

SA 1328. Mrs. BOXER (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1329. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 2555, *supra*; which was ordered to lie on the table.

SA 1330. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2555, *supra*; which was ordered to lie on the table.

SA 1331. Mrs. BOXER proposed an amendment to the bill H.R. 2555, *supra*.

SA 1332. Mr. LEVIN 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 1333. Mr. REED 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 1334. Mr. FEINGOLD 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 1335. Mr. FEINGOLD 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 1336. Mr. DAYTON proposed an amendment to the bill H.R. 2555, *supra*.

SA 1337. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1338. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, *supra*; which was ordered to lie on the table.

SA 1339. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, *supra*; which was ordered to lie on the table.

SA 1340. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, *supra*; which was ordered to lie on the table.

SA 1341. Mr. HOLLINGS (for himself and Mr. GRAHAM, of Florida) 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 1342. Mr. BIDEN 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 1343. Mr. SCHUMER (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1344. Mr. LAUTENBERG proposed an amendment to the bill H.R. 2555, *supra*.

SA 1345. Mr. MCCAIN 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 1346. Ms. MIKULSKI (for herself, Mr. DODD, Ms. STABENOW, Mr. SARBANES, Mrs. CLINTON, Mr. DURBIN, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. LEVIN, Mr. BYRD, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1347. Mr. KYL (for himself, Mr. MCCAIN, Mr. BROWNBACK, Mr. BAYH, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1348. 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 1349. Mr. INHOFE submitted an amendment intended to be proposed by him to the

bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1350. Mr. CORZINE (for himself, Mr. EDWARDS, Mr. LAUTENBERG, and Mr. BIDEN) 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 1351. Mr. SCHUMER (for himself, Mr. BAUCUS, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, and Mr. LEVIN) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1352. Mr. AKAKA 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 1353. Mr. BYRD (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1354. Mr. BYRD (for Mr. DODD) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1355. Mr. BYRD proposed an amendment to the bill H.R. 2555, *supra*.

SA 1356. Mr. BYRD (for Mrs. MURRAY) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1357. Mr. BYRD (for Mr. REID (for himself and Mr. ENSIGN)) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1358. Mr. BYRD (for Mr. CONRAD (for himself and Mr. DORGAN)) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1359. Mr. BYRD (for Mr. EDWARDS) proposed an amendment to the bill H.R. 2555, *supra*.

SA 1360. Mr. DEWINE (for Mr. GREGG) proposed an amendment to the bill S. 650, to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients.

SA 1361. Mrs. HUTCHISON (for herself, Mr. VOINOVICH, Mr. DEWINE, Mr. SPECTER, Mr. SANTORUM, and Mr. WARNER) 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; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1327. Mrs. MURRAY 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 9, strike "\$165,000,000" and insert "\$265,000,000".

SA 1328. Mrs. BOXER (for herself and Mr. SCHUMER) 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, add the following:

SEC. . (a) REPORT.—Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that—

(1) details the progress made in developing countermeasures for commercial aircraft against shoulder-fired missile systems, including cost and time schedules for developing and deploying such countermeasures, and

(2) in classified form and in conjunction with airports in category X and category one, an assessment of the vulnerability of

such airports from the threat of shoulder-fired missile systems and the interim measures being taken to address the threat.

SA 1329. Mrs. FEINSTEIN (for herself and Mr. KYL) 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; which was ordered to lie on the table; 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.—A 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 in accordance with this title and imprisoned 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 estab-

lished 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”; and

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

“(4) embezzles”; and

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

“shall in each case”; and

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

“(b) LOCATION OF OFFENSE.—The”; and

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

“(c) SEPARATE OFFENSE.—The”; and

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

“(d) PRIMA FACIE EVIDENCE.—To”; and

(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.

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

(12) **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 1330. Mrs. FEINSTEIN 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; which was ordered to lie on the table; as follows:

Insert after section 615 the following:

SEC. 616. (a) INCREASE IN AMOUNT FOR OFFICE FOR DOMESTIC PREPAREDNESS.—The amount appropriated by title IV of this Act under the heading “OFFICE FOR DOMESTIC PREPAREDNESS” is hereby increased by \$30,000,000.

(b) **AVAILABILITY FOR INTEROPERABLE COMMUNICATIONS GRANTS.**—Of the amount appropriated by title IV of this Act under the heading “OFFICE FOR DOMESTIC PREPAREDNESS”, as increased by subsection (a), up to \$30,000,000 may be available for interoperable communications grants.

(c) **OFFSET.**—The amount appropriated by title I of this Act under the heading “OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT” is hereby reduced by \$30,000,000, with the amount of the reduction to be allocated to amounts available under that heading for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department’s headquarters’ operations and organizations collocated therewith.

SA 1331. Mrs. BOXER 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, add the following:

SEC. ____. Not later than March 1, 2004, the Secretary of Homeland Security shall issue a classified report to Congress on the security costs incurred by state and local government law enforcement personnel in each state in complying with requests and requirements of the United States Secret Service to provide protective services and transportation for foreign and domestic officials.

SA 1332. Mr. LEVIN 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 end, add the following:

TITLE ____—CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES

SEC. ____ . CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES.

Section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395) is amended—

- (1) in subsection (a), by inserting before the period “, or any subsidiary of such an entity”;

(2) in subsection (b)(1), by inserting “before, on, or” after “completes”; and

(3) in subsection (c)(1)(B), by striking “which is after the date of enactment of this Act and”.

SA 1333. Mr. REED 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:

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

SEC. 616. It is the sense of the Senate that—

(1) the Bureau of Immigration and Customs Enforcement faces an increasing demand for Customs investigative work in Rhode Island, particularly in the areas of drug smuggling and money laundering; and

(2) the Bureau of Immigration and Customs Enforcement should establish an Office of Customs Investigations in Providence, Rhode Island, with an adequate number of special agents and support staff.

SA 1334. Mr. FEINGOLD 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:

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

SEC. 616. (a) The Secretary of Homeland Security, in close consultation with State and local officials, shall conduct a study of methods for improving the Nation’s threat-alert system.

(b) The study under subsection (a) shall include—

(1) a survey of alternative threat-alert systems, including the feasibility of regional and threat-type alerts;

(2) best estimates of the costs incurred by Federal, State, and local governments and the private sector each time threat levels are adjusted within the current alert system; and

(3) a comparison of the costs described in paragraph (2) with the projected costs of the alternatives explored under paragraph (1).

(c) Not later than April 30, 2004, the Secretary of Homeland Security shall submit to Congress a report summarizing the results of the study conducted under this section.

SA 1335. Mr. FEINGOLD 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:

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

SEC. 616. (a) The Secretary of Homeland Security, in close consultation with State and local officials and emergency preparedness professional associations, shall conduct a study of the feasibility of establishing a center within the Department of Homeland Security to systematically collect, coordinate, organize, and analyze best practices and other information that could benefit emergency responders.

(b) The study under subsection (a) shall—

- (1) explore ways in which the center described in subsection (a) could efficiently

share best practices with emergency responders through a website or other communication method;

(2) estimate the costs that would be incurred to establish and maintain such a center; and

(3) estimate the potential efficiency gains or losses that such a center would produce and their related financial impact.

(c) Not later than January 30, 2004, the Secretary of Homeland Security shall submit to Congress a report summarizing the results of the study conducted under this section.

SA 1336. Mr. DAYTON 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. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the procurement of any articles, materials, or supplies in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

SA 1337. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 1 and all that follows through page 20, line 2.

SA 1338. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 3, strike "2007" and insert "2004".

SA 1339. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 20, strike line 3 and all that follows through page 85, line 10.

SA 1340. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, insert the following:

SEC. ____. STUDY OF EFFECTIVENESS OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) STUDY.—The Comptroller General of the United States shall undertake a study of the effectiveness of the credit for electricity produced from certain renewable resources under section 45 of the Internal Revenue Code of 1986, as amended by title I. Such study shall evaluate—

(1) whether the credit is necessary as a means of encouraging the use of renewable resources,

(2) whether the credit is economically efficient,

(3) the amount of investment in renewable resource technologies that would exist if no tax credit were available, and

(4) when the credit should terminate.

(b) REPORT.—The Comptroller General of the United States shall report the study required under subsection (a) to Congress not later than 1 year after the date of the enactment of this Act.

SA 1341. Mr. HOLLINGS (for himself and Mr. GRAHAM of Florida) 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 49, line 2, strike "\$150,000,000" and insert "\$450,000,000".

On page 66, line 9, strike "\$823,700,000" and insert "\$523,700,000".

SA 1342. Mr. BIDEN 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:

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

SEC. 616. Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that details the costs incurred by State and local governments as a direct result of an increase in the threat level of the Homeland Security Advisory System.

SA 1343. Mr. SCHUMER (for himself 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 49, beginning on line 14, strike all through line 19 and insert the following:

For necessary expenses for research and development related to transportation security, \$200,000,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, \$45,000,000 shall be available for the research and development of explosive detection devices: *Provided further*, That of the total amount provided under this heading \$70,000,000 shall be available for the Secretary of Homeland Security to award grants under section 70107(i) of title 46, United States Code, to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.

SA 1344. Mr. LAUTENBERG 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. ____.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report in unclassified form to Congress on the Homeland Security Advisory System, which shall include—

(1) an assessment of how the system is fulfilling its missions to—

(A) provide a national framework for Federal, State, and local governments, private industry and the public to gauge threat levels;

(B) establish the integration of factors for assignment of threat conditions;

(C) unify the system of public announcements, allowing government officials and citizens to communicate the nature and degree of terrorist threats; and

(D) provide a tool for combating terrorism by deterring terrorist activity, notifying law enforcement and State and local government officials of threats, informing the public about government preparations, and providing such officials and the public with information necessary to respond to the threat;

(2) the average daily cost of elevating the Homeland Security Advisory System by 1 threat level;

(3) an evaluation by the Inspector General of the Department of Homeland Security of the responses to each of the suggested protective measures to be taken at each threat level; and

(4) a review of efforts taken by the Department of Homeland Security to refine the Homeland Security Advisory System, and the progress of tailoring the system so that threat alerts are issued on a regional basis rather than nationally.

SA 1345. Mr. MCCAIN 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 end of the bill add the following:

Notwithstanding the preceding provisions of this Act, the matter appropriating funds under the heading "FIRE-FIGHTERS, ASSISTANCE GRANTS" in title IV under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" shall be deemed to appear in title IV under the heading "OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE" before the item with the heading "RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM."

SA 1346. Ms. MIKULSKI (for herself, Mr. DODD, Ms. STABENOW, Mr. SARBANES, Mrs. CLINTON, Mr. DURBIN, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. LEVIN, Mr. BYRD, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, 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 60, line 1, strike "\$750,000,000" and insert "\$900,000,000".

SA 1347. Mr. KYL (for himself, Mr. MCCAIN, Mr. BROWNBAC, Mr. BAYH, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, add the following:

SEC. 443. PROHIBITION ON NUCLEAR EXPORTS TO COUNTRIES THAT SPONSOR TERRORISM.

(a) IN GENERAL.—Section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158) is amended—

(1) by inserting "a." before "No nuclear exports"; and

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

"b. (1) Notwithstanding subsection a. and except as provided in paragraphs (2), (3), and

(4), no nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of this Act and regulated under Part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List, shall be exported, whether directly or indirectly, to any country that is on the Department of State list of countries that sponsor terrorism.

“(2) This subsection shall not apply to Iraq.

“(3) This subsection shall not apply to items, services, or information that are used for nuclear safeguards or nonproliferation purposes, including but not limited to surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Nuclear Regulatory Commission.

“(4) The President may waive the application of paragraph (1) to a country if the President determines and certifies to Congress that the waiver of that paragraph—

“(A) is in the vital national security interests of the United States;

“(B) is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety; and

“(C) will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons or any materials or components of nuclear weapons.

“(5) Notwithstanding section 121 of this Act, this subsection shall apply without regard to any international arrangement made after the date of the enactment of this subsection.”.

(b) **APPLICABILITY TO EXPORTS APPROVED FOR TRANSFER BUT NOT TRANSFERRED.**—Subsection b. of section 129 of the Atomic Energy Act of 1954, as added by subsection (a) of this section, shall apply with respect to exports that have been approved for transfer as of the date of the enactment of this Act but have not yet been transferred as of that date.

SA 1348. 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 75, between lines 5 and 6, insert the following:

SEC. 616. (a) The Senate finds that—

(1) this Act is intended to provide critical homeland security resources to State and local communities and first responders to help them in their efforts to improve our homeland defense at the National, State, and local levels;

(2) given the nature of the terrorist threats against our Nation and the grave consequences of a terrorist attack, it is in the best interest of our homeland defense that such resources be disbursed and employed as effectively as possible;

(3) the Secretary of Homeland Security has repeatedly emphasized the need to use a threat-based formula, instead of a per capita formula, to best allocate homeland security block grant funds to States for use by States and local communities;

(4) in the June 2003 report of the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by Senator Warren B. Rudman, entitled “Emergency Responders: Drastically Underfunded, Dangerously Unprepared”, the Task Force—

(A) declared the “existing systems for determining the distribution of appropriated

funds to states to be badly in need of reform”;

(B) advised that “Congress should establish a system for allocating scarce [homeland security] resources based . . . on addressing identified threats and vulnerabilities”; and

(C) stated that, in allocating Federal homeland security funds, “the Federal Government should consider such factors as population density, vulnerability assessment, and presence of critical infrastructure within each state”;

(5) the vulnerability assessment may cover a range of considerations, including—

(A) the proximity of a community to nuclear and chemical facilities, ports, and international borders;

(B) the presence of national icons that may be terrorist targets;

(C) population (including tourist, military, and commuting population), population density, the location, risk, or vulnerability of critical infrastructure or key national assets; and

(D) any other factor considered appropriate by the Secretary of Homeland Security;

(6) our Nation’s critical infrastructure consists of systems and assets, whether physical or virtual, that are vital to the United States, including infrastructure relating to—

(A) agriculture;

(B) food;

(C) water;

(D) public health;

(E) emergency services;

(F) government;

(G) defense;

(H) energy;

(I) transportation;

(J) banking and finance;

(K) chemicals;

(L) postal service; and

(M) shipping;

(7) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188) requires a threat analysis, an indication that Congress recognizes the importance of threat-based formulas; and

(8) other national homeland security experts have also called for the distribution of Federal, State, and local homeland security grants using a threat-based formula in lieu of a per capita formula.

(b) It is the sense of the Senate that homeland security grants to State and local governments awarded pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711) by the Office of Domestic Preparedness of the Department of Homeland Security should, subject to minimum allocations for small States, be allocated to States through a threat-based formula in lieu of a per capita formula.

SA 1349. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, after line 25, add the following:
SEC. ____ STATE INCENTIVES FOR USE OF CLEAN COAL TECHNOLOGY.

(a) **DEFINITIONS.**—In this section:

(1) **COMPLIANCE FACILITY.**—The term “compliance facility” means any facility that—

(A) (i) is designed, constructed, or installed, and used, at a coal-fired electric generation unit for the primary purpose of complying with acid rain control requirements established by title IV of the Clean Air Amendments of 1990 (42 U.S.C. 7651 et seq.); and

(ii) controls or limits emissions of sulfur or nitrogen compounds resulting from the combustion of coal through the removal or reduction of those compounds before, during,

or after the combustion of the coal, but before the combustion products are emitted into the atmosphere;

(B) (i) removes sulfur compounds from coal before the combustion of the coal; and

(ii) is located off the premises of the electric generation facility at which the coal processed by the compliance facility is burned;

(C) includes a flue gas desulfurization system connected to a coal-fired electric generation unit; or

(D) includes facilities or equipment acquired, constructed, or installed, and used, at a coal-fired electric generating unit primarily for the purpose of handling—

(i) the byproducts produced by the compliance facility; or

(ii) other coal combustion byproducts produced by the electric generation unit in or to which the compliance facility is incorporated or connected.

(2) **ELECTRIC UTILITY.**—The term “electric utility” means any person (including any municipality) that generates, transmits, or distributes electric energy through the use of a coal-fired generating unit that contains, is attached to, or is used in conjunction with a compliance facility.

(b) **CREDITS.**—A State may provide to an electric utility a credit against any tax or fee owed to the State under a State law, in an amount calculated under, and in accordance with, a formula to be determined by the State, for the use of coal mined from deposits in the State that is burned in a coal-fired electric generation unit that is owned or operated by the electric utility that receives the credit.

(c) **EFFECT ON INTERSTATE COMMERCE.**—Action taken by a State in accordance with this section—

(1) shall be considered to be a reasonable regulation of commerce as of the effective date of the action; and

(2) shall not be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

SA 1350. Mr. CORZINE (for Mr. EDWARDS, Mr. LAUTENBERG, and Mr. BIDEN) 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 66, strike lines 9 and 10, and insert the following: \$903,700,000, to remain available until September 30, 2005; of which \$80,000,000 shall be for chemical facility security assessments.

SA 1351. Mr. SCHUMER (for Mr. BAUCUS, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, and Mr. LEVIN) 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:

In title III under the heading “SALARIES AND EXPENSES” under the heading “CUSTOMS AND BORDER PROTECTION”, strike “\$4,366,000,000,” and insert “\$4,566,000,000, of which not to exceed \$200,000,000 shall be available to assist the Department of Homeland Security in increasing the number of border personnel at the northern border of the United States by the end of fiscal year 2004 as authorized by section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) of

2001 (115 Stat. 342), and may be transferred by the Secretary of Homeland Security to the salaries and expenses account of the Bureau of Immigration and Customs Enforcement;".

SA 1352. Mr. AKAKA 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; as follows:

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

SEC. 6 . . . PRIORITY FOR FIRE BOATS.

Notwithstanding any other law, if the Homeland Security Strategic Plan of a State or an Area Maritime Transportation Security Plan under section 70103(b) of title 46, United States Code, states that there is a need for fire boats in the State, the United States Fire Administration shall consider fire boats to be ranked as "priority one" for the purposes of an application for a firefighter assistance grant made by a fire department in that State.

SA 1353. Mr. BYRD (for Mr. BINGAMAN) 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 46, line 17, insert before the period the following:

"*Provided further*, That not later than 180 days after the date of enactment of this Act, the General Accounting Office shall transmit to Congress a report on the implementation of the Student and Exchange Visitor Information System (SEVIS), including an assessment of the technical problems faced by institutions of higher education using the system, the need for the detailed information collected, and an analysis of corrective action being taken by the Department to resolve problems in SEVIS".

SA 1354. Mr. BYRD (for Mr. DODD) 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 50, line 16, after "United States:", insert the following: "*Provided further*, That of the total amount provided under this heading, funding to operate and maintain the Coast Guard Research and Development Center shall continue at the fiscal year 2003 level: *Provided further*, That the Commandant of the Coast Guard shall conduct a study, the cost of which is not to exceed \$350,000, to be submitted to the Committees on Appropriations of the Senate and the House of Representatives, on the research and development priorities of the Coast Guard and a design for a new research and development organizational structure within the Coast Guard that ensures that the Coast Guard has access to the most advanced technology necessary to perform its missions effectively: *Provided further*, That the Commandant may seek an independent entity to conduct such a study".

On page 67, line 8, before the period at the end, insert the following: "*Provided further*, That the Under Secretary for Science and Technology shall work with the Coast Guard Research and Development Center regarding research priorities for the Coast Guard: *Provided further*, That there may be credited to and used for the purposes of this appropria-

tion funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation".

SA 1355. 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 5 delete all beginning with "after" down through and including "Act", and insert: "the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II or no later than 60 days after enactment of this Act, whichever is later"

SA 1356. Mr. BYRD (for Mrs. MURRAY) 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 51, line 24, after the word "equipment", insert: "including \$3,500,000 for defense message system implementation and \$1,000,000 for oil spill prevention efforts under the Ports and Waterways Safety Systems (PAWSS) program"

SA 1357. Mr. BYRD (for Mr. REID (for himself and Mr. ENSIGN)) 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(a) Congress finds that—

(1) emergency responders are the first line of defense in protecting our Nation against terrorist attacks;

(2) the Department of Homeland Security uses population as a factor when allocating grant funding to States and local governments for emergency responders;

(3) population plays an important role in both formula and discretionary grants, which are administered by the Department of Homeland Security;

(4) the number of people in a any city or State often differs from estimates by the Census Bureau;

(5) large groups of tourists regularly visit many American cities and states, but are not included in the resident population of these cities and states; and

(6) the monetary needs of emergency responders are directly related to the amount of people they are responsible to protect.

(b) It is the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants.

SA 1358. Mr. BYRD (for Mr. CONRAD (for himself and 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:

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

SEC. 616. Not later than 30 days after the date of enactment of this Act, the Under

Secretary for Emergency Preparedness and Response shall—

(1) review the damage survey reports and project worksheets relating to the damages and costs incurred by the University of North Dakota as a result of the April 1997 flooding in North Dakota, which is classified Emergency Preparedness and Response as DR-1174-ND; and

(2) submit a report on the efforts of the Directorate of Emergency Preparedness and Response to resolve any outstanding claims by the University of North Dakota relating to the reports described in paragraph (1) to the Committees on Appropriations of the Senate and House of Representatives.

SA 1359. Mr. BYRD (for Mr. EDWARDS) 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 66, line 3, after "Center", insert:

: *Provided*, That no later than 120 days after enactment the Under Secretary of Infrastructure Analysis and Infrastructure Protection shall submit a report to the Committees on Appropriations of the Senate and House of Representatives on the vulnerability of the 250 largest sports and entertainment facilities (based on seating capacity)."

SA 1360. Mr. DEWINE (for Mr. GREGG) proposed an amendment to the bill S. 650, to amend the Federal Food, Drug and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients; as follows:

On page 14, line 18, after "misbranded", insert "solely because of that failure".

On page 19, strike lines 5 and 6 and insert the following:

(a) **IN GENERAL.**—Subject to subsection (b), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) **APPLICABILITY TO NEW DRUGS AND BIOLOGICAL PRODUCTS.**—

(1) **IN GENERAL.**—Subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act (as added by section 2) shall apply to an application described in paragraph (1) of that subsection submitted to the Secretary of Health and Human Services on or after April 1, 1999.

(2) **WAIVERS AND DEFERRALS.**—

(A) **WAIVER OR DEFERRAL GRANTED.**—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, a waiver or deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the waiver or deferral shall be a waiver or deferral under subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act, except that any date specified in such a deferral shall be extended by the number of days that is equal to the number of days between October 17, 2002, and the date of enactment of this Act.

(B) **WAIVER AND DEFERRAL NOT GRANTED.**—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, neither a waiver nor deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the person that submitted the application shall be required to submit assessments under subsection (a)(2) of section 505B

of the Federal Food, Drug, and Cosmetic Act on the date that is the later of—

(i) the date that is 1 year after the date of enactment of this Act; or

(ii) such date as the Secretary may specify under subsection (a)(3) of that section;

unless the Secretary grants a waiver under subsection (a)(4) of that section.

On page 19, line 7, strike “(b)” and insert “(c)”.

SA 1361. Mrs. HUTCHISON (for herself, Mr. VOINOVICH, Mr. DEWINE, Mr. SPECTER, Mr. SANTORUM, and Mr. WARNER) 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; which was ordered to lie on the table; as follows:

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

SEC. 6. PAYMENTS BASED ON POPULATION.

(a) **DEFINITIONS.**—In this section:

(1) **RELATIVE STATE POPULATION PROPORTION.**—The term “relative State population proportion” means, with respect to a State, the amount that is equal to the quotient obtained by dividing—

(A) the population of the State (as reported in the most recent decennial census); by

(B) the total population of all States (as reported in the most recent decennial census).

(2) **RELATIVE POPULATION PROPORTION AMOUNT.**—The term “relative population proportion amount” means the product of—

(A) the appropriated amount described in subsection (b); and

(B) the relative State population proportion for the State.

(3) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(b) **PAYMENTS.**—Subject to subsection (c), the amount appropriated under paragraph (1) under the heading “STATE AND LOCAL PROGRAMS” under the heading “OFFICE FOR DOMESTIC PREPAREDNESS” in title IV shall be used to pay each State an amount equal to the relative population proportion amount.

(c) **MINIMUM PAYMENT.**—

(1) **IN GENERAL.**—No State shall receive a payment under this section for a fiscal year that is less than—

(A) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the appropriated amount described in subsection (b); and

(B) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, ⅓ of 1 percent of the appropriated amount described in subsection (b).

(2) **PRO RATA ADJUSTMENTS.**—The Secretary of the Treasury shall adjust, on a pro rata basis, the amount of the payments to States determined under this section without regard to this paragraph to the extent necessary to comply with the requirements of paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Com-

mittee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 23, 2003, at 9:30 a.m. on Public Interest and Localism in SR-253.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. 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 Wednesday, July 23 at 10 a.m. to consider pending calendar business.

Agenda

Agenda Item 2: S. 391—A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes.

Agenda Item 3: S. 434—A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

Agenda Item 4: S. 435—A bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes.

Agenda Item 5: S. 452—A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes.

Agenda Item 6: S. 714—A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

Agenda Item 9: S. 1003—A bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

Agenda Item 10: H.R. 417—To revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

Agenda Item 11: H.R. 622—To provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

Agenda Item 12: H.R. 762—To amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.

Agenda Item 13: H.R. 1012—To establish the Carter G. Woodson Home Na-

tional Historic Site in the District of Columbia, and for other purposes.

In addition, the Committee may turn to any other measures that are ready for consideration.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2003 at 9:30 a.m. to hold a Business Meeting.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2003 at 2:45 p.m. to hold a hearing on Iraq: Status and Prospects for Reconstruction—Next Steps.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, July 23, 2003.

Agenda

S. Patient Safety and Quality Improvement Act of 2003

Presidential Nominations: Daniel Pipes, of Pennsylvania, to be a Member of the Board of Directors of the United States Institute of Peace; Charles Edward Horner, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace; Stephen David Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace; Eric Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission.

Any additional nominees cleared for action.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 23, 2003, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 556, a Bill to Reauthorize the Indian Health Care Improvement Act.

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, July 23, 2003, at 9:00 a.m. in Hart Room 216.

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