

MURRAY, Mr. LAUTENBERG, Mr. DURBIN, and Mr. SARBANES) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1369. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1370. Mr. SPECTER (for Mr. SCHUMER (for himself, Mr. SPECTER, Mr. WARNER, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

SA 1371. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2555, *supra*; which was ordered to lie on the table.

SA 1372. Mr. REED (for himself, Mr. SARBANES, Mr. CORZINE, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1373. Mr. BYRD (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1374. Mr. BYRD (for Mr. DURBIN (for himself, Mrs. CLINTON, and Mr. CORZINE)) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1375. Mr. BYRD (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1376. Mr. LEVIN (for himself and Mr. REID) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1377. Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2555, *supra*; which was ordered to lie on the table.

SA 1378. Mr. COCHRAN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1379. Mr. COCHRAN (for Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1380. Mr. BYRD (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1381. Mr. BYRD (for Mr. AKAKA (for himself and Mr. STEVENS)) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1382. Mr. BYRD (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1383. Mr. BYRD proposed an amendment to the bill H.R. 2555, *supra*.

SA 1384. Mr. DURBIN (for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. REID, Mr. LAUTENBERG, Ms. CANTWELL, Mr. REED, and Mr. KENNEDY) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 1385. Mr. DURBIN proposed an amendment to the bill S. 14, *supra*.

SA 1386. Mr. BOND (for himself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW) proposed an amendment to the bill S. 14, *supra*.

TEXT OF AMENDMENTS

SA 1362. Mr. DORGAN proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 615 the following:

SEC. . Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, shall report to the Committee on Appropriations of the Senate and the House of Representatives on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists known as the "Tipoff" database, including the process by which classified information shall be secured from unauthorized disclosure.

SA 1363. Mr. BOND (for himself, Ms. STABENOW, Mr. LIEBERMAN, and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 56, line 2, strike "\$172,736,000" and insert "\$690,944,000".

On page 58, line 6, strike "\$2,888,000,000" and insert "\$11,552,000,000".

On page 60, line 1, strike "\$750,000,000" and insert "\$3,000,000,000".

On page 60, line 15, strike "\$826,801,000" and insert "\$3,307,204,000".

On page 65, line 9, strike "\$165,000,000" and insert "\$660,000,000".

SA 1364. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

SA 1365. Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE —PORT ANTI-TERRORISM AND SECURITY ACT OF 2003

SEC. 1001. SHORT TITLE.

This title may be cited as the "Port Anti-Terrorism and Security Act of 2003".

Subtitle A—Deterring and Punishing Terrorism and Crime at United States Ports

SEC. 1101. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 65 the following:

"CHAPTER 66—MARITIME VESSELS

"Sec.

"1371. Jurisdiction and scope.

"1372. Destruction of vessel or maritime facility.

"1373. Imparting or conveying false information.

"§ 1371 Jurisdiction and scope

"(a) IN GENERAL.—There is jurisdiction under section 3231 over an offense under this chapter if—

"(1) the prohibited activity takes place within the United States, or in waters or submerged lands thereunder subject to the jurisdiction of the United States; or

"(2) the prohibited activity takes place outside the United States, and—

"(A) an offender or a victim of the prohibited activity is a citizen of the United States;

"(B) a citizen of the United States was on board a vessel to which this chapter applies; or

"(C) the prohibited activity involves a vessel of the United States.

"(b) APPLICABILITY.—Nothing in this chapter shall apply to otherwise lawful activities carried out by, or at the direction of, the United States Government.

"§ 1372. Destruction of vessel or maritime facility

"(a) OFFENSES.—It shall be unlawful for any person—

"(1) to willfully—

"(A) set fire to, damage, destroy, disable, or wreck any vessel; or

"(B) place or cause to be placed a destructive device or destructive substance in, upon, or in proximity to, or otherwise make or cause to be made an unworkable or unusable or hazardous to work or use, any vessel (as defined in section 3 of title 1), or any part or other materials used or intended to be used in connection with the operation of a vessel; or

"(C) set fire to, damage, destroy, disable, or displace a destructive device or destructive substance in, upon, or in proximity to, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, or interfere by force or violence with the operation of such maritime facility, if such action is likely to endanger the safety of any vessel in navigation;

"(D) set fire to, damage, destroy, disable, or place a destructive device or destructive substance in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried on, or intended to be carried on, any vessel;

"(E) perform an act of violence against or incapacitate an individual on a vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

"(F) perform an act of violence against a person that causes or is likely to cause serious bodily injury in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel; or

"(G) communicate information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

"(2) to attempt or conspire to do anything prohibited under paragraph (1).

"(b) PENALTY.—Any person who—

"(1) violates subparagraph (A) or (B) of subsection (a)(1) shall be fined in accordance with this title or imprisoned for a maximum life imprisonment term, or both, and if death results, shall be subject to the death penalty; and

"(2) violates subsection (a)(2) or subparagraph (C), (D), (E), (F), or (G) of subsection (a)(1) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"(c) ADDITIONAL PENALTIES.—Any person who is fined or imprisoned in accordance with subsection (b) for an offense that involved a vessel that, at the time the violation occurred, carried high-level radioactive waste or spent nuclear fuel shall be fined in accordance with this title or imprisoned for not less than 30 years, or for life.

“(d) THREATENED OFFENSE.—Any person who willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry out the threat, shall be—

“(1) fined in accordance with this title or imprisoned not more than 5 years, or both; and

“(2) liable for all costs incurred as a result of such threat.

“(e) DEFINITIONS.—For purposes of this section—

“(1) the term ‘destructive device’ has the meaning as such term in section 921(a)(4);

“(2) the term ‘destructive substance’ has the meaning as such term in section 31;

“(3) the term ‘high-level radioactive waste’ has the meaning as such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

“(4) the term ‘serious bodily injury’ has the meaning as such term in section 1365(g); and

“(5) the term ‘spent nuclear fuel’ has the meaning as such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

“§ 1373. Imparting or conveying false information

“(a) IN GENERAL.—Any person who imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that is an offense under this chapter or chapter 2, 97, or 111, shall be subject to a civil penalty of not more than \$5,000, which shall be recoverable in a civil action brought in the name of the United States.

“(b) INCREASED PENALTY.—Any person who willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made by or to be made, to do any act that is an offense under this chapter or chapter 2, 97, or 111, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, is amended by inserting after the item relating to chapter 65 the following: **“66. Maritime Vessels 1371”**.

SEC. 1102. CRIMINAL SANCTIONS FOR PLACEMENT OF DESTRUCTIVE DEVICES OR SUBSTANCES IN UNITED STATES JURISDICTIONAL WATERS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by inserting after section 2280 the following:

“§ 2280A. Devices or substances in waters of the United States likely to destroy or damage ships

“(a) IN GENERAL.—Any person who knowingly places or causes to be placed in waters subject to the jurisdiction of the United States, by any means, a device or substance that is likely to destroy or cause damage to a ship or its cargo, or cause interference with the safe navigation of vessels or interference with maritime commerce, such as by damaging or destroying marine terminals, facilities, and any other maritime structure or entity used in maritime commerce, with the intent of causing such destruction or damage—

“(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

“(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

“(b) APPLICABILITY.—Nothing in this section shall be construed to apply to otherwise

lawfully authorized and conducted activities of the United States Government.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2280 the following:

“2280A. Devices or substances in waters of the United States likely to destroy or damage ships.”

SEC. 1103. PIRACY AND PRIVATEERING.

Chapter 81 of title 18, United States Code, is amended to read as follows:

“CHAPTER 81—PIRACY AND PRIVATEERING

“Sec.

“1651. Piracy.

“1652. Crimes against United States persons or property on board a ship or maritime structure.

“1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States.

“1654. Crimes by United States citizens or resident aliens.

“1655. Privateering.

“1656. Theft or conversion of vessel, maritime structure, cargo, or effects.

“1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects.

“1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects.

“1659. Attempts.

“1660. Accessories.

“1661. Inapplicability to United States Government activities.

“§ 1651. Piracy

“Any person who commits the crime of piracy and is afterwards brought into, or found in, the United States shall be imprisoned for life.

“§ 1652. Crimes against United States persons or property on board a ship or maritime structure

“Any person who commits any illegal act of violence, detention, or depredation against the United States, including any vessel of the United States, citizen of the United States, any commercial structure owned in whole or in part by a United States citizen or resident alien, or any United States citizen or resident alien, or the property of that citizen or resident alien, on board a ship or maritime structure and is afterwards brought into or found in the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States

“Any person who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, in waters or submerged lands thereunder, subject to the jurisdiction of the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1654. Crimes by United States citizens or resident aliens

“Any person, being a United States citizen or resident alien, or purporting to act under the authority of the United States, who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1655. Privateering

“(a) OFFENSE.—It shall be unlawful for any person to furnish, fit out, arm, or serve in a privateer or private vessel used to commit any illegal act of violence, detention, or depredation against an individual, or the property of that individual, or any vessel or maritime structure without the express authority of the United States Government when—

“(1) the perpetrator of the act is a United States citizen or resident alien, or purports to act under authority of the United States;

“(2) the individual against whom the act is committed is a United States citizen or resident alien or the property, vessel, or maritime structure involved is owned, in whole or in part, by a United States citizen or resident alien; or

“(3) some element of the illegal act of violence, detention, or depredation is committed in waters subject to the jurisdiction of the United States.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1656. Theft or conversion of vessel, maritime structure, cargo, or effects

“(a) OFFENSE.—It shall be unlawful for any person who is a captain, officer, crewman, or passenger of a vessel or maritime structure to assist in the theft or conversion of such vessel or maritime structure, or its cargo or effects when—

“(1) the perpetrator is a United States citizen or resident alien, or purports to act under the authority of the United States;

“(2) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

“(3) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects

“(a) OFFENSE.—It shall be unlawful for any person to—

“(1) intentionally cause the wrecking of a vessel or maritime structure by act or omission, either directly such as by intentional grounding, or indirectly by modification or destruction of any navigational marker or safety device;

“(2) intentionally plunder, steal, or destroy a vessel, maritime structure, cargo, or effects when such vessel or maritime structure is in distress, wrecked, lost, stranded, or cast away; or

“(3) intentionally obstruct or interfere with the rescue of a person on board a vessel or maritime structure in distress, wrecked, lost, stranded, or cast away, or the legal salvage of such a vessel, maritime structure, cargo, or effects, when—

“(A) the perpetrator is a United States citizen or resident alien, or purports to act under authority of the United States;

“(B) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

“(C) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects

“Any person who knowingly receives or acquires a vessel, maritime structure, cargo, or

effects converted or obtained by action falling under any section of this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1659. Attempts

Any person who attempts any act which, if committed, would constitute an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1660. Accessories

“(a) COMMISSION OF AN OFFENSE.—Any person who knowingly assists any person in the commission of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“(b) AVOIDANCE OF CONSEQUENCES.—Any person who knowingly assists any person in avoiding the consequences of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1661. Inapplicability to United States Government activities

“Nothing in this chapter shall apply to otherwise lawful activities—

“(1) carried out by, or at the direction of, the United States Government; or

“(2) undertaken under a letter or marque and reprisal issued by the United States Government.”.

SEC. 1104. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

(a) IN GENERAL.—Chapter 39 of title 18, United States Code, is amended by inserting after section 831 the following:

“§ 832. Use of a dangerous weapon or explosive on a passenger vessel

“(a) OFFENSE.—It shall be unlawful for any person to willfully—

“(1) commit an act, including the use of a dangerous weapon, explosive, or incendiary device, with the intent to cause death or serious bodily injury to a crew member or passenger of a passenger vessel or any other person while on board a passenger vessel; or

“(2) attempt, threaten, or conspire to do any act referred to in paragraph (1).

“(b) PENALTY.—An person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“(c) AGGRAVATED OFFENSE.—Any person who commits an offense described in subsection (a) in a circumstance in which—

“(1) the vessel was carrying a passenger at the time of the offense; or

“(2) the offense has resulted in the death of any person;

shall be guilty of an aggravated offense and shall be fined in accordance with this title or imprisoned for any term of years or for life.

“(d) APPLICABILITY.—This section shall apply to vessels that are subject to the jurisdiction of the United States, and vessels carrying passengers who are United States citizens or resident aliens, wherever located.

“(e) DEFINITIONS.—For purposes of this section—

“(1) the term ‘dangerous weapon’ has the meaning given such term in section 930(g);

“(2) the term ‘explosive or incendiary device’ has the meaning given such term in section 232(5);

“(3) the term ‘passenger’ has the same meaning given such term in section 2101(21) of title 46;

“(4) the term ‘passenger vessel’ has the same meaning given such term in section 2101(22) of title 46; and

“(5) the term ‘serious bodily injury’ has the meaning given such term in section 1365(g).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 39 of

title 18, United States Code, is amended by inserting after the item relating to section 831 the following:

“832. Use of a dangerous weapon or explosive on a passenger vessel.”.

SEC. 1105. SANCTIONS FOR FAILURE TO HEAVE TO AND FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

“§ 2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

“(a) FAILURE TO HEAVE TO.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to heave to on being ordered to do so by an authorized Federal law enforcement officer.

“(b) OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

“(1) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

“(2) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel’s destination, origin, ownership, registration, nationality, cargo, or crew that the person knows is false.

“(c) LIMITATIONS.—This section shall not limit the authority of—

“(1) an officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the Secretary of the Treasury or the Under Secretary for Border and Transportation Security of the Department of Homeland Security; or

“(2) a Federal law enforcement officer under any law of the United States to order a vessel to stop or heave to.

“(d) CONSENT OR OBJECTION TO ENFORCEMENT.—A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means, which consent or waiver may be proven by certification of the Secretary of State or the Secretary’s designee.

“(e) PENALTY.—Any person who intentionally violates this section shall be fined not more than 1 year.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the terms ‘vessel of the United States’ and ‘vessel subject to the jurisdiction of the United States’ have the same meanings as such terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903);

“(2) the term ‘heave to’ means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding; and

“(3) the term ‘Federal law enforcement officer’ has the same meaning as such term in section 115.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

“2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.”.

SEC. 1106. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION.

Section 2280(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (F), (G), and (H) as (G), (H), and (I), respectively;

(B) by inserting after subparagraph (E) the following:

“(F) destroys, damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954, (33 U.S.C. 984) or the Coast Guard pursuant to section 81 of title 14, or lawfully maintained by the Coast Guard pursuant to section 83 of title 14, if such act endangers or is likely to endanger the safe navigation of a ship;”;

(C) in subparagraph (I), as so redesignated, by striking “through (G)” and inserting “through (H)”;

(2) in paragraph (2), by striking “(C) or (E)” and inserting “(C), (E), or (F)”.

SEC. 1107. CRIMINAL SANCTIONS FOR MALICIOUS DUMPING.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

“§ 2282. Knowing discharge or release

“(a) ENDANGERMENT OF HUMAN LIFE.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjoining shoreline with the intent to endanger human life, health, or welfare—

“(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

“(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

“(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjacent shoreline with the intent to endanger the marine environment shall be fined in accordance with this title or imprisoned not more than 30 years, or both.

“(c) DEFINITIONS.—For purposes of this section—

“(1) the term ‘discharge’ means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

“(2) the term ‘hazardous material’ has the same meaning given such term in section 2101(14) of title 46;

“(3) the term ‘marine environment’ has the same meaning given such term in section 2101(15) of title 46;

“(4) the term ‘navigable waters’ has the same meaning given such term in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)), and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988; and

“(5) the term ‘noxious liquid substance’ has the same meaning given such term in the MARPOL Protocol as defined in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following:

“2282. Knowing discharge or release.”.

SEC. 1108. ATTORNEY GENERAL TO COORDINATE PORT-RELATED CRIME DATA COLLECTION.

(a) REGULATIONS.—The Attorney General shall issue regulations to—

(1) require the reporting by a carrier that is the victim of a cargo theft offense to the Attorney General of information on the cargo theft offense (including offenses occurring outside ports of entry and ports of shipment origination) that identifies the port of entry, the port where the shipment originated, where the theft occurred, and any other information specified by the Attorney General;

(2) create a database to contain the reports described in paragraph (1) and integrate those reports, to the extent feasible, with other noncriminal justice and intelligence data, such as insurer bill of lading, cargo contents and value, point of origin, and lien holder filings; and

(3) prescribe procedures for access to the database created in accordance with paragraph (2) by appropriate Federal, State, and local governmental agencies and private companies or organizations, while limiting access to privacy of the information in accordance with other applicable Federal laws.

(b) MODIFICATION OF DATABASES.—

(1) IN GENERAL.—United States Government agencies with significant regulatory or law enforcement responsibilities at United States ports shall, to the extent feasible, modify their information databases to ensure the collection and retrievability of data relating to crime, terrorism, and related activities at, or affecting, United States ports.

(2) DESIGNATION OF AGENCIES.—The Attorney General, after consultation with the Secretary of Homeland Security, shall designate the agencies referred to in paragraph (1).

(c) OUTREACH PROGRAM.—The Attorney General, in consultation with the Secretary of Homeland Security, the National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code, and the appropriate Federal and State agencies, shall establish an outreach program—

(1) to work with State and local law enforcement officials to harmonize the reporting of data on cargo theft among States and localities with the United States Government's reports; and

(2) to work with local port security committees to disseminate cargo theft information to appropriate law enforcement officials.

(d) ANNUAL REPORT.—The Attorney General shall report annually to the Committee on the Judiciary of the Senate and the House of Representatives on the implementation of this section.

(e) INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER; STATE PROSECUTIONS.—

(1) STATE PROSECUTIONS.—Section 659 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking "Whoever embezzles" and inserting the following:

"(a) OFFENSE; PENALTY.—Whoever—

"(1) embezzles";

(ii) by striking "from any pipeline system" and all that follows through "with intent to convert to his own use"; and

(iii) by striking "or" at the end;

(B) in the second undesignated paragraph—

(i) by striking "Whoever buys" and inserting the following:

"(2) buys"; and

(ii) by striking "or" at the end;

(C) in the third undesignated paragraph—

(i) by striking "Whoever embezzles" and inserting the following:

"(3) embezzles"; and

(ii) by striking "with intent to convert to his own use";

(D) in the fourth undesignated paragraph, by striking "Whoever embezzles" and inserting the following:

"(4) embezzles";

(E) in the fifth undesignated paragraph, by striking "Shall in each case" and inserting the following:

"shall in each case";

(F) in the sixth undesignated paragraph, by striking "The" and inserting the following:

"(b) LOCATION OF OFFENSE.—The";

(G) in the seventh undesignated paragraph, by striking "The" and inserting the following:

"(c) SEPARATE OFFENSE.—The";

(H) in the eighth undesignated paragraph, by striking "To" and inserting the following:

"(d) PRIMA FACIE EVIDENCE.—To";

(I) in the ninth undesignated paragraph, by striking "A" and inserting the following:

"(e) PROSECUTION.—A"; and

(J) by adding at the end the following:

"(f) CIVIL PENALTY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any penalties that may be available under any other provision of law, a person who is found by the Secretary of Homeland Security, after notice and an opportunity for a hearing, to have violated this section or a regulation issued under this section shall be liable to the United States for a civil penalty not to exceed \$25,000 for each violation.

"(2) SEPARATE VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

"(3) AMOUNT OF PENALTY.—

"(A) IN GENERAL.—The amount of a civil penalty for a violation of this section or a regulation issued under this section shall be assessed by the Attorney General, or the designee of the Attorney General, by written notice.

"(B) CONSIDERATIONS.—In determining the amount of a civil penalty under this paragraph, the Attorney General shall take into account—

"(i) the nature, circumstances, extent, and gravity of the prohibited act committed; and

"(ii) with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

"(4) MODIFICATION OF PENALTY.—The Secretary of Homeland Security may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or which has been imposed under this section.

"(5) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary of Homeland Security may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

"(g) DEFINITION.—For purposes of this section, the term 'goods or chattels' means to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment) regardless of any temporary stop while awaiting transshipment or otherwise."

(2) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 of title 18, United States Code, as amended by this subsection.

(3) ANNUAL REPORT.—The Attorney General shall annually submit to Congress a report that shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code.

Subtitle B—Protecting United States Ports Against Terrorism and Crime

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) AIRCRAFT.—The term "aircraft" has the meaning given that term in section 40102 of title 49, United States Code.

(2) CAPTAIN-OF-THE-PORT.—The term "Captain-of-the-Port", with respect to a United States seaport, means the individual designated by the Commandant of the Coast Guard as the Captain-of-the-Port at that seaport.

(3) COMMON CARRIER.—The term "common carrier" means any person that holds itself out to the general public as a provider for hire of a transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

(4) CONTAINER.—The term "container" means a container that is used or designed for use for the international transportation of merchandise by vessel, vehicle, or aircraft.

(5) DIRECTORATE.—The term "Directorate" means the Border and Transportation Security Directorate of the Department of Homeland Security.

(6) MANUFACTURER.—The term "manufacturer" means a person who fabricates or assembles merchandise for sale in commerce.

(7) MERCHANDISE.—The term "merchandise" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(8) SHIPMENT.—The term "shipment" means cargo traveling in international commerce under a bill of lading.

(9) UNITED STATES SEAPORT.—The term "United States seaport" means a place in the United States on a waterway with shore-side facilities for the intermodal transfer of cargo containers that are used in international trade.

(10) VEHICLE.—The term "vehicle" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(11) VESSEL.—The term "vessel" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

SEC. 1202. DESIGNATED SECURITY AUTHORITY.

The Captain-of-the-Port of each United States seaport shall be the primary authority responsible for security at the United States seaport and shall—

(1) coordinate security at such seaport; and

(2) be the point of contact on seaport security issues for civilian and commercial port entities at such seaport.

SEC. 1203. PENALTIES FOR INACCURATE MANIFEST.

(a) FALSITY OR LACK OF MANIFEST.—Section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is amended—

(1) in subsection (a)(1)—

(A) by striking "\$1,000" each place it appears and inserting "\$50,000"; and

(B) by striking "\$10,000" and inserting "\$50,000"; and

(2) by adding at the end the following new subsection:

"(c) CRIMINAL PENALTIES.—Any person who ships or prepares for shipment any merchandise bound for the United States who intentionally provides inaccurate or false information, whether inside or outside the United States, with respect to such merchandise for the purpose of introducing such merchandise into the United States in violation of the laws of the United States, shall be liable, upon conviction of a violation of this subsection, for a fine of not more than \$50,000 or imprisonment for 1 year, or both; except that if the importation of such merchandise into the United States is prohibited, such person shall be liable for an additional fine of not more than \$50,000 or imprisonment for not more than 5 years, or both."

(b) PENALTIES FOR VIOLATIONS OF THE ARRIVAL, REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS.—Subsections (b) and (c) of section 436 of Tariff Act of 1930 (19 U.S.C. 1436) are amended to read as follows:

“(b) CIVIL PENALTY.—Any master, person in charge of a vessel, vehicle, or aircraft pilot who commits any violation listed in subsection (a) shall be liable for a civil penalty of \$25,000 for the first violation, and \$50,000 for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture.

“(c) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (b), any master, person in charge of a vessel, vehicle, or aircraft pilot who intentionally commits or causes another to commit any violation listed in subsection (a) shall be liable, upon conviction, for a fine of not more than \$50,000 or imprisonment for 1 year, or both; except that if the conveyance has, or is discovered to have had, on board any merchandise (other than sea stores or the equivalent for conveyances other than vessels) the importation of which into the United States is prohibited, such individual shall be liable for an additional fine of not more than \$50,000 or imprisonment for not more than 5 years, or both.”

SEC. 1204. INSPECTION OF MERCHANDISE AT FOREIGN FACILITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan to—

(1) station inspectors from the Directorate, other Federal agencies, or the private sector at the foreign facilities of manufacturers or common carriers to profile and inspect merchandise and the containers or other means by which such merchandise is transported as they are prepared for shipment on a vessel that will arrive at any port or place in the United States;

(2) develop procedures to ensure the security of merchandise inspected as described in paragraph (1) until it reaches the United States; and

(3) permit merchandise inspected as described in paragraph (1) to receive expedited inspection upon arrival in the United States.

SA 1366. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. AKAKA, Mrs. FEINSTEIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 615 the following:

SEC. 616. (a) PLAN FOR ENHANCEMENT OF OPERATIONS OF OFFICE OF INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan for enhancements of the operations of the Office of Information Analysis and Infrastructure Protection (IAIP) in order to—

(1) meet the personnel requirements of the Office;

(2) improve communications between the Office and the intelligence community; and

(3) improve coordination between the Office and State and local counterterrorism and law enforcement officials.

(b) ADDITIONAL ELEMENTS.—In addition to the matters specified in subsection (a) the report shall include the following:

(1) A description of the current assets and capabilities of the Office of Information Analysis and Infrastructure Protection.

(2) A strategy for the Office for the coordination and dissemination of intelligence and other information.

(3) A schedule for the implementation of the plan required under subsection (a).

(c) ANNUAL REPORTS ON CERTAIN EFFORTS.—(1) Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the efforts of the Office of Information Analysis and Infrastructure Protection during the one-year period ending on the date of such report to coordinate with other Federal agencies, State and local governments, and the private sector on the collection, analysis, and dissemination of information on threats to the United States and its infrastructure.

(2) Each report shall include, for the period covered by such report—

(A) a description of the efforts described in paragraph (1), including any capabilities developed or enhanced as a result of such efforts; and

(B) an assessment of the success of such efforts.

SA 1367. Mr. BYRD proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, Line 6, insert the following:

TITLE VII—FULFILLING HOMELAND SECURITY PROMISES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
MARITIME AND LAND SECURITY

For an additional amount for “Maritime and Land Security”, \$100,000,000, to remain available until September 30, 2005, for port security grants, which shall be distributed under the same terms and conditions as provided under Public Law 107-117.

UNITED STATES COAST GUARD
OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$42,000,000, to remain available until December 31, 2004, shall be for costs pursuant to Public Law 107-295 for implementing the Maritime Transportation Security Act including those costs associated with the review of vessel and facility security plans and the development of area security plans.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for “Firefighter Assistance Grants,” \$100,000,000, to remain available through September 30, 2005, for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Of the amounts made available for the “Office of the Under Secretary for Information Analysis and Infrastructure Protection”, \$50,000,000, to remain available until September 30, 2005, shall be for chemical facility security assessments.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

On page 66, line 9, strike “\$823,700,000,” and insert “\$581,700,000.”

SA 1368. Mr. SPECTER (for himself, Mr. SCHUMER, Mr. WARNER, Mrs. CLINTON, Ms. MIKULSKI, Mr. CORZINE, Mr. KENNEDY, Mrs. MURRAY, Mr. LAUTEN-

BERG, Mr. DURBIN, and Mr. SARBANES) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 58, line 6, strike “\$2,888,000,000” and insert “\$3,138,000,000”.

On page 59, line 1, strike “\$750,000,000” and insert “\$1,000,000,000”.

SA 1369. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

On page 51, line 18, strike “\$285,000,000” and insert “\$451,000,000”.

SA 1370. Mr. SPECTER (for Mr. SCHUMER (for himself, Mr. SPECTER, Mr. WARNER, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 58, line 6, strike “\$2,888,000,000” and insert “\$3,138,000,000”.

On page 59, line 1, strike “\$750,000,000” and insert “\$1,000,000,000”.

On page 66, line 9, strike “\$823,700,000” and insert “\$636,340,000”.

On page 66, line 23, strike “\$866,000,000” and insert “\$803,360,000”.

SA 1371. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 615 the following:

SEC. 616. (a) PLAN FOR ENHANCEMENT OF OPERATIONS OF OFFICE OF INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan for enhancements of the operations of the Office of Information Analysis and Infrastructure Protection (IAIP) in order to—

(1) meet the personnel requirements of the Office;

(2) improve communications between the Office and the intelligence community; and

(3) improve coordination between the Office and State and local counterterrorism and law enforcement officials.

(b) ADDITIONAL ELEMENTS.—In addition to the matters specified in subsection (a) the report shall include the following:

(1) A description of the current assets and capabilities of the Office of Information Analysis and Infrastructure Protection.

(2) A strategy for the Office for the coordination and dissemination of intelligence and other information.

(3) A schedule for the implementation of the plan required under subsection (a).

SA 1372. Mr. REED (for himself, Mr. SARBANES, Mr. CORZINE, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes;

which was ordered to lie on the table; as follows:

On page 49, between lines 7 and 8, insert the following:

TRANSIT SECURITY

For necessary expenses of the Transportation Security Administration related to land transportation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note) and for other purposes, \$100,000,000, to remain available until December 31, 2004, which shall be available for grants to public transit agencies for enhancing the security of transit facilities against chemical, biological and other terrorist threats: *Provided*, That the Secretary of Homeland Security shall make such grants pursuant to threat assessments previously conducted by the Transportation Security Administration and the Federal Transit Administration: *Provided further*, That the Secretary of Homeland Security and the Secretary of Transportation shall enter into a memorandum of understanding regarding transit security. *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that includes—

(1) the amount of funds appropriated to the Transportation Security Administration (TSA) that have been allocated for activities designed to improve public transportation security;

(2) the number of full-time TSA personnel engaged in activities designed to improve public transportation security;

(3) the strategic plan of the TSA for improving the security of our Nation's public transportation systems; and

(4) recommendations from the TSA for any policy changes needed to ensure that the TSA, in coordination with other agencies within the Department of Homeland Security, will effectively improve public transportation security for our Nation's transit riders.

SA 1373. Mr. BYRD (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mrs. CLINTON) proposed an amendment intended to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 616. None of the funds appropriated by this Act may be used to fund the activities of any advisory committee (as defined in section 3 of the Federal Advisory Committee Act) that has been exempted from the Federal Advisory Committee Act (5 U.S.C. App.) pursuant to section 871 of the Homeland Security Act of 2002 (6 U.S.C. 451).

SA 1374. Mr. BYRD (for Mr. DURBIN (for himself, Mrs. CLINTON, and Mr. CORZINE)) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in collaboration with the Director of the Office of Management and Budget, shall submit a report to the

Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Select Committee on Homeland Security of the House of Representatives on the status of the Department's efforts to—

(1) complete an inventory of the Department's entire information technology infrastructure;

(2) devise and deploy a secure comprehensive enterprise architecture that—

(A) promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department;

(B) avoids unnecessary duplication; and

(C) aids rapid and appropriate information exchange, retrieval, and collaboration at all levels of government;

(3) consolidate multiple overlapping and inconsistent terrorist watch lists, reconcile different policies and procedures governing whether and how terrorist watch list data are shared with other agencies and organizations, and resolve fundamental differences in the design of the systems that house the watch lists so as to achieve consistency and expeditious access to accurate, complete, and current information;

(4) ensure that the Department's enterprise architecture and the information systems leveraged, developed, managed, and acquired under such enterprise architecture are capable of rapid deployment, limit data access only to authorized users in a highly secure environment, and are capable of continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data; and

(5) align common information technology investments within the Department and between the Department and other Federal, State, and local agencies responsible for homeland security to minimize inconsistent and duplicate acquisitions and expenditures.

SA 1375. Mr. BYRD (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 59, at the end of line 23, after "heading" insert the following:

Provided further, That not later than January 1, 2004, the Office of Domestic Preparedness shall submit to the Committees on Appropriations of the Senate and House of Representatives a report detailing efforts to assess and disseminate best practices to emergency responders which, at a minimum, shall discuss (1) efforts to coordinate and share information with state and local officials and emergency preparedness organizations; and (2) steps the Department proposes to improve the coordination and sharing of such information, if any.

SA 1376. Mr. LEVIN (for himself and Mr. REID) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end, add the following:

SEC. . PROHIBITION ON APPROPRIATIONS AVAILABILITY TO CORPORATE EXPATRIATES.

No funds in this Act shall be available for any contract entered into after the date of enactment of this Act by the Department of Homeland Security with—

(1) an inverted domestic corporation (as defined in section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395)),

(2) any corporation which completed a plan (or series of transactions) described in such section before, on, or after the date of enactment of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395), or

(3) any subsidiary of a corporation described in paragraph (1) or (2).

SA 1377. Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

SA 1378. Mr. COCHRAN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . It is the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research.

SA 1379. Mr. COCHRAN (for Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) Not later than 120 days after the date of the enactment of this Act, the

Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

SA 1380. Mr. BYRD (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 90 days after the date of enactment of this Act, the Comptroller General shall conduct a review and report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security.

SA 1381. Mr. BYRD (for Mr. AKAKA (for himself and Mr. STEVENS)) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. 6. When establishing priorities for firefighting vehicles in the Firefighter Assistance Grant program, the Secretary shall take into consideration the unique geographical needs of individual fire departments.

SA. 1382. Mr. BYRD (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study and submit a report with recommendations to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate regarding the status of the air traffic control communications voids and gaps in tethered aerostat coverage around the United States, such as those existing in the central Gulf of Mexico.

SA 1383. Mr. BYRD proposed an amendment to the bill H.R. 2555, mak-

ing appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. **RESTRICTION OF FUNDING.**

None of the funds made available under this Act or any other Act may be used to pay the salary of an individual who is employed by the Department of Homeland Security or the Office of Homeland Security within the Executive Office of the President at a rate of pay that is equal to or greater than 75 percent of level II of the Executive Schedule, unless that individual signs a contract with the applicable employing department or office under which—

(1) the individual agrees to the restrictions described under section 207(c)(1) of title 18, United States Code; and

(2) in the event that the individual violates such restrictions, the individual agrees to pay a civil penalty equal to 100 percent of all gross receipts received by the individual from conduct that violated the restrictions.

SA 1384. Mr. DURBIN (for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. REID, Mr. LAUTENBERG, Ms. CANTWELL, Mr. REED, and Mr. KENNEDY) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 716. **PHASED INCREASES IN FUEL ECONOMY STANDARDS.**

(a) **PASSENGER AUTOMOBILES.—**

(1) **MINIMUM STANDARDS.—**Subsection (b) of section 32902 of title 49, United States Code, is amended to read as follows:

“(b) **PASSENGER AUTOMOBILES.—**Except as otherwise provided under this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year—

“(1) after model year 1984 and before model year 2006 shall be 25 miles per gallon;

“(2) after model year 2005 and before model year 2009 shall be 28 miles per gallon;

“(3) after model year 2008 and before model year 2012 shall be 32 miles per gallon;

“(4) after model year 2011 and before model year 2015 shall be 36 miles per gallon; and

“(5) after model year 2014 shall be 40 miles per gallon.”.

(2) **HIGHER STANDARDS SET BY REGULATION.—**Subsection (c) of such section is amended—

(A) in the first sentence of paragraph (1)—

(i) by striking “Subject to paragraph (2) of this subsection, the” and inserting “The”; and

(ii) by striking “amending the standard” and inserting “increasing the standard otherwise applicable”;

(B) by striking paragraph (2); and

(C) by designating the text composed of the second and third sentences of paragraph (1) as paragraph (2) and realigning such paragraph, as so designated, flush with the left margin.

(b) **NON-PASSENGER AUTOMOBILES.—**Subsection (a) of such section is amended—

(1) by striking “At least 18 months before each model year,” and inserting the following:

“(1) The average fuel economy standard applicable for automobiles (except passenger automobiles) manufactured by a manufacturer in a model year—

“(A) after model year 1984 and before model year 2006 shall be 17 miles per gallon;

“(B) after model year 2005 and before model year 2009 shall be 19 miles per gallon;

“(C) after model year 2008 and before model year 2012 shall be 21.5 miles per gallon;

“(D) after model year 2011 and before model year 2015 shall be 24.5 miles per gallon; and

“(E) after model year 2014 shall be 27.5 miles per gallon, except as provided under paragraph (2).

“(2) At least 18 months before the beginning of each model year after model year 2015.”; and

(2) by adding at the end the following new paragraph:

“(3) If the Secretary does not increase the average fuel economy standard applicable under paragraph (1)(E) or (2), or applicable to any class under paragraph (2), within 24 months after the latest increase in the standard applicable under paragraph (1)(E) or (2), the Secretary shall submit to Congress a report containing an explanation of the reasons for not increasing the standard. The report shall be submitted not later than 90 days after the expiration of the 24-month period.”.

SEC. 717. **INCREASED INCLUSIVENESS OF DEFINITIONS OF AUTOMOBILE AND PASSENGER AUTOMOBILE.**

(a) **AUTOMOBILE.—**

(1) **IN GENERAL.—**Paragraph (3) of section 32901(a) of title 49, United States Code, is amended—

(A) by striking “6,000 pounds” each place it appears in subparagraphs (A) and (B) and inserting “12,000 pounds”; and

(B) in subparagraph (B)—

(i) by striking “10,000 pounds” and inserting “14,000 pounds”; and

(ii) in clause (ii), by striking “an average fuel economy standard” and all that follows through “conservation or”.

(2) **SPECIAL RULE.—**Section 32908(a)(1) of such title is amended by striking “8,500 pounds” and inserting “14,000 pounds”.

(b) **PASSENGER AUTOMOBILE.—**Paragraph (16) of section 32901(a) of such title is amended to read as follows:

“(16) ‘passenger automobile’—

“(A) means, except as provided in subparagraph (B), an automobile having a gross vehicle weight of 12,000 pounds or less that is designed to be used principally for the transportation of persons; but

“(B) does not include—

“(i) a vehicle that has a primary load carrying device or container attached;

“(ii) a vehicle that has a seating capacity of more than 12 persons;

“(iii) a vehicle that has a seating capacity of more than 9 persons behind the driver’s seat; or

“(iv) a vehicle that is equipped with a cargo area of at least 6 feet in interior length that does not extend beyond the frame of the vehicle and is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.”.

(c) **APPLICABILITY.—**The amendments made by this section shall apply with respect to automobiles manufactured for model years after the automobile model year in which this Act is enacted.

SEC. 718. **CIVIL PENALTIES.**

(a) **INCREASED PENALTY FOR VIOLATIONS OF FUEL ECONOMY STANDARDS.—**Subsection (b) of section 32912 of title 49, United States Code, is amended—

(1) by inserting “(1)” after “STANDARDS.—”;

(2) by striking “\$5” and inserting “the dollar amount applicable under paragraph (2)”;

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(4) by adding at the end the following new paragraph:

“(2)(A) The dollar amount referred to in paragraph (1) is \$10, as increased from time to time under subparagraph (B).

“(B) Effective on October 1 of each year, the dollar amount applicable under subparagraph (A) shall be increased by the percentage (rounded to the nearest one-tenth of one percent) by which the price index for July of such year exceeds the price index for July of the preceding year. The amount calculated under the preceding sentence shall be rounded to the nearest \$0.10.

“(C) In this paragraph, the term ‘price index’ means the Consumer Price Index for all-urban consumers published monthly by the Department of Labor.”.

(b) CONFORMING AMENDMENT.—Subsection (c)(1) of such section is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to automobiles manufactured for model years after the automobile model year in which this Act is enacted.

SEC. 719. ACCURATE FUEL ECONOMY TESTING.

(a) BIENNIAL REPORT ON TESTING QUALITY.—

(1) REQUIREMENT FOR REPORT.—

(A) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following new section:

“§ 32920. Biennial report on testing quality

“(a) REQUIREMENT FOR REPORT.—Not later than October 1 of each odd-numbered year, the Secretary of Transportation shall submit to Congress a report on the quality of the testing for determining automobile fuel economy under this chapter.

“(b) CONTENT OF REPORT.—The report shall include the following information:

“(1) An assessment of the accuracy of the fuel economy determined for automobiles in relation to actual highway and road vehicle fuel economy.

“(2) A discussion of changes in testing methodology that are planned to be made, together with an assessment of the effects that such changes are expected to have on the accuracy of the measures of automobile fuel economy resulting from the use of the testing methodology as changed.

“(c) CONSULTATION REQUIREMENT.—The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall consult on the preparation of the biennial report under this section.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“32920. Biennial report on testing quality.”.

(2) FIRST REPORT.—The first report under section 32920 of title 49, United States Code, as added by paragraph (1), shall be submitted to Congress in 2005.

(b) IMPROVEMENT OF PROCESS FOR MEASURING FUEL ECONOMY.—

(1) STUDY.—

(A) REQUIREMENT FOR STUDY.—The Secretary of Transportation shall provide for the John A. Volpe National Transportation Systems Center to carry out a study—

(i) to determine what practicable automobile fuel economy testing process provides the most accurate measures of actual automobile fuel economy in highway use, in urban use, and in combined highway and in urban use; and

(ii) to compare the average automobile fuel economy ratings calculated under the testing process determined under clause (i) for

each category of automobile use described in that clause with the corresponding automobile fuel economy ratings calculated under the testing process in use under chapter 329 of title 49, United States Code, on the date of the enactment of this Act.

(B) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study under subparagraph (A). The report shall include the following:

(i) DETERMINATIONS.—The determination and comparisons made under clauses (i) and (ii) of subparagraph (A).

(ii) ESTIMATE OF EQUIVALENT FUEL ECONOMY.—An estimate of the average adjustment to automobile fuel economy ratings calculated under the testing process used for the purposes of chapter 329 of title 49, United States Code, as of the date of enactment of this Act that is needed to conform those ratings closely to the automobile fuel economy ratings calculated under the testing process determined most accurate under subparagraph (A)(i).

(2) TESTING PROCEDURE REVISION.—

(A) REQUIREMENT FOR REVISED PROCEDURE.—Not later than 180 days after the report required under paragraph (1)(B) is submitted to Congress, the Secretary of Transportation shall prescribe in regulations—

(i) a revised testing procedure for accurately measuring the actual automobile fuel economy of each model of automobile; and

(ii) a requirement that the revised testing procedure be applied for the purposes of chapter 329 of title 49, United States Code, to determine the average fuel economy of the automobiles manufactured in model years after model year 2006.

(B) MODEL FOR REVISED PROCEDURE.—The testing procedure prescribed under subparagraph (A) shall be based on the testing process identified in the report required under paragraph (1)(B) as providing the most accurate measures of actual automobile fuel economy.

(3) COMPARABLE ADJUSTMENT IN AVERAGE FUEL ECONOMY STANDARDS.—

(A) REQUIREMENT FOR ADJUSTMENT.—For automobiles manufactured in model years after model year 2006, the Secretary of Transportation shall amend each average fuel economy standard prescribed under section 32902 of title 49, United States Code, to take into account improved accuracy in the calculation of automobile fuel economy that results from use of the revised testing procedure applied as required under paragraph (2).

(B) CONDITION.—The Secretary shall ensure that each average fuel economy standard applied as amended under subparagraph (A) is at least as stringent as the corresponding average fuel economy standard that the Secretary would have applied under section 32902 of title 49, United States Code, if the fuel economy testing procedure had not been revised as required under paragraph (2).

SEC. 720. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) PREVIOUS AMENDMENT NOT TO TAKE EFFECT.—Section 713 shall not take effect.

(b) SUPERSEDING AMENDMENTS.—Section 32917 of title 49, United States Code, is amended—

(1) in paragraph (1) of subsection (b)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “passenger”; and

(ii) by striking “to achieve” and all that follows and inserting “to achieve—”; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

“(A) in the case of non-passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under subsection (a)

of section 32902 of this title for the model year that includes January 1 of that fiscal year; and

“(B) in the case of passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under subsection (b) or (c) of such section for such model year.”;

(2) in paragraph (2) of subsection (b)—

(A) by striking “Fleet average fuel economy is—” and inserting “For the purposes of paragraph (1), the fleet average fuel economy of non-passenger or passenger automobiles in a fiscal year is—”; and

(B) in subparagraph (A)—

(i) by striking “passenger automobiles” and inserting “the non-passenger automobiles or passenger automobiles, respectively, that are”; and

(ii) by striking “in a fiscal year” and inserting “in such fiscal year”; and

(C) in subparagraph (B), by inserting “such” after “the number of”; and

(3) by adding at the end the following new subsection:

“(c) MINIMUM NUMBER OF EXCEPTIONALLY FUEL-EFFICIENT VEHICLES.—The President shall prescribe regulations that require that—

“(1) at least 20 percent of the passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year have a vehicle fuel economy rating that is at least 5 miles per gallon higher than the average fuel economy standard applicable to the automobile under subsection (b) or (c) of section 32902 of this title for the model year that includes January 1 of that fiscal year; and

“(2) beginning in fiscal year 2009, at least 10,000 vehicles in the fleet of automobiles used by executive agencies in a fiscal year have a vehicle fuel economy at least 5 miles per gallon higher than the average fuel economy standards applicable to such automobiles under section 32902 of this title for the model year that includes January 1 of that fiscal year.”.

SA 1385. Mr. DURBIN proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. __. MODIFICATIONS TO GAS GUZZLERS TAX TO ENCOURAGE GREATER AUTO FUEL EFFICIENCY.

(a) INCREASE IN TAX RATE.—Subsection (a) of section 4064 (relating to gas guzzlers tax) is amended to read as follows:

“(a) IMPOSITION OF TAX.—

“(1) IN GENERAL.—There is hereby imposed on the sale by the manufacturer of each automobile a tax determined in accordance with the following table:

If the fuel economy for the model year of the model type in which the automobile falls is:

Table with 2 columns: Fuel economy range and Tax amount. Rows include: Less than 5 mpg (\$0), At least 5 but less than 6 mpg (\$1,000), At least 6 but less than 7 mpg (\$1,500), At least 7 but less than 8 mpg (\$2,000), At least 8 but less than 9 mpg (\$2,500), At least 9 but less than 10 mpg (\$3,100), At least 10 but less than 11 mpg (\$3,800).

If the fuel economy for the model year of the model type in which the automobile falls is:

At least 11 but less than 12 mpg below such standard	4,600
At least 12 but less than 13 mpg below such standard	5,500
At least 13 but less than 14 mpg below such standard	6,500
At least 14 mpg below such standard	7,700.

“(2) INFLATION ADJUSTMENT.—“(A) IN GENERAL.—In the case of any taxable year beginning after 2005, each dollar amount referred to in paragraph (1) shall be increased by an amount equal to—“(i) such dollar amount, multiplied by“(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting ‘2004’ for ‘1992’.”“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$100, such amount shall be rounded to the next lowest multiple of \$50.”

(b) EXPANSION OF DEFINITION OF AUTOMOBILE.—

(1) INCREASE IN WEIGHT.—Section 4064(b)(1)(A)(ii) (defining automobile) is amended by striking “6,000 pounds” and inserting “12,000 pounds”.

(2) EXCEPTION FOR CERTAIN VEHICLES.—Subparagraph (B) of section 4064(b)(1) is amended to read as follows:

“(B) EXCEPTION FOR CERTAIN VEHICLES.—The term ‘automobile’ does not include—

“(i) a vehicle which has a primary load carrying device or container attached,

“(ii) a vehicle which has a seating capacity of more than 12 persons,

“(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver’s seat, or

“(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.”

(c) ADDITIONAL DEFINITIONS.—Section 4064(b) (relating to definitions) is amended by adding at the end the following new paragraphs:

“(8) APPLICABLE FUEL ECONOMY STANDARD.—The term ‘applicable fuel economy standard’ means, with respect to any model year, the average fuel economy standard as defined in section 32902 of title 49, United States Code, for passenger automobiles for such model year.

“(9) MPG.—The term ‘mpg’ means miles per gallon.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after October 31, 2005.

SEC. 36. HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

“SEC. 36. HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the new highly fuel-efficient automobile credit determined under subsection (b).

“(b) NEW HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.—For purposes of subsection (a), the new highly fuel-efficient automobile credit with respect to any new automobile placed in service by the taxpayer during the taxable year is determined in accordance with the following tables:

The tax is:

At least 5 mpg above the applicable fuel economy standard	\$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

If the fuel economy for the model year of the model type in which the non-passenger automobile falls is:

Less than 5 mpg above the applicable fuel economy standard	\$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

“(c) NEW AUTOMOBILE.—For purposes of this section, the term ‘new automobile’ means a passenger automobile or non-passenger automobile—

“(1) the original use of which commences with the taxpayer,

“(2) which is acquired for use or lease by the taxpayer and not for resale, and

“(3) which is made by a manufacturer.

“(d) PASSENGER AUTOMOBILE; NON-PASSENGER AUTOMOBILE.—For purposes of this section—

“(1) PASSENGER AUTOMOBILE.—The term ‘passenger automobile’ has the meaning given the term ‘automobile’ by section 4064(b)(1).

“(2) NON-PASSENGER AUTOMOBILE.—

“(A) IN GENERAL.—The term ‘non-passenger automobile’ means any automobile (as defined in section 4064(b)(1)(A)), but only if such automobile is described in subparagraph (B).

“(B) NON-PASSENGER AUTOMOBILES DESCRIBED.—An automobile is described in this subparagraph if such automobile is—

“(i) a vehicle which has a primary load carrying device or container attached,

“(ii) a vehicle which has a seating capacity of more than 12 persons,

“(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver’s seat, or

“(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length

which does not extend beyond the frame of the vehicle and which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.

“(e) OTHER DEFINITIONS.—Except as provided in subsection (d), for purposes of this section, any term used in this section and also in section 4064 shall have the meaning given such term by section 4064.

“(f) SPECIAL RULES.—For purposes of this section—

“(1) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

“(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter with respect to an automobile described under subsection (b), shall be reduced by the amount of credit allowed under subsection (a) for such automobile for the taxable year.

“(3) PROPERTY USED BY TAX-EXEMPT ENTITIES.—In the case of a credit amount which is allowable with respect to an automobile which is acquired by an entity exempt from tax under this chapter, the person which sells or leases such automobile to the entity shall be treated as the taxpayer with respect to the automobile for purposes of this section and the credit shall be allowed to such person, but only if the person clearly discloses to the entity at the time of any sale or lease the specific amount of any credit otherwise allowable to the entity under this section.

“(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of an automobile).

“(5) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

“(6) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any automobile if the taxpayer elects to not have this section apply to such automobile.

“(7) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, an automobile shall not be considered eligible for a credit under this section unless such automobile is in compliance with—

“(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the automobile (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

“(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

“(g) REGULATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

“(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of

the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether an automobile meets the requirements to be eligible for a credit under this section."

SA 1386. Mr. BOND (for himself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 264, after line 21, add the following:

SEC. 716. PROVISION NOT TO TAKE EFFECT.

Section 711 shall not take effect.

SEC. 717. REVISED CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.

Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider the following matters:

- "(1) Technological feasibility.
- "(2) Economic practicability.
- "(3) The effect of other motor vehicle standards of the Government on fuel economy.
- "(4) The need of the United States to conserve energy.
- "(5) The desirability of reducing United States dependence on imported oil.
- "(6) The effects of the average fuel economy standards on motor vehicle and passenger safety.
- "(7) The effects of increased fuel economy on air quality.
- "(8) The adverse effects of average fuel economy standards on the relative competitiveness of manufacturers.
- "(9) The effects of compliance with average fuel economy standards on levels of employment in the United States.
- "(10) The cost and lead time necessary for the introduction of the necessary new technologies.
- "(11) The potential for advanced technology vehicles, such as hybrid and fuel cell vehicles, to contribute to the achievement of significant reductions in fuel consumption.
- "(12) The extent to which the necessity for vehicle manufacturers to incur near-term costs to comply with the average fuel economy standards adversely affects the availability of resources for the development of advanced technology for the propulsion of motor vehicles.
- "(13) The report of the National Research Council that is entitled 'Effectiveness and Impact of Corporate Average Fuel Economy Standards', issued in January 2002."

SEC. 718. INCREASED FUEL ECONOMY STANDARDS.

- (a) NEW REGULATIONS REQUIRED.—
- (1) NON-PASSENGER AUTOMOBILES.—
- (A) REQUIREMENT FOR NEW REGULATIONS.—The Secretary of Transportation shall issue, under section 32902 of title 49, United States Code, new regulations setting forth increased average fuel economy standards for non-passenger automobiles. The regulations shall be determined on the basis of the maximum feasible average fuel economy levels for the non-passenger automobiles, taking into consideration the matters set forth in subsection (f) of such section. The new regulations under this paragraph shall apply for model years after the 2007 model year, subject to subsection (b).

(B) TIME FOR ISSUING REGULATIONS.—The Secretary of Transportation shall issue the final regulations under subparagraph (A) not later than April 1, 2006.

(2) PASSENGER AUTOMOBILES.—

(A) REQUIREMENT FOR NEW REGULATIONS.—The Secretary of Transportation shall issue, under section 32902 of title 49, United States Code, new regulations setting forth increased average fuel economy standards for passenger automobiles, taking into consideration the matters set forth in subsection (f) of such section.

(B) TIME FOR ISSUING REGULATIONS.—The Secretary of Transportation shall issue the final regulations under subparagraph (A) not later than 2½ years after the date of the enactment of this Act.

(b) PHASED INCREASES.—The regulations issued pursuant to subsection (a) shall specify standards that take effect successively over several vehicle model years not exceeding 15 vehicle model years.

(c) CLARIFICATION OF AUTHORITY TO AMEND PASSENGER AUTOMOBILE STANDARD.—Section 32902(b) of title 49, United States Code, is amended by inserting before the period at the end the following: "or such other number as the Secretary prescribes under subsection (c)".

(d) ENVIRONMENTAL ASSESSMENT.—When issuing final regulations setting forth increased average fuel economy standards under section 32902(a) or section 32902(c) of title 49, United States Code, the Secretary of Transportation shall also issue an environmental assessment of the effects of the increased standards on the environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$5,000,000 for each of fiscal years 2004 through 2008 for carrying out this section and for administering the regulations issued pursuant to this section.

SEC. 719. EXPEDITED PROCEDURES FOR CONGRESSIONAL INCREASE IN FUEL ECONOMY STANDARDS.

(a) CONDITION FOR APPLICABILITY.—If the Secretary of Transportation fails to issue final regulations with respect to non-passenger automobiles under section 719, or fails to issue final regulations with respect to passenger automobiles under such section, on or before the date by which such final regulations are required by such section to be issued, respectively, then this section shall apply with respect to a bill described in subsection (b).

(b) BILL.—A bill referred to in this subsection is a bill that satisfies the following requirements:

(1) INTRODUCTION.—The bill is introduced by one or more Members of Congress not later than 60 days after the date referred to in subsection (a).

(2) TITLE.—The title of the bill is as follows: "A bill to establish new average fuel economy standards for certain motor vehicles."

(3) TEXT.—The bill provides after the enacting clause only the text specified in subparagraph (A) or (B) or any provision described in subparagraph (C), as follows:

(A) NON-PASSENGER AUTOMOBILES.—In the case of a bill relating to a failure timely to issue final regulations relating to non-passenger automobiles, the following text:

"That, section 32902 of title 49, United States Code, is amended by adding at the end the following new subsection:

"() NON-PASSENGER AUTOMOBILES.—The average fuel economy standard for non-passenger automobiles manufactured by a manufacturer in a model year after model year ___ shall be ___ miles per gallon.", the first blank space being filled in with a subsection designation, the second blank space being filled in with the number of a year, and the third blank space being filled in with a number.

(B) PASSENGER AUTOMOBILES.—In the case of a bill relating to a failure timely to issue final regulations relating to passenger automobiles, the following text:

"That, section 32902(b) of title 49, United States Code, is amended to read as follows:

"(b) PASSENGER AUTOMOBILES.—Except as provided in this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year after model year ___ shall be ___ miles per gallon.", the first blank space being filled in with the number of a year and the second blank space being filled in with a number.

(C) SUBSTITUTE TEXT.—Any text substituted by an amendment that is in order under subsection (c)(3).

(c) EXPEDITED PROCEDURES.—A bill described in subsection (b) shall be considered in a House of Congress in accordance with the procedures provided for the consideration of joint resolutions in paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473; 98 Stat. 1936), with the following exceptions:

(1) REFERENCES TO RESOLUTION.—The references in such paragraphs to a resolution shall be deemed to refer to the bill described in subsection (b).

(2) COMMITTEES OF JURISDICTION.—The committees to which the bill is referred under this subsection shall—

(A) in the Senate, be the Committee on Commerce, Science, and Transportation; and

(B) in the House of Representatives, be the Committee on Energy and Commerce.

(3) AMENDMENTS.—

(A) AMENDMENTS IN ORDER.—Only four amendments to the bill are in order in each House, as follows:

(i) Two amendments proposed by the majority leader of that House.

(ii) Two amendments proposed by the minority leader of that House.

(B) FORM AND CONTENT.—To be in order under subparagraph (A), an amendment shall propose to strike all after the enacting clause and substitute text that only includes the same text as is proposed to be stricken except for one or more different numbers in the text.

(C) DEBATE, ET CETERA.—Subparagraph (B) of section 8066(c)(5) of the Department of Defense Appropriations Act, 1985 (98 Stat. 1936) shall apply to the consideration of each amendment proposed under this paragraph in the same manner as such subparagraph (B) applies to debatable motions.

Subtitle C—Advanced Clean Vehicles

SEC. 731. HYBRID VEHICLES RESEARCH AND DEVELOPMENT.

(a) RECHARGEABLE ENERGY STORAGE SYSTEMS AND OTHER TECHNOLOGIES.—The Secretary of Energy shall accelerate research and development directed toward the improvement of batteries and other rechargeable energy storage systems, power electronics, hybrid systems integration, and other technologies for use in hybrid vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for each of fiscal years 2004, 2005, and 2006 in the amount \$50,000,000 for research and development activities under this section.

SEC. 732. DIESEL FUELED VEHICLES RESEARCH AND DEVELOPMENT.

(a) DIESEL COMBUSTION AND AFTER TREATMENT TECHNOLOGIES.—The Secretary of Energy shall accelerate research and development directed toward the improvement of diesel combustion and after treatment technologies for use in diesel fueled motor vehicles.

(b) GOALS.—The Secretary shall carry out subsection (a) with a view to achieving the following goals:

(1) COMPLIANCE WITH CERTAIN EMISSION STANDARDS BY 2010.—Developing and demonstrating diesel technologies that, not later than 2010, meet the following standards:

(A) TIER-2 EMISSION STANDARDS.—The tier 2 emission standards.

(B) HEAVY-DUTY EMISSION STANDARDS OF 2007.—The heavy-duty emission standards of 2007.

(2) POST-2010 HIGHLY EFFICIENT TECHNOLOGIES.—Developing the next generation of low emissions, high efficiency diesel engine technologies, including homogeneous charge compression ignition technology.

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for each of fiscal years 2004, 2005, and 2006 in the amount of \$75,000,000 for research and development of advanced combustion engines and advanced fuels.

SEC. 733. PROCUREMENT OF ALTERNATIVE FUELED PASSENGER AUTOMOBILES.

(a) VEHICLE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that only alternative fueled vehicles are procured by or for each agency fleet of passenger automobiles that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(b) WAIVER AUTHORITY.—The head of an agency, in consultation with the Administrator, may waive the applicability of the policy regarding the procurement of alternative fueled vehicles in subsection (a) to—

(1) the procurement for such agency of any vehicles described in subparagraphs (A) through (F) of section 303(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(3)); or

(2) a procurement of vehicles for such agency if the procurement of alternative fueled vehicles cannot meet the requirements of the agency for vehicles due to insufficient availability of the alternative fuel used to power such vehicles.

(c) APPLICABILITY TO PROCUREMENTS AFTER FISCAL YEAR 2004.—This subsection applies with respect to procurements of alternative fueled vehicles in fiscal year 2005 and subsequent fiscal years.

SEC. 734. PROCUREMENT OF HYBRID LIGHT DUTY TRUCKS.

(a) VEHICLE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—

(1) HYBRID VEHICLES.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that only hybrid vehicles are procured by or for each agency fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) WAIVER AUTHORITY.—The head of an agency, in consultation with the Administrator, may waive the applicability of the policy regarding the procurement of hybrid vehicles in paragraph (1) to that agency to the extent that the head of that agency determines necessary—

(A) to meet specific requirements of the agency for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government;

(C) to adjust to limitations on the commercial availability of light duty trucks that are hybrid vehicles; or

(D) to avoid the necessity of procuring a hybrid vehicle for the agency when each of the hybrid vehicles available for meeting the requirements of the agency has a cost to the United States that exceeds the costs of com-

parable nonhybrid vehicles by a factor that is significantly higher than the difference between—

(i) the real cost of the hybrid vehicle to retail purchasers, taking into account the benefit of any tax incentives available to retail purchasers for the purchase of the hybrid vehicle; and

(ii) the costs of the comparable nonhybrid vehicles to retail purchasers.

(3) APPLICABILITY TO PROCUREMENTS AFTER FISCAL YEAR 2004.—This subsection applies with respect to procurements of light duty trucks in fiscal year 2005 and subsequent fiscal years.

(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense, which is subject to comparable requirements under section 318 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1055; 10 U.S.C. 2302 note).

SEC. 735. DEFINITIONS.

In this subtitle:

(1) ALTERNATIVE FUELED VEHICLE.—The term “alternative fueled vehicle” means—

(A) an alternative fueled vehicle, as defined in section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3));

(B) a motor vehicle that operates on a blend of fuel that is at least 20 percent (by volume) biodiesel, as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)); and

(C) a motor vehicle that operates on a blend of fuel that is at least 20 percent (by volume) bioderived hydrocarbons (including aliphatic compounds) produced from agricultural and animal waste.

(2) HEAVY-DUTY EMISSION STANDARDS OF 2007.—The term “heavy-duty emission standards of 2007” means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on January 18, 2001, under section 202 of the Clean Air Act to apply to heavy-duty vehicles of model years beginning with the 2007 vehicle model year.

(3) HYBRID VEHICLE.—The term “hybrid vehicle” means—

(A) a motor vehicle that draws propulsion energy from on board sources of stored energy that are both—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system; and

(B) any other vehicle that is defined as a hybrid vehicle in regulations prescribed by the Secretary of Energy for the administration of title III of the Energy Policy Act of 1992.

(4) MOTOR VEHICLE.—The term “motor vehicle” means any vehicle that is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and that has at least four wheels.

(5) TIER 2 EMISSION STANDARDS DEFINED.—The term “tier 2 emission standards” means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on February 10, 2000, under section 202 of the Clean Air Act (42 U.S.C. 7521) to apply to passenger automobiles, light trucks, and larger passenger vehicles of model years after the 2003 vehicle model year.

(6) TERMS DEFINED IN EPA REGULATIONS.—The terms “passenger automobile” and “light truck” have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a business meeting during the session of the Senate on Thursday, July 24, 2003. The purpose of this meeting will be to mark up H.R. 1904, the Healthy Forests Restoration Act of 2003.

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

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 24, 2003, at 9:30 a.m., in open session to consider the nominations of General Richard B. Myers, USAF, for Reappointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of General; and General Peter Pace, USMC, for reappointment as Vice Chairman of the Joint Chiefs of Staff and reappointment to the grade of General.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 24, 2003, at 9:30 a.m. to hold a Africa Subcommittee Hearing on the Congo Basin Forest Partnership.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Federal Biodefense Readiness during the session of the Senate on Thursday, July 24, 2003 at 10:00 a.m. in SD-430.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 24, 2003, at 9:30 a.m. in Dirksen Room 226.

I. Nominations:

James O. Browning to be United States District Judge for the District of New Mexico;

Steven M. Colloton to be United States District Circuit Judge for the Eighth Circuit;

P. Kevin Castel to be United States District Judge for the Southern District of New York;

Sandra J. Feuerstein to be United States District Judge for the Eastern District of New York;

Richard J. Holwell to be United States District Judge for the Southern District of New York;