

INDIA

As part of a renewed effort to get closer to Burma, India has provided the Tatmadaw with a range of weapons, ammunition and equipment. In May 2003 the Indian Defense Ministry confirmed that it had sold the Tatmadaw eighty 75mm howitzers (or "mountain guns"). Also, India has reportedly sold mortar and artillery ammunition to Rangoon, and advanced communications equipment. A Burmese military delegation visiting India in early 2004 said that the Tatmadaw welcomed further arms deals. The Indian Defense Minister has stated that New Delhi is keen to sell Burma naval vessels. A demonstration by Indian combat aircraft in Burma this year prompted speculation about future sales to the Burma Air Force.

UKRAINE

The Russian language press stated in late 2002 that the Ukraine had contracted to provide Burma with some 36D6 radar systems. In mid-2003 it was reported that the Ukraine had sold the Tatmadaw 50 T-72 main battle tanks. In February 2004, a Ukrainian-flagged ship made a secret delivery to Rangoon, probably of air defense weapons. Also, in May 2003, one of the Ukraine's leading arms exporters signed a contract with Burma worth US \$500 million, to provide the Rangoon regime with components for 1,000 BTR-3U light armored personnel carriers. Over the next ten years these vehicles will be supplied in parts, and assembled in a new, purpose-built factory in Burma. More arms deals between Rangoon and Kiev are likely.

SERBIA

In December 2003, Serbian language sources claimed that Rangoon had contracted with Belgrade to buy a number of "Nora" self-propelled howitzers. The cost of these weapons, which are marketed by Jugimport-SDPR, is unknown. In addition, in March 2004 about 30 Serbian engineers arrived in Burma to repair and upgrade the Burma Air Force's 12 Soko G-4 jets, which were purchased from the Republic of Yugoslavia in the 1990s. These aircraft have been grounded for several years, due largely to a lack of spare parts.

RUSSIA

In late 2002 the SPDC purchased eight MiG-29B-12 air superiority combat aircraft and two dual-seat MiG-29UB trainers from Russia, at a reported cost of about US \$130 million. All these aircraft were delivered to Burma by the end of 2003. In addition, in July 2002 Rangoon signed a contract with the Russian Ministry of Atomic Energy (Minatom) for the construction of a nuclear reactor in Burma. While the project has encountered major problems, probably due to its cost, it may still go ahead. It is likely that the shipments of Russian military equipment detected in southern Burma in April 2003, which were thought to be components for the reactor, were in fact deliveries of a new communications system.

SLOVAKIA

According to a news report dated October 2003, the Unipex Company of Slovakia is currently being investigated for taking part in the illegal export to Burma of machines for the manufacture of "artillery grenades" (possibly rocket propelled grenades).

It is likely that other contracts have been signed but not yet been made public. The frequent visits to Rangoon of North Korean and Ukrainian cargo vessels over the past 18 months, and the measures taken to hide the nature of their cargoes, strongly suggests that other deliveries of arms and equipment have occurred. Several eastern European countries are keen to sell arms to Burma. Also, countries like Singapore, Pakistan and

Israel maintain close links with Rangoon. All have weapon systems that are on the Tatmadaw's wish list. In the past, these factors have often led to substantial sales of weapons, military equipment and dual use goods to Burma, and related training contracts.

PAYING THE BILL

In considering the financial implications of these sales, several factors need to be borne in mind. Not only does the regime need to cover the initial purchase price of these arms, but it faces the continuing costs of keeping them serviceable, providing facilities to house them, buying spare parts to maintain them and training people to repair and use them. The latter often includes sending selected military personnel overseas for specialized training, and in a few cases supporting foreign experts resident in country. Some of these costs can be paid in local currency, but they still constitute a heavy drain on Burma's precious foreign exchange reserves. The regime is still able to earn hard currency through the export of gas, gems, timber, agricultural produce and other natural resources, but its economy is facing major problems. These have not been helped by the new sanctions imposed by the U.S. in June 2003, after a government mob violently attacked democratic opposition leader Aung San Suu Kyi.

In the past, some of these costs have been met through trade deals, under which Burma has paid for part of its contracts with primary goods like rice and teak. North Korea and Russia, for example, have accepted such commodities in part payment for arms and military equipment. Even the Russian nuclear reactor could be paid for in part through barter arrangements. Also, for strategic and other reasons, some arms suppliers have been very generous in their terms. For example, China has repeatedly offered the Rangoon regime special "friendship prices" for arms, and overlooked deadlines for the repayment of loans. The Ukrainian firm selling Burma APCs has probably provided vendor financing of some kind.

Even so, given the regime's current debts, its continuing need for foreign logistical support, and its latest acquisitions, the investment required now and in the future will be huge for a country like Burma. These costs must inevitably be carried at the expense of other sectors of the government that are desperate for scarce resources.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for a resolution submitted yesterday by Senator MCCONNELL and myself that urges the United Nations Security Council to respond to the growing threats posed to the Southeast Asia region by conditions in Burma under the rule of the State Peace and Development Council (SPDC).

I have been proud to work with Senator MCCONNELL to raise awareness about the situation in Burma and to put pressure on the SPDC to respect the wishes of the Burmese people, restore democracy, and release from house arrest the leader of the National League for Democracy and Nobel Peace Prize winner, Aung San Suu Kyi. Congress has acted decisively in support of these efforts by passing the Burmese Freedom and Democracy Act of 2003 to impose a complete ban on Burmese imports for one year and renewing that ban this past July.

There is still much work to be done. The threat posed by the military junta

goes beyond Burma's borders and extends to the entire Southeast Asia region. The SPDC has committed numerous human rights abuses and detained over 1,300 political prisoners. It has allowed the spread of HIV/AIDS to go unchecked. It has engaged in the illicit production and trafficking of narcotics. It has engaged in the trafficking of human beings. It has attempted to purchase weapons from North Korea, China, and Russia.

The international community simply cannot afford to ignore these threats any longer. Inaction will only strengthen the regime in Rangoon and foster greater instability in the Southeast Asia region. This resolution simply encourages the United Nations Security Council to consider the situation in Burma carefully and take appropriate action.

While I am proud that the United States has acted in support of freedom and democracy in Burma, we need the help of our friends and allies to put pressure on the SPDC to change its behavior and respect the wishes of the Burmese people and the international community. I urge my colleagues to support the resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3664. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 2666, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

SA 3665. Mr. CAMPBELL proposed an amendment to the bill S. 2666, *supra*.

SA 3666. Mr. CAMPBELL (for Mr. STEVENS (for himself and Mr. DURBIN)) proposed an amendment to the bill S. 2666, *supra*.

SA 3667. Mr. CAMPBELL (for Mr. DURBIN) proposed an amendment to the bill S. 2666, *supra*.

SA 3668. Mr. LUGAR (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2781, to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; which was referred to the Committee on Foreign Relations.

SA 3669. Mr. MCCONNELL (for Mr. HOLLINGS (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 2279, to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

TEXT OF AMENDMENTS

SA 3664. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 2666, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 21, strike lines 13 and 14 and insert "approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives."

SA 3665. Mr. CAMPBELL proposed an amendment to the bill S. 2666, making

appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 22, lines 23 and 24, strike “With respect to claims within the jurisdiction of the Senate” and insert “With respect to any claim of a Senator or an employee whose pay is disbursed by the Secretary of the Senate”.

SA 3666. Mr. CAMPBELL (for Mr. STEVENS (for himself and Mr. DURBIN) proposed an amendment to the bill S. 2666, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 42, between lines 14 and 15, insert the following:

ADMINISTRATIVE PROVISION

SEC. 1501. EXPANSION OF OPEN WORLD LEADERSHIP COUNTRIES.

Section 313(j) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(j)) is amended—

(1) in paragraph (1), by striking “and” after the semicolon;

(2) in paragraph (2), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(3) any other country that is designated by the Board, except that the Board shall notify the Committees on Appropriations of the Senate and the House of Representatives of the designation at least 90 days before the designation is to take effect.”.

SA 3667. Mr. CAMPBELL (for Mr. DURBIN) proposed an amendment to the bill S. 2666, making appropriations for the Legislative branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 26, line 18, strike “\$74,558,000” and insert “\$74,063,000”.

On page 48, between lines 10 and 11, insert the following:

SEC. 211. COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM.

(a) APPROPRIATION.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, \$495,000, for the Commission on the Abraham Lincoln Study Abroad Fellowship Program established under section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 435).

(b) EXTENSION OF REPORT AND TERMINATION DATES.—Section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 435) is amended—

(1) in subsection (f), by striking “December 1, 2004” and inserting “December 1, 2005”; and

(2) in subsection (g), by striking “December 31, 2004” and inserting “December 31, 2005”.

SA 3668. Mr. LUGAR (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2781, to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; which was referred to the Committee on Foreign Relations; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Comprehensive Peace in Sudan Act of 2004”.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) JEM.—The term “JEM” means the Justice and Equality Movement.

(3) SLA.—The term “SLA” means the Sudanese Liberation Army.

(4) SPLM.—The term “SPLM” means the Sudan People's Liberation Movement.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is in jeopardy.

(2) Since 1989, the Government of Sudan has repeatedly engaged in and sponsored orchestrated campaigns of attacking and displacing targeted civilian populations, disrupting their ability to sustain themselves, and subsequently restricting assistance to those displaced in a coordinated policy of ethnic cleansing that is most recently evident in the Darfur region of Sudan.

(3) In response to 2 decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a final country-wide peace, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing in the region of Darfur.

(5) It was not until the international community expressed its outrage, through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 of July 30, 2004, that the Government of Sudan agreed to attend talks to bring peace to the Darfur region.

(6) The Government of the United States, in both the executive branch and Congress, have concluded that genocide has been committed and may still be occurring in Darfur, and that the Government of Sudan and the Janjaweed bear responsibility for the genocide.

(7) The United Nations High Commissioner for Human Rights has identified massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which the Commissioner stated may constitute war crimes or crimes against humanity.

(8) Evidence collected by international observers in the Darfur region between February 2003 and September 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, from both air and ground, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(9) As a result of this coordinated campaign, which Congress and the executive branch have declared to be genocide, reports indicate tens of thousands of African Sudanese civilians killed, the systematic rape of thousands of women and girls, the destruction of hundreds of Fur, Masalit, and Zaghawa villages and other ethnically African populations, including the poisoning of their wells and the plunder of crops and cattle upon which they sustain themselves.

(10) According to the United Nations High Commissioner for Refugees, 1,400,000 people have been displaced in the Darfur region of Sudan, of whom over 200,000 have been forced to flee to Chad as refugees.

(11) The Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(12) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted humanitarian and human rights workers' access to the Darfur area, primarily through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those displaced from their villages and homes without any means of sustenance or shelter.

(13) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be resulting in up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

(14) The Government of Chad served an important role in facilitating the Darfur humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the 2 opposition rebel groups in Darfur (the JEM and the SLA) although both sides have violated it repeatedly.

(15) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

(16) The cooperation and inclusion of all Sudanese is essential to the establishment of peace and security throughout all of Sudan.

(17) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in Darfur, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(18) Despite the threat of international action expressed through United Nations Security Council Resolution 1556 of July 30, 2004, the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over Darfur.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if the Agreed Principles of Part A of the Machakos Protocol of 2002, confirmed by the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, negotiated with the SPLM, apply to all of Sudan and to all of the people of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the SLA, and the JEM) must meet their obligations under that Agreement to allow safe and immediate access of all humanitarian assistance throughout the Darfur region and must

expedite the conclusion of a political agreement to end the genocide and conflict in Darfur;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, develop a plan similar to that described in section 10 of the Sudan Peace Act to provide assistance to the areas of Sudan to which United States access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the Darfur crisis;

(5) the United States Ambassador-at-Large for War Crimes should travel to Chad and the Darfur region immediately to investigate war crimes and crimes against humanity to develop a more accurate understanding of the situation on the ground and to better inform the report required in section 11(b) of the Sudan Peace Act;

(6) the United States and the international community should—

(A) provide all necessary assistance to deploy and sustain an African Union Force of at least 4,200 personnel to the Darfur region; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(7) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should ensure that Sudan fulfills its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004)

(8) sanctions should be imposed on the assets and activities of those Sudanese Government officials and other individuals that are involved in carrying out the atrocities in the Darfur region;

(9) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including Darfur; and

(10) Presidential Proclamation 6958 issued November 22, 1996, which suspends entry into the United States of members of the Government of Sudan, officials of that Government, and members of the Sudanese Armed Forces, should continue to remain in effect and be strictly enforced.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

“SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) HUMANITARIAN ASSISTANCE.—There is authorized to be appropriated to the President for assistance to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad, pursuant to the authority in section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292), \$200,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

“(2) ADDITIONAL ASSISTANCE.—Subject to the requirements of this section, there is authorized to be appropriated to the President, for development and humanitarian assistance for Sudan upon the conclusion of a permanent, just, and equitable peace agreement

between the Government of Sudan and the SPLM, \$100,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

“(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or (2) are authorized to remain available until expended, notwithstanding any other provision of law other than the provisions of this section.

“(b) REQUIREMENT FOR CERTIFICATION.—The assistance authorized under subsection (a)(2) may be provided—

“(1) to the regions administered by the Government of Sudan, in accordance with the peace agreement described in subsection (a)(2), only if the President submits the certification described in subsection (c); and

“(2) to the regions administered by the SPLM, in accordance with the peace agreement described in subsection (a)(2), only if the President submits the certification described in subsection (d).

“(c) CERTIFICATION WITH REGARD TO ACTIONS OF THE GOVERNMENT OF SUDAN.—The certification referred to in subsection (b)(1) is a certification submitted by the President to the appropriate congressional committees that—

“(1) the Government of Sudan is taking demonstrable steps to—

“(A) ensure that the armed forces of Sudan and any associated militias are not attacking civilians or obstructing human rights monitors or the provision of humanitarian assistance;

“(B) demobilize and disarm militias supported or created by the Government of Sudan;

“(C) allow full and unfettered access for the provision of humanitarian assistance to all regions of Sudan, including Darfur; and

“(D) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan; and

“(2) the Government of Sudan is complying with the provisions of the peace agreement described in subsection (a)(2).

“(d) CERTIFICATION WITH REGARD TO SPLM'S COMPLIANCE WITH A PEACE AGREEMENT.—The certification referred to in subsection (b)(2) is a certification submitted by the President to the appropriate congressional committees that the SPLM is complying with the provisions of the peace agreement described in subsection (a)(2).

“(e) SUSPENSION OF ASSISTANCE.—If, on a date after the President submits a certification described in subsection (c) or (d), the President determines that either the Government of Sudan or the SPLM has ceased taking the actions described in the applicable subsection, the President shall immediately suspend the provision of any assistance made available as a result of such certification until the date on which the President certifies that such entity has resumed taking such actions.”.

(2) CONFORMING AMENDMENT.—Section 3 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(4) SPLM.—The term ‘SPLM’ means the Sudan People's Liberation Movement.”.

(b) REPORTING REQUIREMENT.—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking “Sudan.” and inserting “Sudan, including the conflict in the Darfur region.”.

SEC. 6. OTHER RESTRICTIONS.

(a) BLOCKING OF ASSETS.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c)(1) of section 12 of the Sudan Peace Act, as added by section 5, the President shall, con-

sistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(b) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108-199; 118 Stat. 143) or any other similar provision of law may not be lifted pursuant to such provisions of law unless the President also makes the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5.

SEC. 7. REQUIREMENT FOR REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) a description of the United States response to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of a peace in all regions of Sudan, in particular Darfur; and

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

(c) FORM OF REPORT.—The report required by subsection (a) may be submitted in classified form.

SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by striking “Organization of African Unity” and inserting “African Union”.

SA 3669. Mr. MCCONNELL (for Mr. HOLLINGS (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 2279, to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Maritime Transportation Security Act of 2004”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Enforcement; pier and wharf security costs.
- Sec. 3. Security at foreign ports.
- Sec. 4. Federal and State commercial maritime transportation training.
- Sec. 5. Transportation worker background investigation programs.
- Sec. 6. Report on cruise ship security.
- Sec. 7. Maritime transportation security plan grants.
- Sec. 8. Report on design of maritime security grant programs.

SEC. 2. ENFORCEMENT; PIER AND WHARF SECURITY COSTS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to firearms, arrests, and seizure of property), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120)

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70123; and

(4) by inserting after section 70120 the following:

“§ 70121. Enforcement by injunction or withholding of clearance

“(a) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this chapter or of regulations issued hereunder, for cause shown.

“(b) WITHHOLDING OF CLEARANCE.—

“(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under section 70119, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70119, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

“(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

“§ 70122. Security of piers and wharfs

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall require any uncleared, imported merchandise remaining on the wharf or pier onto which it was unladen for more than 7 calendar days, not including any time the imported merchandise was held in federal custody, to be removed from the wharf or pier and deposited in the public stores or a general order ware house, where it shall be inspected for determination of contents, and thereafter a permit for its delivery may be granted.

“(b) PENALTY.—The Secretary may impose an administrative penalty of \$5,000 on the consignee for each bill of lading for general order merchandise remaining on a wharf or pier in violation of subsection (a), except that no penalty shall be imposed if the violation was a result of force majeure.”.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

- “70117. In rem liability for civil penalties and certain costs
- “70118. Withholding of clearance
- “70119. Firearms, arrests, and seizure of property
- “70120. Enforcement by State and local officers
- “70121. Enforcement by injunction or withholding of clearance
- “70122. Security of piers and wharfs
- “70123. Civil penalty”.

(2) Section 70117(a) of title 46, United States Code, is amended by striking “section 70120” and inserting “section 70123”.

(3) Section 70118(a) of such title is amended by striking “under section 70120,” and inserting “under that section.”.

SEC. 3. SECURITY AT FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking “The Secretary,” in subsection (b) and inserting “The Administrator of the Maritime Administration.”; and

(2) by adding at the end the following:

“(c) FOREIGN ASSISTANCE PROGRAMS.—The Administrator of the Maritime Administration, in coordination with the Secretary of State, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in

foreign countries. The Administrator and the Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.”.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report on the security of ports in the Caribbean Basin. The report shall include the following:

(1) An assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security.

(2) An estimate of the number of ports in the Caribbean Basin that will not be secured by July 2004, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States.

(3) An assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin.

SEC. 4. FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.

Section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and (2) by inserting after subsection (b) the following:

“(c) FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.—The Secretary of Transportation shall establish a curriculum, to be incorporated into the curriculum developed under subsection (a)(1), to educate and instruct Federal and State officials on commercial maritime and intermodal transportation. The curriculum shall be designed to familiarize those officials with commercial maritime transportation in order to facilitate performance of their commercial maritime and intermodal transportation security responsibilities. In developing the standards for the curriculum, the Secretary shall consult with each agency in the Department of Homeland Security with maritime security responsibilities to determine areas of educational need. The Secretary shall also coordinate with the Federal Law Enforcement Training Center in the development of the curriculum and the provision of training opportunities for Federal and State law enforcement officials at appropriate law enforcement training facilities.”.

SEC. 5. TRANSPORTATION WORKER BACKGROUND INVESTIGATION PROGRAMS.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Secretary of Transportation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

(1) making recommendations (including legislative recommendations, if appropriate or necessary) for harmonizing, combining, or coordinating requirements, procedures, and programs for conducting background checks under section 70105 of title 46, United States Code, section 5103a(c) of title 49, United States Code, section 44936 of title 49, United States Code, and other provisions of Federal law or regulations requiring background

checks for individuals engaged in transportation or transportation-related activities;

(2) setting forth a detailed timeline for implementation of such harmonization, combination, or coordination;

(3) setting forth a plan with a detailed timeline for the implementation of the Transportation Worker Identification Credential in seaports;

(4) making recommendations for a waiver and appeals process for issuing a transportation security card to an individual found otherwise ineligible for such a card under section 70105(c)(2) and (3) of title 46, United States Code, along with recommendations on the appropriate level of funding for such a process; and

(5) making recommendations for how information collected through the Transportation Worker Identification Credential program may be shared with port officials, terminal operators, and other officials responsible for maintaining access control while also protecting workers' privacy.

SEC. 6. REPORT ON CRUISE SHIP SECURITY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the security of ships and facilities used in the cruise line industry.

(b) CONTENT.—The report required by subsection (a) shall include an assessment of security measures employed by the cruise line industry, including the following:

(1) An assessment of the security of cruise ships that originate at ports in foreign countries.

(2) An assessment of the security of ports utilized for cruise ship docking.

(3) The costs incurred by the cruise line industry to carry out the measures required by the Maritime Transportation Security Act of 2002 (Public Law 107-295; 116 Stat. 2064) and the amendments made by that Act.

(4) The costs of employing canine units and hand-held explosive detection wands at ports, including the costs of screening passengers and baggage with such methods.

(5) An assessment of security measures taken by the Secretary of Homeland Security to increase the security of the cruise line industry and the costs incurred to carry out such security measures.

(6) A description of the need for and the feasibility of deploying explosive detection systems and canine units at ports used by cruise ships and an assessment of the cost of such deployment.

(7) A summary of the fees paid by passengers of cruise ships that are used for inspections and the feasibility of creating a dedicated passenger vessel security fund from such fees.

(8) The recommendations of the Secretary, if any, for measures that should be carried out to improve security of cruise ships that originate at ports in foreign countries.

(9) The recommendations of the Secretary, if any, on the deployment of further measures to improve the security of cruise ships, including explosive detection systems, canine units, and the use of technology to improve baggage screening, and an assessment of the cost of implementing such measures.

SEC. 7. MARITIME TRANSPORTATION SECURITY PLAN GRANTS.

Section 70107(a) of title 46, United States Code, is amended to read as follows:

“(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security shall establish a grant program for making a fair and equitable allocation of funds to implement Area Maritime

Transportation Security Plans and to help fund compliance with Federal security plans among port authorities, facility operators, and State and local agencies required to provide security services. Grants shall be made on the basis of threat-based risk assessments subject to review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administration. The grant program shall take into account national security priorities, national economic, and strategic defense concerns and shall be coordinated with the Director of the Office of Domestic Preparedness to ensure that the grant process is consistent with other Department of Homeland Security grant programs."

SEC. 8. REPORT ON DESIGN OF MARITIME SECURITY GRANT PROGRAMS.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the design of maritime security grant programs that includes recommendations on—

(1) whether the grant programs should be discretionary or formula based and why;

(2) requirements for ensuring that Federal funds will not be substituted for grantee funds;

(3) targeting requirements to ensure that funding is directed in a manner that reflects a national, risk-based perspective on priority needs, the fiscal capacity of recipients to fund the improvements without grant funds, and an explicit analysis of the impact of minimum funding to small ports that could affect funding available for the most strategic or economically important ports; and

(4) matching requirements to ensure that Federal funds provide an incentive to grantees for the investment of their own funds in the improvements financed in part by Federal funds.

NOTICES OF HEARINGS/MEETINGS

JOINT ECONOMIC COMMITTEE

Mr. BENNETT. Mr. President, I announce that the Joint Economic Committee will conduct a hearing in Room 628 of the Dirksen Senate Office Building, Wednesday, September 22, 2004, from 10 a.m. to 12:30 p.m.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 21, 2004, at 9:30 a.m. on Oceans Commission.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 21, 2004, at 2:30 p.m., on S. 1963—Wireless 411 Privacy Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 21, at 10 a.m. to consider the nominations of Karen Alderman Harbert, to be an Assistant Secretary of Energy for International Affairs and Domestic Policy and John Spitaleri Shaw, to be an Assistant Secretary of Energy for Environment, Safety and Health.

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

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 21, 2004, at 10 a.m., to hear testimony on "Indian Jails: A Clarion Call for Reform."

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 21, 2004 at 10 a.m., and Wednesday, September 22, 2004 at 10 a.m. to hold a business meeting to consider pending Committee business (agenda attached).

AGENDA

Legislation

1. National Intelligence Reform Act of 2004.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Tuesday, September 21, 2004, at 10 a.m. in Dirksen Senate Office Building room 226. The tentative agenda is attached.

I. Nominations: Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa to be Chair of the United States Sentencing Commission; Michael O'Neill to be a Member of the United States Sentencing Commission; Ruben Castillo to be a Member of the United States Sentencing Commission; William Sanchez to be Special Counsel for Immigration-Related Unfair Employment Practice; Richard B. Roper III to be United States Attorney for the Northern District of Texas for the term of four years; and Lisa Wood to be United States Attorney for the Southern District of Georgia for the term of four years.

II. Legislation: S. 1634, L-1 Visa (Intercompany Transferee) Reform Act of 2003, Chambliss; S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy,

DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards; S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer; H.R. 1417, To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith of Texas, Berman, Conyers; S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein, DeWine; S. 1860, A bill to reauthorize the Office of Drug Control Policy Act of 2003, Hatch, Biden, Grassley; S. 2195, A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors Act of 2004, Biden, Hatch, Grassley, Feinstein; S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss; S. 2742, A bill to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court Act of 2004, Hatch, Leahy; and S. 2373, A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names, Domenici, Graham, Kyl, Sessions.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 21, 2004, for a joint hearing with the House of Representatives' Committee on Veterans' Affairs, to hear the legislative presentation of The American Legion. The hearing will take place in room 345 of the Cannon House Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2004 at 10:00 a.m. to hold a closed business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2004 at 2:30 p.m. to hold a closed business meeting.

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