist sees.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that notwith-

standing morning business, it now be in order to consider amendments to the pending intelligence reform bill, and for the information of all Senators, these are amendments that have been cleared on both sides. This will only take a few moments.

The PRESIDING OFFICER (Mr. CHAMBLISS). Is there objection?

Mr. STEVENS. Reserving the right to object, I intended to speak for 1 minute before the time had expired for morning business. Will the Senator yield for just one brief comment?

Ms. COLLINS. I will be happy to yield.

The PRESIDING OFFICER. The Senator from Alaska.

INTELLIGENCE REFORM

Mr. STEVENS. Mr. President, this bill came to the floor on September 27. It was debated a few hours, the 28th and 29th similarly. On the 30th, it was debated about half a day. Yesterday, we started business on the bill sometime around noon. Today, we are voting cloture on the seventh calendar day, but probably less than 3 days of debate. I think this rush is unbecoming of the Senate.

I shall oppose cloture, and I want the record to show I do not think this subject, reform of the intelligence community, has ever taken such a short period of time. We are acting under pressure primarily from two men whose business was through when they filed their report. I am appalled that we are moving at this pace.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I note that the debate on this bill has been extensive. The Senator from Connecticut and I were here until 9 p.m. last night. We were here until after 6 o'clock on Friday. We have been here, although others have not been here, debating all day every day.

NATIONAL INTELLIGENCE REFORM ACT OF 2004

AMENDMENT NO. 3933, AS MODIFIED

Ms. COLLINS. Mr. President, the first amendment I call up is amendment No. 3933, as modified, with the changes that are at the desk. This is an amendment from Senators CANTWELL, SESSIONS, SCHUMER, and KYL.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Ms. CANTWELL, herself, Mr. SESSIONS, Mr. SCHUMER, and Mr. KYL, proposes an amendment numbered 3933, as modified.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____ BIOMETRIC STANDARD FOR VISA APPLICATIONS.

(a) SHORT TITLE.—This section may be cited as the "Biometric Visa Standard Distinct Borders Act".

(b) TECHNOLOGY STANDARD FOR VISA WAIVER PARTICIPANTS.—Section 303(c) of the En-

hanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732(c)) is amended to read as follows:

"(c) TECHNOLOGY STANDARD FOR VISA WAIVER PARTICIPANTS.—

"(1) IN GENERAL.—Not later than October 26, 2006, the Secretary of State shall certify to Congress which of the countries designated to participate in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) are developing a program to issue to individuals seeking to enter that country pursuant to a visa issued by that country, a machine readable visa document that is tamper-resistant and incorporates biometric identification information that is verifiable at its port of entry.

"(2) SAVINGS CLAUSE.—This subsection shall not be construed to rescind the requirement of section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3))."

The PRESIDENT pro tempore. The amendment is pending. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 3933), as modified, was agreed to.

AMENDMENT NO. 3957

Ms. COLLINS. Mr. President, I now call up a managers' amendment that is at the desk and, again, has been cleared on both sides of the aisle.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, and Mr. LIEBERMAN, proposes an amendment numbered 3957.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDENT pro tempore. Is there further debate on this amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3957) was agreed to.

AMENDMENTS NOS. 3712, AS MODIFIED, AND 3768, AS FURTHER MODIFIED

Ms. COLLINS. Madam President, I ask unanimous consent, notwithstanding morning business, that I send two amendments to the desk and ask the pending amendment also be set aside, to S. 2845.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. On behalf of Senator ROCKEFELLER and Senator BAUCUS, these amendments have been cleared on both sides and I urge their adoption en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 3172, AS MODIFIED

(Purpose: To provide improved aviation security)

At the appropriate place, insert the following:

TITLE —AVIATION SECURITY

SEC. —01. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Aviation Administrator may develop a system for the issuance of any pilot's license issued more than 180 days after the date of enactment of this Act that—

(1) are resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) are capable of accommodating a digital photograph, a biometric measure, or other unique identifier that provides a means of—

(A) ensuring its validity; and

(B) revealing whether any component or security feature of the license has been compromised.

(b) **USE OF DESIGNEES.**—The Administrator of the Federal Aviation Administration may use designees to carry out subsection (a) to the extent feasible in order to minimize the burden of such requirements on pilots.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator for fiscal year 2005, \$50,000,000 to carry out subsection (a).

SEC. —02. AIRCRAFT CHARTER CUSTOMER PRESCREENING.

(a) **IN GENERAL.**—Within 1 year after the date of enactment of this Act, or as soon as practicable thereafter, the Secretary of Homeland Security shall establish a process by which operators of charter aircraft with a maximum takeoff weight of greater than 12,500 pounds may—

(1) request the Transportation Security Administration to compare information about any individual seeking to charter an aircraft, and any passengers proposed to be transported aboard the aircraft, with a comprehensive, consolidated database or watchlist containing information about known or suspected terrorists and their associates; and

(2) refuse to charter an aircraft to or transport aboard such aircraft any persons identified on such database or watchlist.

(b) **PRIVACY SAFEGUARDS.**—The Secretary shall take appropriate measures to ensure that—

(1) the Transportation Security Administration does not disclose information to any person engaged in the business of chartering aircraft other than whether an individual compared against government watchlists constitutes a flight security or terrorism risk; and

(2) an individual denied access to an aircraft is given an opportunity to consult the Transportation Security Administration for the purpose of correcting mis-identification errors, resolve confusion resulting from names that are the same as or similar to names on available government watchlists, and address other information that is alleged to be erroneous, that may have resulted in the denial.

(c) **TRANSFER.**—The Secretary shall assess procedures to transfer responsibility for conducting reviews of any appropriate government watchlists under this section from persons engaged in the business of chartering air carriers to the public to the Secretary.

(d) **AUTHORITY OF THE SECRETARY.**—Nothing in this section precludes the Secretary from requiring operators of charter aircraft to comply with security procedures, including those established under subsection (a), if the Secretary determines that such a requirement is necessary based on threat conditions.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. —03. AIRCRAFT RENTAL CUSTOMER PRESCREENING.

(a) **IN GENERAL.**—Within 1 year after the date of enactment of this Act, or as soon as practicable thereafter, the Secretary of Homeland Security shall establish a process by which operators of rental aircraft with a

maximum takeoff weight of greater than 12,500 pounds may—

(1) request the Transportation Security Administration to compare information about any individual seeking to rent an aircraft, and any passengers proposed to be transported aboard the aircraft, with a comprehensive, consolidated database or watchlist containing information about known or suspected terrorists and their associates; and

(2) refuse to rent an aircraft to or transport aboard such aircraft any persons identified on such database or watchlist.

(b) **PRIVACY SAFEGUARDS.**—The Secretary shall take appropriate measures to ensure that—

(1) the Transportation Security Administration does not disclose information to any person engaged in the business of renting aircraft other than whether an individual compared against government watchlists constitutes a flight security or terrorism risk; and

(2) an individual denied access to an aircraft is given an opportunity to consult the Transportation Security Administration for the purpose of correcting mis-identification errors, resolve confusion resulting from names that are the same as or similar to names on available government watchlists, and address other information that is alleged to be erroneous, that may have resulted in the denial.

(c) **TRANSFER.**—The Secretary shall assess procedures to transfer responsibility for conducting reviews of any appropriate government watchlists under this section from persons engaged in the business of renting aircraft to the public to the Secretary.

(d) **AUTHORITY OF THE SECRETARY.**—Nothing in this section precludes the Secretary from requiring operators of rental aircraft to comply with security procedures, including those established under subsection (a), if the Secretary determines that such a requirement is necessary based on threat conditions.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. —04. REPORT ON RENTAL AND CHARTER CUSTOMER PRESCREENING PROCEDURES.

(a) **IN GENERAL.**—Within 12 months after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to Congress on the feasibility of extending the requirements of section —02, section —03, or both sections to apply to aircraft with a maximum certified takeoff weight of 12,500 pounds or less.

(b) **ISSUES ADDRESSED.**—The report shall—

(1) examine the technology and communications systems needed to carry out such procedures;

(2) provide an analysis of the risks posed by such aircraft; and

(3) examine the operational impact of proposed procedures on the commercial viability of that segment of charter and rental aviation operations.

SEC. —05. AVIATION SECURITY STAFFING.

(a) **STAFFING LEVEL STANDARDS.**—

(1) **DEVELOPMENT OF STANDARDS.**—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation and Federal Security Directors, shall develop standards for determining the appropriate aviation security staffing standards for all commercial airports in the United States necessary—

(A) to provide necessary levels of aviation security; and

(B) to ensure that the average aviation security-related delay experienced by airline passengers is minimized.

(2) **GAO ANALYSIS.**—The Comptroller General shall, as soon as practicable after the date on which the Secretary of Homeland Security has developed standards under paragraph (1), conduct an expedited analysis of the standards for effectiveness, administrability, ease of compliance, and consistency with the requirements of existing law.

(3) **REPORT TO CONGRESS.**—Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security and the Comptroller General shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the standards developed under paragraph (1), together with recommendations for further improving the efficiency and effectiveness of the screening process, including the use of maximum time delay goals of no more than 10 minutes on the average.

(b) **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 aegis 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. —06. IMPROVED AIR CARGO AND AIRPORT SECURITY.

(a) **IN GENERAL.**—There are 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.

(b) **NEXT-GENERATION CARGO SECURITY GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary shall establish and carry out a grant program to facilitate the development, testing, purchase, and deployment of next-generation air cargo security technology. 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 as rapidly as practicable.

(2) **RESEARCH AND DEVELOPMENT; DEPLOYMENT.**—To carry out paragraph (1), there are authorized to be appropriated to the Secretary for research and development related to next-generation air cargo security technology as well as for deployment and installation of next-generation air cargo security technology, such sums are to remain available until expended—

(A) \$100,000,000 for fiscal year 2005;

(B) \$100,000,000 for fiscal year 2006; and

(C) \$100,000,000 for fiscal year 2007.

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

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary \$150,000,000 for each of fiscal years 2005 through 2007 to fund projects and activities for which letters of intent are issued under section 44923 of title 49, United States Code, after the date of enactment of this Act.

(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, or section 367 of the Department of Transportation and Related Agencies Appropriation Act, 2003 (49 U.S.C. 47110 note).

(d) REPORTS.—The Secretary shall transmit an annual report for fiscal year 2005, fiscal year 2006, and fiscal year 2007 to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the progress being made toward, and the status of, deployment and installation of next-generation air cargo security technology under subsection (b); and

(2) the amount and purpose of grants under subsection (b) and the locations of projects funded by such grants.

SEC.—07. AIR CARGO SECURITY MEASURES.

(a) ENHANCEMENT OF AIR CARGO SECURITY.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop and implement a plan to enhance air cargo security at airports for commercial passenger and cargo aircraft that incorporates the recommendations made by the Cargo Security Working Group of the Aviation Security Advisory Committee.

(b) SUPPLY CHAIN SECURITY.—The Administrator of the Transportation Security Administration shall—

(1) promulgate regulations requiring the evaluation of indirect air carriers and ground handling agents, including background checks and checks against all Administration watch lists; and

(2) evaluate the potential efficacy of increased use of canine detection teams to inspect air cargo on passenger and all-cargo aircraft, including targeted inspections of high risk items.

(c) INCREASED CARGO INSPECTIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall require that the percentage of cargo screened or inspected is at least two-fold the percentage that is screened or inspected as of September 30, 2004.

(c) ALL-CARGO AIRCRAFT SECURITY.—Subchapter I of chapter 449, United States Code, is amended by adding at the end the following:

“§ 44925. All-cargo aircraft security.

“(a) ACCESS TO FLIGHT DECK.—Within 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, shall—

“(1) issue an order (without regard to the provisions of chapter 5 of title 5)—

“(A) requiring, to the extent consistent with engineering and safety standards, that all-cargo aircraft operators engaged in air transportation or intrastate air transportation maintain a barrier, which may include the use of a hardened cockpit door, between the aircraft flight deck and the aircraft cargo compartment sufficient to prevent unauthorized access to the flight deck from the cargo compartment, in accordance with the terms of a plan presented to and accepted by the Administrator of the Transportation Security Administration in consultation with the Federal Aviation Administrator; and

“(B) prohibiting the possession of a key to a flight deck door by any member of the

flight crew who is not assigned to the flight deck; and

“(2) take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the flight deck.

“(b) SCREENING AND OTHER MEASURES.—Within 1 year after the date of enactment of this Act, the Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, shall issue an order (without regard to the provisions of chapter 5 of title 5) requiring—

“(1) all-cargo aircraft operators engaged in air transportation or intrastate air transportation to physically screen each person, and that person's baggage and personal effects, to be transported on an all-cargo aircraft engaged in air transportation or intrastate air transportation;

“(2) each such aircraft to be physically searched before the first leg of the first flight of the aircraft each day, or, for inbound international operations, at aircraft operator's option prior to the departure of any such flight for a point in the United States; and

“(3) each such aircraft that is unattended overnight to be secured or sealed or to have access stairs, if any, removed from the aircraft.

“(c) ALTERNATIVE MEASURES.—The Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, may authorize alternative means of compliance with any requirement imposed under this section.”.

(d) CONFORMING AMENDMENT.—The subchapter analysis for subchapter I of chapter 449, United States Code, is amended by adding at the end the following:

“44925. All-cargo aircraft security.”.

SEC.—08. EXPLOSIVE DETECTION SYSTEMS.

(a) IN-LINE PLACEMENT OF EXPLOSIVE-DETECTION EQUIPMENT.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish a schedule for replacing trace-detection equipment used for in-line baggage screening purposes as soon as practicable where appropriate with explosive detection system equipment. The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure of the schedule and provide an estimate of the impact of replacing such equipment, facility modification and baggage conveyor placement, on aviation security-related staffing needs and levels.

(b) NEXT GENERATION EDS.—There are 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 next generation explosive detection systems for aviation security under section 44913 of title 49, United States Code. The Secretary shall develop a plan and guidelines for implementing improved explosive detection system equipment.

(c) PORTAL DETECTION SYSTEMS.—There are 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 and development and installation of portal detection systems or similar devices for the detection of biological, radiological, and explosive materials. The Secretary of Homeland Security shall establish a pilot program at not more than 10 commercial service airports to evaluate the use of such systems.

(d) REPORTS.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on research and development projects funded under subsection (b) or (c), and the pilot program established under subsection (c), including cost estimates for each phase of such projects and total project costs.

SEC.—09. AIR MARSHAL PROGRAM.

(a) CROSS-TRAINING.—The Secretary of Homeland Security shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the potential for cross-training of individuals who serve as air marshals and on the need for providing contingency funding for air marshal operations.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of Inspections 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 to remain available until expended.

SEC.—10. TSA-RELATED BAGGAGE CLAIM ISSUES STUDY.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the present system for addressing lost, stolen, damaged, or pilfered baggage claims relating to air transportation security screening procedures. The report shall include—

(1) information concerning the time it takes to settle such claims under the present system;

(2) a comparison and analysis of the number, frequency, and nature of such claims before and after enactment of the Aviation and Transportation Security Act using data provided by the major United States airlines; and

(3) recommendations on how to improve the involvement and participation of the airlines in the baggage screening and handling processes and better coordinate the activities of Federal baggage screeners with airline operations.

SEC.—11. REPORT ON IMPLEMENTATION OF GAO HOMELAND SECURITY INFORMATION SHARING RECOMMENDATIONS.

Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the heads of Federal departments and agencies concerned, shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on implementation of recommendations contained in the General Accounting Office's report titled “Homeland Security: Efforts To Improve Information Sharing Need To Be Strengthened” (GAO-03-760), August, 2003.

SEC.—12. AVIATION SECURITY RESEARCH AND DEVELOPMENT.

(a) BIOMETRICS.—There are 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

biometric technology applications to aviation security.

(b) **BIOMETRICS CENTERS OF EXCELLENCE.**—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$1,000,000, in addition to any amounts otherwise authorized by law, for the establishment of competitive centers of excellence at the national laboratories.

SEC. —13. PERIMETER ACCESS TECHNOLOGY.

There are authorized to be appropriated to the Secretary of Homeland Security \$100,000,000 for airport perimeter security technology, fencing, security contracts, vehicle tagging, and other perimeter security related operations, facilities, and equipment, such sums to remain available until expended.

SEC. —14. BEREAVEMENT FARES.

(a) **IN GENERAL.**—Chapter 415 of title 49, United States Code, is amended by adding at the end the following:

“§ 41512. Bereavement fares.

“Air carriers shall offer, with appropriate documentation, bereavement fares to the public for air transportation in connection with the death of a relative or other relationship (as determined by the air carrier) and shall make such fares available, to the greatest extent practicable, at the lowest fare offered by the air carrier for the flight for which the bereavement fare is requested.”.

(b) **CONFORMING AMENDMENT.**—The chapter analysis for chapter 415 is amended by inserting after the item relating to section 41511 the following:

“41512. Bereavement fares”.

SEC. —15. REVIEW AND REVISION OF PROHIBITED ITEMS LIST.

Not later than 60 days after the date of enactment of this Act, the Transportation Security Administration shall complete a review of its Prohibited Items List, set forth in 49 C.F.R. 1540, and release a revised list that—

- (1) prohibits passengers from carrying butane lighters onboard passenger aircraft; and
- (2) modifies the Prohibited Items List in such other ways as the agency may deem appropriate.

SEC. —16. REPORT ON PROTECTING COMMERCIAL AIRCRAFT FROM THE THREAT OF MAN-PORTABLE AIR DEFENSE SYSTEMS.

(a) **REQUIREMENT.**—The Secretary of Homeland Security, in coordination with the head of the Transportation Security Administration and the Under Secretary for Science and Technology, shall prepare a report on protecting commercial aircraft from the threat of man-portable air defense systems (referred to in this section as “MANPADS”).

(b) **CONTENT.**—The report required by subsection (a) shall include the following:

- (1) An estimate of the number of organizations, including terrorist organizations, that have access to MANPADS and a description of the risk posed by each organization.
- (2) A description of the programs carried out by the Secretary of Homeland Security to protect commercial aircraft from the threat posed by MANPADS.
- (3) An assessment of the effectiveness and feasibility of the systems to protect commercial aircraft under consideration by the Under Secretary for Science and Technology for use in phase II of the counter-MANPADS development and demonstration program.
- (4) A justification for the schedule of the implementation of phase II of the counter-MANPADS development and demonstration program.
- (5) An assessment of the effectiveness of other technology that could be employed on

commercial aircraft to address the threat posed by MANPADS, including such technology that is—

- (A) either active or passive;
- (B) employed by the Armed Forces; or
- (C) being assessed or employed by other countries.

(6) An assessment of alternate technological approaches to address such threat, including ground-based systems.

(7) A discussion of issues related to any contractor liability associated with the installation or use of technology or systems on commercial aircraft to address such threat.

(8) A description of the strategies that the Secretary may employ to acquire any technology or systems selected for use on commercial aircraft at the conclusion of phase II of the counter-MANPADS development and demonstration program, including—

- (A) a schedule for purchasing and installing such technology or systems on commercial aircraft; and
- (B) a description of—
 - (i) the priority in which commercial aircraft will be equipped with such technology or systems;
 - (ii) any efforts to coordinate the schedules for installing such technology or system with private airlines;
 - (iii) any efforts to ensure that aircraft manufacturers integrate such technology or systems into new aircraft; and
 - (iv) the cost to operate and support such technology or systems on a commercial aircraft.

(9) A description of the plan to expedite the use of technology or systems on commercial aircraft to address the threat posed by MANPADS if intelligence or events indicate that the schedule for the use of such technology or systems, including the schedule for carrying out development and demonstration programs by the Secretary, should be expedited.

(10) A description of the efforts of the Secretary to survey and identify the areas at domestic and foreign airports where commercial aircraft are most vulnerable to attack by MANPADS.

(11) A description of the cooperation between the Secretary and the Administrator of the Federal Aviation Administration to certify the airworthiness and safety of technology and systems to protect commercial aircraft from the risk posed by MANPADS in an expeditious manner.

(c) **TRANSMISSION TO CONGRESS.**—The report required by subsection (a) shall be transmitted to Congress along with the budget for fiscal year 2006 submitted by the President pursuant to section 1105(a) of title 31, United States Code.

SEC. —17. SCREENING DEVICES TO DETECT CHEMICAL AND PLASTIC EXPLOSIVES.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide to the Senate Committee on Commerce, Science, and Transportation a report on the current status of efforts, and the additional needs, regarding passenger and carry-on baggage screening equipment at United States airports to detect explosives, including in chemical and plastic forms. The report shall include the cost of and timetable for installing such equipment and any recommended legislative actions.

SEC. —18. REPORTS ON THE FEDERAL AIR MARSHALS PROGRAM.

Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the Secretary of Homeland Security shall provide to the Senate Committee on Commerce, Science, and Transportation a classified report on the number of individuals serving only as sworn Federal air mar-

shals. Such report shall include the number of Federal air marshals who are women, minorities, or employees of departments or agencies of the United States Government other than the Department of Homeland Security, the percentage of domestic and international flights that have a Federal air marshal aboard, and the rate at which individuals are leaving service as Federal air marshals.

SEC. —19. SECURITY OF AIR MARSHAL IDENTITY.

(a) **IN GENERAL.**—The Secretary of the Department of Homeland Security shall designate individuals and parties to whom Federal air marshals shall be required to identify themselves.

(b) **PROHIBITION.**—Notwithstanding any other provision of law, no procedure, guideline, rule, regulation, or other policy shall expose the identity of an air marshal to anyone other than those designated by the Secretary under subsection (a).

SEC. —20. SECURITY MONITORING CAMERAS FOR AIRPORT BAGGAGE HANDLING AREAS.

(a) **IN GENERAL.**—The Under Secretary of Homeland Security for Border Transportation and Security shall provide assistance, subject to the availability of funds, to public airports that have baggage handling 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 are 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 to remain available until expended.

SEC. —21. EFFECTIVE DATE.

Notwithstanding any other provision of this act, this title takes effect on the date of enactment of this Act.

AMENDMENT NO. 3768, AS FURTHER MODIFIED

At the appropriate place, insert the following new section:

SEC. ____ . ANNUAL REPORT ON THE ALLOCATION OF RESOURCES WITHIN THE OFFICE OF FOREIGN ASSETS CONTROL.

(a) **REQUIREMENT FOR ANNUAL REPORT.**—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to Congress a report on the allocation of resources within the Office of Foreign Assets Control.

(b) **CONTENT OF ANNUAL REPORT.**—An annual report required by subsection (a) shall include—

- (1) a description of—
 - (A) the allocation of resources within the Office of Foreign Assets Control to enforce the economic and trade sanctions of the United States against terrorist organizations and targeted foreign countries during the fiscal year prior to the fiscal year in which such report is submitted; and
 - (B) the criteria on which such allocation is based;
- (2) a description of any proposed modifications to such allocation; and
- (3) an explanation for any such allocation that is not based on prioritization of threats determined using appropriate criteria, including the likelihood that—
 - (A) a terrorist organization or targeted foreign country—
 - (i) will sponsor or plan a direct attack against the United States or the interests of the United States; or
 - (ii) is participating in or maintaining a nuclear, biological, or chemical weapons development program; or

(B) a targeted foreign country—

(i) is financing, or allowing the financing, of a terrorist organization within such country; or

(ii) is providing safe haven to a terrorist organization within such country.

(c) EFFECTIVE DATE.—Notwithstanding section 341 or any other provision of this Act, this section shall take effect on the date of the enactment of this Act.

Mr. BAUCUS. Mr. President, this amendment goes to the heart of our debate over the structure and purpose of the U.S. intelligence community. My amendment addresses the allocation of resources at Treasury's Office of Foreign Assets Control, or OFAC.

Much of our attention has focused on the creation of a new, independent office to oversee our intelligence activities. Often lost in this debate are the details about many of the smaller, lesser known Federal agencies whose efforts are essential to our national security.

Even though many people don't know who they are, OFAC is one of our most powerful weapons in the war on terrorism, because it is charged with tracking down and identifying the international sources of terrorist financing.

Unfortunately, OFAC is also tasked with administration of the Cuba travel ban. As we all know, U.S. policy toward Cuba is a highly emotional and divisive issue. Still, I would doubt that anyone seriously thinks that travel by Americans to Cuba poses a larger or more serious threat to U.S. interests than al-Qaida or the insurgents in Iraq, or Syria, Iran or North Korea.

My colleagues might be surprised and disturbed, then, to learn that—at the direction of the State Department—OFAC diverts more of its personnel resources to imposition of the Cuba travel ban than to any other country or project-specific issue.

According to their records, the equivalent of 21 full-time OFAC employees are allocated to the Cuba travel ban. On the other hand, only 16 are allocated to the search al-Qaida's financial sources of support.

Less than 15 full-time employee resources are spent on the former Iraq regime and its insurgents, and less than 14 are spent on Iran. Less than 10 are allocated to Syria, Sudan, and Libya combined. Afghanistan doesn't even merit one full-time employee—it receives the attention of roughly 2/3 of one full-time OFAC employee. North Korea only gets 1/3.

In other words, more OFAC personnel resources are spent on the effort to prevent Americans from vacationing in Cuba than are spent to track down and shut off the sources of funds used by al-Qaida to carry out terrorist activities.

This is an appalling diversion of our resources. If we hope to defeat the disparate threats arrayed against U.S. interests—both here at home and abroad—we must dedicate our attention to the real dangers confronting us around the world. Wisely allocating our resources will better ensure our success.

The amendment I offer addresses this imbalance by requiring an annual report from OFAC on how it allocates its resources and the criteria it uses to make those resource decisions. It also outlines criteria that ought to be considered when prioritizing the threats posed by different countries and groups. Among these criteria are the likelihood that a country or organization is: planning or sponsoring a direct attack on U.S. interests; participating in a nuclear, biological, or chemical weapons development program; financing or allowing the financing of terrorists; or providing a safe haven to terrorists.

Colleagues, this is an issue of the highest importance. My amendment simply asks for common sense in the allocation of our limited resources. We cannot expect to win the war on terrorism if we refuse to dedicate our full and focused efforts to fighting it. In this time of crisis, the American people expect us to lead with vision and clarity. My amendment offers this.

I see no credible reason why OFAC should waste precious resources creating bureaucratic red tape for Montana producers who just want to negotiate legal agricultural sales to Cuba. Instead, OFAC should focus its resources where they are more urgently needed: on shutting down the financial networks of al-Qaida and other more serious threats to U.S. interests. That is why the Chairman of the Intelligence Committee supports this amendment, and that is why the American Farm Bureau Federation and the National Foreign Trade Council support this amendment.

I take this opportunity to thank Senator COLLINS and Senator LIEBERMAN, the chairwoman and ranking member managing this bill, and their staff, for all of their hard work on the Baucus-Roberts-Craig amendment.

The PRESIDENT pro tempore. The Senator from New Mexico is recognized. There is no further time remaining on the majority side. The minority has until 9:40 a.m.

IMPROVED NUTRITION AND PHYSICAL ACTIVITY

Mr. BINGAMAN. Mr. President, I rise to speak briefly about an important bill that I hope we can pass before the Congress leaves town and adjourns this year. That is the IMPACT bill, of which Senator FRIST is the prime sponsor. I have cosponsored it and various other Senators have also cosponsored it.

This is a bill that passed the Senate. It is awaiting action by the House. I wanted today to come to the floor and urge the House to bring up that bill and pass it so it can be sent to the President for his signature.

Just last week, the Institute of Medicine released a report on childhood obesity. It is a report that I requested in 2001. The report indicates that the prevention of obesity in children and

youth needs to be a national public health priority.

Obesity-associated annual hospital costs for children and youth have more than tripled in two decades to \$127 billion. In adults, national expenditures associated with overweight and obesity in adults ranges from \$98 billion to \$129 billion annually. The report calls on the government, industry, media, health care professionals, the nonprofit organizations, State and local educational authorities, schools, parents, and families to take immediate steps to confront this epidemic. And the IMPACT bill I have referred to will address many of those issues.

The bill is of critical importance. It tries to focus attention on these issues. There are a variety of provisions in the bill that I think are extremely important. It will direct us toward finding solutions, first, by preparing the health care community to deal with obesity in terms of prevention, diagnosis, and intervention by adding obesity, overweight, and eating disorders to the list of priority conditions to be addressed in the health professions title VII training grants.

Second, IMPACT supports community-based solutions to increase physical activity and improve nutrition on a number of levels. It provides funding for demonstration projects in communities and schools and health care organizations and other qualified entities that promote fitness or healthy nutrition.

It authorizes the Centers for Disease Control to collect fitness and energy fitness expenditure information from children.

It directs the Agency for Health Care Research and Quality to review any new information related to obesity trends among various subpopulations, and includes such information in its health disparities report.

It allows States to use their preventive services block grant funds for community education on nutrition and increased physical activity. And it instructs the Secretary to report on what research has been done in this area of obesity.

There are a variety of other provisions in the bill. The legislation is an excellent first step in the fight to improve health. It is not the only step we need to take, but it is a first step.

We also need to assist our schools in providing healthy nutrition options and expanding physical activity programs. We need to grow the workforce such that people have access to the health care professions they need to prevent, diagnose, and treat obesity, and we need to ensure that Medicare and Medicaid provide the services necessary to help people prevent obesity and its complications.

These are not small goals, but they are critical to our Nation's health, both today and in the future.

I want to continue working with Senator FRIST and other colleagues in the Senate to find new ways to address