

“(ii) the protection of intellectual property; and

“(iii) the resolution of bilateral trade and investment disputes;

“(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through microcredit or other programs;

“(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

“(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

“(2) does not engage in activities that undermine United States national security or foreign policy interests; and

“(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after October 1, 2003.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption, of any goods described in the amendment made by subsection (a)—

(A) that was made on or after October 1, 2003, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

AMENDMENTS SUBMITTED & PROPOSED

SA 2944. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table.

SA 2945. Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill H.R. 4, supra.

SA 2946. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2947. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2948. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2949. Mr. FEINGOLD submitted an amendment intended to be proposed by him

to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2950. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2951. Mr. SMITH (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2952. Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BINGAMAN, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2953. Mr. BAUCUS (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2954. Mr. ALEXANDER (for Mr. MCCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, and Mr. KERRY)) proposed an amendment to the bill H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

SA 2955. Mr. ALEXANDER (for Mr. MCCAIN) proposed an amendment to the bill H.R. 2443, supra.

TEXT OF AMENDMENTS

SA 2944. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 212, strike line 12 and all that follows through page 213, line 6, and insert the following:

“(D) LIMITATION ON NUMBER OF PERSONS WHO MAY BE TREATED AS ENGAGED IN WORK BY REASON OF PARTICIPATION IN EDUCATIONAL ACTIVITIES.—

“(i) IN GENERAL.—Except as provided in paragraph (1)(C)(ii)(I) and clause (ii), for purposes of subsection (b)(1)(B)(i), not more than 30 percent of the number of individuals in all families in a State who are treated as engaged in work for a month may consist of individuals who are—

“(I) determined (without regard to individuals participating in a program established under section 404(1)) to be engaged in work for the month by reason of participation in vocational educational training (but only with respect to such training that does not exceed 12 months with respect to any individual); or

“(II) deemed to be engaged in work for the month by reason of subparagraph (C) of this paragraph.

“(ii) EXCEPTION FOR EDUCATION IN PREPARATION FOR SECTOR-SPECIFIC, HIGH-SKILL OCCUPATIONS TO MEET EMPLOYER DEMAND.—

“(1) IN GENERAL.—Notwithstanding clause (i) and subsection (d)(8), for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) with respect to an individual who is enrolled, in preparation for a sector-specific, high-skill occupation to meet employer demand (as defined in subclause (II)), in a postsecondary 2- or 4-year degree program or in vocational educational training—

“(aa) the State may count the number of hours per week that the individual attends such program or training for purposes of determining the number of hours for which a family is engaged in work for the month

without regard to the 30 percent limitation under clause (i); and

“(bb) the individual shall be permitted to complete the requirements of the degree program or vocational educational training within the normal timeframe for full-time students seeking the particular degree or completing such vocational educational training.

“(II) SECTOR-SPECIFIC, HIGH-SKILL OCCUPATION TO MEET EMPLOYER DEMAND DEFINED.—In subclause (I), the term ‘sector-specific, high-demand, high-skill occupation to meet employer demand’ means an occupation—

“(aa) that has been identified by the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) as within the needs of the State with regard to current and projected employment opportunities in specific industry sectors or that has been defined by the State agency administering the State program funded under this part as within the needs of the State with regard to current and projected employment opportunities in specific industry sectors and is consistent with high demand jobs identified in the State plan in accordance with section 402(a)(1)(A)(vi)(I);

“(bb) that requires occupational training; and

“(cc) that provides a wage of at least 75 percent of the State median hourly wage, as calculated by the Bureau of Labor Statistics on the basis of the most recent Occupational Employment and Wage Survey.

SA 2945. Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the “Fair Minimum Wage Act of 2004”.

(b) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

“(A) \$5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2004;

“(B) \$6.45 an hour, beginning 12 months after that 60th day; and

“(C) \$7.00 an hour, beginning 24 months after that 60th day;”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) \$3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by \$0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of

enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SA 2946. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) DOMESTIC VIOLENCE PREVENTION GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall award grants to eligible entities to enable such entities to carry out domestic violence prevention activities. In carrying out this subsection, the Secretary shall make public the criteria to be used by the Secretary for awarding such grants.

(2) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be a State, Indian tribe, or nonprofit domestic violence prevention organization; and

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) ACTIVITIES.—An entity shall use amounts received under a grant awarded under this subsection to—

(A) develop and disseminate best practices for addressing domestic and sexual violence;

(B) implement voluntary skills programs on domestic violence as a barrier to economic security, including providing case-worker training, technical assistance, and voluntary services for victims of domestic violence;

(C) provide broad-based income support and supplementation strategies that provide increased assistance to low-income working adults, such as housing, transportation, and transitional benefits as a means to reduce domestic violence; or

(D) carry out programs to enhance relationship skills and financial management skills, to teach individuals how to control aggressive behavior, and to disseminate information on the causes of domestic violence and child abuse.

(4) MATCHING REQUIREMENT.—The Secretary may not award a grant to an entity under this subsection unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 25 percent of such costs (\$1 for each \$4 of Federal funds provided under the grant).

(5) REQUIRED CONSULTATION.—The Secretary may not award a grant to a State or an Indian tribe under this subsection unless such State or tribe agrees, in carrying out activities under the grant, to consult with National, State, local, or tribal organizations with demonstrated expertise in providing aid to victims of domestic violence.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, \$20,000,000 for each of fiscal years 2005 through 2009.

SA 2947. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 355, between lines 3 and 4, insert the following:

SEC. —. DETERMINATION OF FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR ALASKA.

Section 706 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106-554 (42 U.S.C. 1396d note), is amended by striking “only with respect to each of fiscal years 2001 through 2005,” and inserting “with respect to fiscal year 2001 and each fiscal year thereafter.”.

SA 2948. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Violence Against Children Act of 2003”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) People under the age of 18 make up approximately 12 percent of all crime victims known to police, including 71 percent of all sex crime victims and 38 percent of all kidnapping victims.

(2) People from the ages of 12 through 17 are over 2 times more likely to be victims of violent crime than adults.

(3) It has been estimated that only 28 percent of crimes against children are actually reported.

(4) Some 1,200 children die as a result of abuse each year, and approximately 879,000 children are victims of abuse.

(5) Child abuse has long-lasting negative effects upon children and families, including delayed development, depression, substance abuse, and increased likelihood of experiencing or perpetrating domestic violence as an adult.

(6) Most local agencies lack adequate resources to protect and serve the needs of children and families that are brought to their attention.

(7) Failure to pay child support is in itself a form of neglect, as children who do not receive financial support are more likely to live in poverty, and are therefore more likely to suffer from inadequate education, a lack of quality health care, and a lack of affordable housing.

TITLE I—ENHANCED FEDERAL ROLE IN CRIMES AGAINST CHILDREN

SEC. 101. ENHANCED PENALTIES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

“§ 2260A. Violence against children

“(a) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subsection (b), by force or threat of force willfully injures or attempts to injure any person under 18 years of age—

“(1) shall be imprisoned for not more than 10 years and fined in accordance with this title; and

“(2) shall be imprisoned for any term of years or for life, and fined in accordance with this title if—

“(A) death results from the offense; or

“(B) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(b) CIRCUMSTANCES.—For purposes of subsection (a), the circumstances described in this subsection are that—

“(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(A) across a State line or national border;

or

“(B) using a channel, facility, or instrumentality of interstate or foreign commerce;

or

“(2) in connection with the conduct described in subsection (a), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce.

“(c) PENALTIES.—An offense under this section shall also be subject to the penalties provided in section 1111 of this title (as amended by the PROTECT Act) if the offense is also an offense under that section.”.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

“2260A. Violence against children.”.

(c) ENHANCED PENALTIES FOR EXISTING CRIMES WHEN COMMITTED AGAINST CHILDREN.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this Act and its purposes, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide enhanced penalties when the victim of a Federal crime is under the age of 18.

(d) GAO REVIEW OF STATE LAWS.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) review the statutory penalties for crimes against children under State laws and the sentencing practices of the States with respect to those crimes, including whether a State provides enhanced penalties when the victim of the crime is a child; and

(2) report the findings of the review to Congress.

SEC. 102. ENHANCED ASSISTANCE FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—At the request of a State, Indian tribal government, or unit of local government, the Attorney General shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State or Indian tribe; and

(3) is committed against a person under 18 years of age.

(b) PRIORITY.—If the Attorney General determines that there are insufficient resources to fulfill requests made pursuant to subsection (a), the Attorney General shall give priority to requests for assistance to—

(1) crimes committed by, or believed to be committed by, offenders who have committed crimes in more than 1 State; and

(2) rural jurisdictions that have difficulty covering the extraordinary expenses relating

to the investigation or prosecution of the crime.

TITLE II—GRANT PROGRAMS

SEC. 201. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution of crimes against children.

(b) PURPOSES.—Grants provided under this section shall provide personnel, training, technical assistance, data collection, and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing crimes against children, and specifically, for the purposes of—

(1) training law enforcement officers, prosecutors, judges, and other court personnel to more effectively identify and respond to crimes against children;

(2) developing, training, or expanding units of law enforcement officers, prosecutors, or courts specifically targeting crimes against children;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to crimes against children;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking arrests, prosecutions, and convictions for crimes against children;

(5) encouraging, developing, and strengthening programs, procedures, and policies that enhance cross-collaboration and cross-communication between law enforcement and child services agencies regarding the care, treatment, and services for child victims; and

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, or unit of local government that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, or unit of local government applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant, the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(ii) the State, the Indian tribal government, or the State in which the unit of local government is located is in compliance with sections 301 and 302.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section \$25,000,000 for each of the fiscal years 2004 through 2008.

SEC. 202. EDUCATION, PREVENTION, AND VICTIMS' ASSISTANCE GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, units of local government, and nongovernmental organizations to provide education, prevention, intervention, and victims' assistance services regarding crimes against children.

(b) PURPOSES.—Grants provided under this section shall be used to provide education, prevention, and intervention services to prevent crimes against children and to provide assistance to children, and the families of children, who are victims of crime, including—

(1) educational seminars;

(2) the operation of hotlines;

(3) training programs for professionals;

(4) the preparation of informational materials;

(5) intervention services to prevent crimes against children;

(6) other efforts to increase awareness of the facts about, or to help prevent, crimes against children, including efforts to increase awareness in underserved racial, ethnic, and language minority communities;

(7) emergency medical treatment for victims;

(8) counseling to victims of crimes against children and their families; and

(9) increasing the supply of mental health professionals specializing in the mental health of victims of crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, unit of local government, or nongovernmental organization that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, unit of local government, or nongovernmental organization applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant—

(i) in the case of a State, Indian tribal government, or unit of local government, that the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(ii) in the case of a nongovernmental organization, that the nongovernmental organization has experience in providing education, prevention, or intervention services regarding crimes against children or has experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section, provided that the Attorney General may waive such requirement for nongovernmental organizations in extraordinary circumstances; and

(ii) the State, the Indian tribal government, the State in which the unit of local government is located, or the State in which the nongovernmental organization will operate the activities funded under this section is located, is in compliance with section 303.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of the fiscal years 2004 through 2008.

TITLE III—NATIONWIDE PROGRAMS

SEC. 301. NATIONWIDE AMBER ALERT.

Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section 201 shall have in place a statewide AMBER Alert communications network for child abduction cases.

SEC. 302. IMPROVED STATISTICAL GATHERING.

Each State receiving grants pursuant to section 201 shall use, or shall be in the process of testing or developing protocols to use, the National Incident-Based Reporting System.

SEC. 303. NATIONAL SAFE HAVEN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section 202 shall have in effect a statute that—

(1) permits a parent to leave a newborn baby with a medically-trained employee of a hospital emergency room anonymously without any criminal or other penalty;

(2) includes a mechanism to encourage and permit a hospital employee in the receiving hospital to collect information about the medical history of the family subject to the approval of the parent;

(3) requires law enforcement entities in the State, immediately after relinquishment of a child under paragraph (1), to search State and Federal missing person databases to ensure that the child has not been reported missing; and

(4) includes a plan for publicizing the State's Safe Haven law.

(b) EXCEPTION.—Notwithstanding subsection (a)(1), a State statute in effect pursuant to this section may deny a parent the ability to leave a newborn baby anonymously without any criminal or other penalty if the newborn baby shows signs of abuse or appears to have been intentionally harmed.

SEC. 304. IMPROVED CHILD PROTECTION SERVICES PROGRAMS.

(a) REPORT BY STATES.—Not later than 180 days after the date of enactment of this Act, each State receiving an allotment for child welfare services under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) shall submit to the Secretary of Health and Human Services a report detailing the State's program funded under that subpart, including the process for maintaining records and verifying the well-being of the children under the State's care.

(b) GAO STUDY.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall report to Congress on State practices and policies under the child welfare program funded under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.). The report shall include the following:

(1) How States are maintaining records and verifying the well-being of the children under their care, including how well States are keeping track of where those children are.

(2) Whether and how the review system being undertaken by the Secretary of Health and Human Services is helping States to reform their child welfare system.

(3) The best practices being implemented by the States.

(4) Recommendations for legislative changes by Congress.

SA 2949. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block

grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—FAIR TREATMENT AND DUE PROCESS PROTECTION

Subtitle A—Access to Translation Services and Language Education Programs

SEC. _____ 01. PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

“(12) PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.—A State to which a grant is made under section 403(a) for a fiscal year shall, with respect to the State program funded under this part and all programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), provide appropriate interpretation and translation services to individuals who lack English proficiency if the number or percentage of persons lacking English proficiency meets the standards established under section 272.4(b) of title 7 of the Code of Federal Regulations (as in effect on the date of enactment of this paragraph).”.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 106(d), is amended by adding at the end the following:

“(14) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

SEC. _____ 02. ASSISTING FAMILIES WITH LIMITED ENGLISH PROFICIENCY.

(a) IN GENERAL.—Section 407(c)(6) (42 U.S.C. 607(c)(6)), as amended by section 109(f), is amended by adding at the end the following:

“(G) INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.—In the case of an adult recipient who lacks English language proficiency, as defined by the State, the State shall—

“(i) advise the adult recipient of available programs or activities in the community to address the recipient’s education needs;

“(ii) if the adult recipient elects to participate in such a program or activity, allow the recipient to participate in such a program or activity; and

“(iii) consider an adult recipient who participates in such a program or activity on a satisfactory basis as being engaged in work for purposes of determining monthly participation rates under this section, except that the State—

“(I) may elect to require additional hours of participation or activity if necessary to ensure that the recipient is participating in work-related activities for a sufficient number of hours to count as being engaged in work under this section; and

“(II) shall attempt to ensure that any additional hours of participation or activity do not unreasonably interfere with the education activity of the recipient.”.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section _____01(b), is amended by adding at the end the following:

“(15) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(c)(2)(E) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

Subtitle B—Sanctions and Due Process Protections

SEC. _____ 21. SANCTIONS AND DUE PROCESS PROTECTIONS.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by section _____01(a), is amended by adding at the end the following:

“(13) SANCTION PROCEDURES.—

“(A) PRE-SANCTION REVIEW PROCESS.—Prior to the imposition of a sanction against an individual or family receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for failure to comply with program requirements, the State shall take the following steps:

“(i) Provide or send notice to the individual or family, and, if the recipient’s native language is not English, through a culturally competent translation, of the following information:

“(I) The specific reason for the proposed sanction.

“(II) The amount of the proposed sanction.

“(III) The length of time during which the proposed sanction would be in effect.

“(IV) The steps required to come into compliance or to show good cause for noncompliance.

“(V) That the agency will provide assistance to the individual in determining if good cause for noncompliance exists, or in coming into compliance with program requirements.

“(VI) That the individual may appeal the determination to impose a sanction, and the steps that the individual must take to pursue an appeal.

“(ii) (I) Ensure that, subject to clause (iii)—

“(aa) an individual other than the individual who determined that a sanction be imposed shall review the determination and have the authority to take the actions described in subclause (II); and

“(bb) the individual or family against whom the sanction is to be imposed shall be afforded the opportunity to meet with the individual who, as provided for in item (aa), is reviewing the determination with respect to the sanction.

“(II) An individual to which this subclause applies may—

“(aa) modify the determination to impose a sanction;

“(bb) determine that there was good cause for the individual or family’s failure to comply;

“(cc) recommend modifications to the individual’s individual responsibility or employment plan; and

“(dd) make such other determinations and take such other actions as may be appropriate under the circumstances.

“(iii) The review required under clause (ii) shall include consideration of the following:

“(I) To the extent applicable, whether barriers to compliance exist, such as a physical or mental impairment, including mental illness, substance abuse, mental retardation, a learning disability, domestic or sexual violence, limited proficiency in English, limited

literacy, homelessness, or the need to care for a child with a disability or health condition, that contributed to the noncompliance of the person.

“(II) Whether the individual or family’s failure to comply resulted from failure to receive or have access to services previously identified as necessary in an individual responsibility or employment plan.

“(III) Whether changes to the individual responsibility or employment plan should be made in order for the individual to comply with program requirements.

“(IV) Whether the individual or family has good cause for any noncompliance.

“(V) Whether the State’s sanction policies have been applied properly.

“(B) SANCTION FOLLOW-UP REQUIREMENTS.—If a State imposes a sanction on a family or individual for failing to comply with program requirements, the State shall—

“(i) provide or send notice to the individual or family, in language calculated to be understood by the individual or family, and, if the individual’s or family’s native language is not English, through a culturally competent translation, of the reason for the sanction and the steps the individual or family must take to end the sanction;

“(ii) resume the individual’s or family’s full assistance, services, or benefits provided under this program (provided that the individual or family is otherwise eligible for such assistance, services, or benefits) once the individual who failed to meet program requirements that led to the sanction complies with program requirements for a reasonable period of time, as determined by the State and subject to State discretion to reduce such period;

“(iii) if assistance, services, or benefits have not resumed, as of the period that begins on the date that is 60 days after the date on which the sanction was imposed, and end on the date that is 120 days after such date, provide notice to the individual or family, in language calculated to be understood by the individual or family, of the steps the individual or family must take to end the sanction, and of the availability of assistance to come into compliance or demonstrate good cause for noncompliance with program requirements.”.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section _____02(b), is amended by adding at the end the following:

“(16) PENALTY FOR FAILURE TO FOLLOW SANCTION PROCEDURES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

(c) STATE PLAN REQUIREMENT TO DESCRIBE HOW STATES WILL NOTIFY APPLICANTS AND RECIPIENTS OF THEIR RIGHTS UNDER THE PROGRAM AND OF POTENTIAL BENEFITS AND SERVICES AVAILABLE UNDER THE PROGRAM.—Section 402(a)(1)(B)(ii) (42 U.S.C. 602(a)(1)(B)(ii)), as redesignated by section 101(a)(1)(B)(ii), is amended by inserting “, and will notify applicants and recipients of assistance under the program of the rights of individuals under all laws applicable to program activities and of all potential benefits and services available under the program” before the period.

(d) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND

OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

(1) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by subsection (a), is amended by adding at the end the following:

“(14) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—A State to which a grant is made under section 403 shall—

“(A) notify each applicant for, and each recipient of, assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of the rights of applicants and recipients under all laws applicable to the activities of such program (including the right to claim good cause exceptions to program requirements), and shall provide the notice—

“(i) to a recipient when the recipient first receives assistance, benefits, or services under the program;

“(ii) to all such recipients on a semiannual basis; and

“(iii) orally and in writing, in the native language of the recipient and at not higher than a 6th grade level, and, if the recipient's native language is not English, through a culturally competent translation; and

“(B) train all program personnel on a regular basis regarding how to carry out the program consistent with such rights.”.

(2) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by subsection (b), is amended by adding at the end the following:

“(17) PENALTY FOR FAILURE TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

Subtitle C—Data Collection and Reporting Requirements

SEC. 31. DATA COLLECTION AND REPORTING REQUIREMENTS.

Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 112(a), is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “(except for information relating to activities carried out under section 403(a)(5))” and inserting “, and, in complying with this requirement, shall ensure that such information is reported in a manner that permits analysis of the information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and that all data, including Federal, State, and local data (whether collected by public or private local agencies or entities that administer or operate the State program funded under this part) is made public and easily accessible”;

(B) by striking clause (v) and inserting the following:

“(v) The employment status, occupation (as defined by the most current Federal Standard Occupational Classification system, as of the date of the collection of the data), and earnings of each employed adult in the family.”;

(C) in clause (vii), by striking “and educational level” and inserting “, educational level, and primary language”;

(D) in clause (viii), by striking “and educational level” and inserting “, educational level, and primary language”; and

(E) in clause (xi), in the matter preceding subclause (I), by inserting “, including, to the extent such information is available, information on the specific type of job, or education or training program” before the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A), the following:

“(B) INFORMATION REGARDING APPLICANTS.—

“(i) IN GENERAL.—Each eligible State shall collect on a monthly basis, and report to the Secretary on a quarterly basis, disaggregated case record information on the number of individuals who apply for but do not receive assistance under the State program funded under this part, the reason such assistance were not provided, and the overall percentage of applications for assistance that are approved compared to those that are disapproved with respect to such month.

“(ii) REQUIREMENT.—In complying with clause (i), each eligible State shall ensure that the information required under that clause is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors.”.

SEC. 32. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) CASE CLOSURE REASONS.—Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 31, is amended—

(1) by redesignating subparagraph (C) (as redesignated by such section 31) as subparagraph (D); and

(2) by inserting after subparagraph (B) (as added by such section 31) the following:

“(C) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—

“(i) IN GENERAL.—The Secretary shall develop, in consultation with States and individuals or organizations with expertise related to the provision of assistance under the State program funded under this part, a comprehensive list of reasons why individuals leave State programs funded under this part. In developing such list, the Secretary shall consider the full range of reasons for case closures, including the following:

“(I) Lack of access to specific programs or services, such as child care, transportation, or English as a second language classes for individuals with limited English proficiency.

“(II) The medical or health problems of a recipient.

“(III) The family responsibilities of a recipient, such as caring for a family member with a disability.

“(IV) Changes in eligibility status.

“(V) Other administrative reasons.

“(ii) OTHER REQUIREMENTS.—The list required under clause (i) shall be developed with the goal of substantially reducing the number of case closures under the State programs funded under this part for which a reason is not known.

“(iii) PUBLIC COMMENT.—The Secretary shall promulgate for public comment regulations that—

“(I) list the case closure reasons developed under clause (i);

“(II) require States, not later than October 1, 2006, to use such reasons in accordance with subparagraph (A)(xvi); and

“(III) require States to report on efforts to improve State tracking of reasons for case closures, including the identification of addi-

tional reasons for case closures not included on the list developed under clause (i).

“(iv) REVIEW AND MODIFICATION.—The Secretary, through consultation and analysis of quarterly State reports submitted under this paragraph, shall review on an annual basis whether the list of case closure reasons developed under clause (i) requires modification and, to the extent the Secretary determines that modification of the list is necessary, shall publish proposed modifications for notice and comment, prior to the modifications taking effect.”.

(b) INCLUSION IN QUARTERLY STATE REPORTS.—Section 411 (a)(1)(A) (42 U.S.C. 611(a)(1)(A)), as so amended, is amended—

(1) in clause (xvi)—

(A) in subclause (IV), by striking “or” at the end;

(B) in subclause (V), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(VI) a reason specified in the list developed under subparagraph (C), including any modifications of such list.”;

(2) by redesignating clauses (xvii) through (xx), as clauses (xviii) through (xxi), respectively; and

(3) by inserting after clause (xvi), the following:

“(xvii) The efforts the State is undertaking, and the progress with respect to such efforts, to improve the tracking of reasons for case closures.”.

SEC. 33. LONGITUDINAL STUDIES OF TANF APPLICANTS AND RECIPIENTS.

(a) IN GENERAL.—Section 413 (42 U.S.C. 613), as amended by section 101(e) is amended by striking subsection (d) and inserting the following:

“(d) LONGITUDINAL STUDIES OF APPLICANTS AND RECIPIENTS TO DETERMINE THE FACTORS THAT CONTRIBUTE TO POSITIVE EMPLOYMENT AND FAMILY OUTCOMES.—

“(1) IN GENERAL.—The Secretary, directly or through grants, contracts, or interagency agreements, shall conduct longitudinal studies in at least 5, and not more than 10, States (or sub-State areas, except that no such area shall be located in a State in which a State-wide study is being conducted under this paragraph) of a representative sample of families that receive, and applicants for, assistance under a State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

“(2) REQUIREMENTS.—The studies conducted under this subsection shall—

“(A) follow families that cease to receive assistance, families that receive assistance throughout the study period, and families diverted from assistance programs; and

“(B) collect information on—

“(i) family and adult demographics (including race, ethnicity or national origin, primary language, gender, barriers to employment, educational status of adults, prior work history, prior history of welfare receipt);

“(ii) family income (including earnings, unemployment compensation, and child support);

“(iii) receipt of assistance, benefits, or services under other needs-based assistance programs (including the food stamp program, the medicaid program under title XIX, earned income tax credits, housing assistance, and the type and amount of any child care);

“(iv) the reasons for leaving or returning to needs-based assistance programs;

“(v) work participation status and activities (including the scope and duration of work activities and the types of industries and occupations for which training is provided);

“(vi) sanction status (including reasons for sanction);

“(vii) time limit for receipt of assistance status (including months remaining with respect to such time limit);

“(viii) recipient views regarding program participation; and

“(ix) measures of income change, poverty, extreme poverty, food security and use of food pantries and soup kitchens, homelessness and the use of shelters, and other measures of family well-being and hardship over a 5-year period.

“(3) COMPARABILITY OF RESULTS.—The Secretary shall, to the extent possible, ensure that the studies conducted under this subsection produce comparable results and information.

“(4) REPORTS.—

“(A) INTERIM REPORTS.—Not later than October 1, 2007, the Secretary shall publish interim findings from at least 12 months of longitudinal data collected under the studies conducted under this subsection.

“(B) SUBSEQUENT REPORTS.—Not later than October 1, 2009, the Secretary shall publish findings from at least 36 months of longitudinal data collected under the studies conducted under this subsection.”.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 411(e) (42 U.S.C. 611(e)), as redesignated by section 112(e)(1) and amended by section 112(f), is amended—

(A) in paragraph (2)—

(i) by inserting “(including types of sanctions or other grant reductions)” after “financial characteristics”; and

(ii) by inserting “, disaggregated by race, ethnicity or national origin, primary language, gender, education level, and, with respect to closed cases, the reason the case was closed” before the semicolon;

(B) in paragraph (3), by striking “and” at the end;

(C) in paragraph (4), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(5) the economic well-being of children and families receiving assistance under the State programs funded under this part and of children and families that have ceased to receive such assistance, using longitudinal matched data gathered from federally supported programs, and including State-by-State data that details the distribution of earnings and stability of employment of such families and (to the extent feasible) describes, with respect to such families, the distribution of income from known sources (including employer-reported wages, assistance under the State program funded under this part, and benefits under the food stamp program), the ratio of such families’ income to the poverty line, and the extent to which such families receive or received noncash benefits and child care assistance, disaggregated by race, ethnicity or national origin, primary language, gender, education level, whether the case remains open, and, with respect to closed cases, the reason the case was closed.”.

(2) CONFORMING AMENDMENTS.—Section 411(a) (42 U.S.C. 611(a)), as amended by section 112, is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6), the following:

“(7) REPORT ON ECONOMIC WELL-BEING OF CURRENT AND FORMER RECIPIENTS.—The report required by paragraph (1) for a fiscal quarter shall include for that quarter such information as the Secretary may specify in order for the Secretary to include in the annual reports to Congress required under subsection (b) the information described in paragraph (5) of that subsection.”.

SEC. 34. PROTECTION OF INDIVIDUAL PRIVACY.

Section 411 (42 U.S.C. 611), as amended by section 112(e), is amended by adding at the end the following:

“(e) PROTECTION OF INDIVIDUAL PRIVACY.—With respect to any information concerning individuals or families receiving assistance, or applying for assistance, under the State programs funded under this part that is publicly disclosed by the Secretary, the Secretary shall ensure that such disclosure is made in a manner that protects the privacy of such individuals and families.”.

SA 2950. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —PREVENTING VIOLENCE AGAINST CHILDREN

Subtitle A—Enhanced Federal Role in Crimes Against Children

SEC. 01. ENHANCED PENALTIES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

“§ 2260A. Violence against children

“(a) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subsection (b), by force or threat of force willfully injures or attempts to injure any person under 18 years of age—

“(1) shall be imprisoned for not more than 10 years and fined in accordance with this title; and

“(2) shall be imprisoned for any term of years or for life, and fined in accordance with this title if—

“(A) death results from the offense; or

“(B) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(b) CIRCUMSTANCES.—For purposes of subsection (a), the circumstances described in this subsection are that—

“(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(A) across a State line or national border; or

“(B) using a channel, facility, or instrumentality of interstate or foreign commerce; or

“(2) in connection with the conduct described in subsection (a), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce.

“(c) PENALTIES.—An offense under this section shall also be subject to the penalties provided in section 1111 of this title (as amended by the PROTECT Act) if the offense is also an offense under that section.”.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

“2260A. Violence against children.”.

(c) ENHANCED PENALTIES FOR EXISTING CRIMES WHEN COMMITTED AGAINST CHILDREN.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this Act and its pur-

poses, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide enhanced penalties when the victim of a Federal crime is under the age of 18.

(d) GAO REVIEW OF STATE LAWS.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) review the statutory penalties for crimes against children under State laws and the sentencing practices of the States with respect to those crimes, including whether a State provides enhanced penalties when the victim of the crime is a child; and

(2) report the findings of the review to Congress.

SEC. 02. ENHANCED ASSISTANCE FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—At the request of a State, Indian tribal government, or unit of local government, the Attorney General shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State or Indian tribe; and

(3) is committed against a person under 18 years of age.

(b) PRIORITY.—If the Attorney General determines that there are insufficient resources to fulfill requests made pursuant to subsection (a), the Attorney General shall give priority to requests for assistance to—

(1) crimes committed by, or believed to be committed by, offenders who have committed crimes in more than 1 State; and

(2) rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

Subtitle B—Grant Programs

SEC. 11. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution of crimes against children.

(b) PURPOSES.—Grants provided under this section shall provide personnel, training, technical assistance, data collection, and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing crimes against children, and specifically, for the purposes of—

(1) training law enforcement officers, prosecutors, judges, and other court personnel to more effectively identify and respond to crimes against children;

(2) developing, training, or expanding units of law enforcement officers, prosecutors, or courts specifically targeting crimes against children;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to crimes against children;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking arrests, prosecutions, and convictions for crimes against children;

(5) encouraging, developing, and strengthening programs, procedures, and policies that enhance cross-collaboration and cross-communication between law enforcement

and child services agencies regarding the care, treatment, and services for child victims; and

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, or unit of local government that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, or unit of local government applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant, the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(ii) the State, the Indian tribal government, or the State in which the unit of local government is located is in compliance with sections 21 and 22.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of the fiscal years 2004 through 2008.

SEC. 12. EDUCATION, PREVENTION, AND VICTIMS' ASSISTANCE GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, units of local government, and nongovernmental organizations to provide education, prevention, intervention, and victims' assistance services regarding crimes against children.

(b) PURPOSES.—Grants provided under this section shall be used to provide education, prevention, and intervention services to prevent crimes against children and to provide assistance to children, and the families of children, who are victims of crime, including—

(1) educational seminars;

(2) the operation of hotlines;

(3) training programs for professionals;

(4) the preparation of informational materials;

(5) intervention services to prevent crimes against children;

(6) other efforts to increase awareness of the facts about, or to help prevent, crimes against children, including efforts to increase awareness in underserved racial, ethnic, and language minority communities;

(7) emergency medical treatment for victims;

(8) counseling to victims of crimes against children and their families; and

(9) increasing the supply of mental health professionals specializing in the mental health of victims of crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, unit of local government, or nongovernmental organization that desires a grant under this section shall submit an application to the Attorney General at such

time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, unit of local government, or nongovernmental organization applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant—

(i) in the case of a State, Indian tribal government, or unit of local government, that the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(ii) in the case of a nongovernmental organization, that the nongovernmental organization has experience in providing education, prevention, or intervention services regarding crimes against children or has experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section, provided that the Attorney General may waive such requirement for nongovernmental organizations in extraordinary circumstances; and

(ii) the State, the Indian tribal government, the State in which the unit of local government is located, or the State in which the nongovernmental organization will operate the activities funded under this section is located, is in compliance with section 23.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of the fiscal years 2004 through 2008.

Subtitle C—Nationwide Programs

SEC. 21. NATIONWIDE AMBER ALERT.

Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section 11 shall have in place a statewide AMBER Alert communications network for child abduction cases.

SEC. 22. IMPROVED STATISTICAL GATHERING.

Each State receiving grants pursuant to section 11 shall use, or shall be in the process of testing or developing protocols to use, the National Incident-Based Reporting System.

SEC. 23. NATIONAL SAFE HAVEN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section 12 shall have in effect a statute that—

(1) permits a parent to leave a newborn baby with a medically-trained employee of a hospital emergency room anonymously without any criminal or other penalty;

(2) includes a mechanism to encourage and permit a hospital employee in the receiving hospital to collect information about the medical history of the family subject to the approval of the parent;

(3) requires law enforcement entities in the State, immediately after relinquishment of a child under paragraph (1), to search State and Federal missing person databases to ensure that the child has not been reported missing; and

(4) includes a plan for publicizing the State's Safe Haven law.

(b) EXCEPTION.—Notwithstanding subsection (a)(1), a State statute in effect pursu-

ant to this section may deny a parent the ability to leave a newborn baby anonymously without any criminal or other penalty if the newborn baby shows signs of abuse or appears to have been intentionally harmed.

SEC. 24. IMPROVED CHILD PROTECTION SERVICES PROGRAMS.

(a) REPORT BY STATES.—Not later than 180 days after the date of enactment of this Act, each State receiving an allotment for child welfare services under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) shall submit to the Secretary of Health and Human Services a report detailing the State's program funded under that subpart, including the process for maintaining records and verifying the well-being of the children under the State's care.

(b) GAO STUDY.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall report to Congress on State practices and policies under the child welfare program funded under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.). The report shall include the following:

(1) How States are maintaining records and verifying the well-being of the children under their care, including how well States are keeping track of where those children are.

(2) Whether and how the review system being undertaken by the Secretary of Health and Human Services is helping States to reform their child welfare system.

(3) The best practices being implemented by the States.

(4) Recommendations for legislative changes by Congress.

SA 2951. Mr. SMITH (for himself, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill insert the following:

Title —LOCAL LAW ENFORCEMENT ENHANCEMENT ACT.

SEC. 01. SHORT TITLE.

This title may be cited as the "Local Law Enforcement Enhancement Act of 2004".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 03. DEFINITION OF HATE CRIME.

In this title, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 04. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraor-

dinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction within a 1 year period.

(6) REPORT.—Not later than December 31, 2005, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2005 and 2006.

SEC. 05. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 06. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2005, 2006, and 2007 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 07.

SEC. 07. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given the term in section 232 of this title; and

“(2) the term ‘firearm’ has the meaning given the term in section 921(a) of this title.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”

SEC. 08. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to the authority provided under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 09. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender,” after “race.”

SEC. 10. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 2952. Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BINGAMAN, and Mr.

CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 297, strike lines 13 through 15, and insert the following:

(d) STATE FLEXIBILITY.—Section 510(b) (42 U.S.C. 710(b)) is amended—

(1) in paragraph (1), by striking “and at the option of the State, where appropriate,” and inserting “as defined in subparagraph (A) or (B) of paragraph (2), at the option of the State, and;” and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “an” and inserting “a medically and scientifically accurate”; and

(B) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii) respectively and realigning the left margins of such clauses accordingly;

(C) by inserting “(A)” after “(2)”;

(D) in clause (viii) of subparagraph (A) (as redesignated by subparagraph (B) and amended by subparagraph (C)), by striking the period at the end and inserting “; or”; and

(E) by adding at the end the following:

“(B) promotes abstinence and educates those who are currently sexually active or at risk of sexual activity about additional methods to reduce unintended pregnancy or other health risks.”

(e) COMPARATIVE EVALUATION OF ABSTINENCE EDUCATION PROGRAMS.—

(1) STUDY.—The Secretary of Health and Human Services shall, in consultation with an advisory panel of researchers identified by the Board on Children, Youth, and Families of the National Academy of Sciences, conduct an experimental study directly or through contract or interagency agreement, which assesses the relative efficacy of 2 approaches to abstinence education for adolescents. The study shall—

(A) be designed to enable a comparison of the efficacy of an abstinence program which precludes education about contraception with a similar abstinence program which includes education about contraception and means of preventing the transmission of HIV and sexually-transmitted diseases; and

(B) measure key outcomes, including behaviors that put teens at risk for unintended pregnancy and childbearing and for HIV and other sexually transmitted diseases, such as sexual activity, contraceptive use, condom use and patterns of sexual relationships.

(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, the Secretary of Health and Human Services shall submit a report to Congress that contains the results of the study conducted under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, \$5,000,000 for the period of fiscal years 2005 through 2009.

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to the program under section 510 for fiscal years 2005 and succeeding fiscal years.

SA 2953. Mr. BAUCUS (for himself, Mr. CORZINE Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access

to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) AT HOME INFANT CARE.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is further amended by adding at the end the following:

“(m) DEMONSTRATION PROJECTS FOR AT HOME INFANT CARE.—

“(1) AUTHORITY TO AWARD GRANTS.—

“(A) IN GENERAL.—The Secretary shall award grants to not less than 5 and not more than 10 States to enable such States to carry out demonstration projects to provide at-home infant care benefits to eligible low-income families.

“(B) INDIAN TRIBES.—An Indian tribe may submit an application for a grant under this subsection. If awarded a grant, the Indian tribe shall conduct a demonstration project to provide at-home infant care benefits to eligible low-income families in the same manner, and to the same extent as a State, except that the Secretary may modify the requirements of this subsection as appropriate with respect to the Indian tribe. For purposes of subparagraph (A), any grant awarded to an Indian tribe shall not count toward the number of grants awarded to States.

“(2) FAMILY ELIGIBILITY.—

“(A) IN GENERAL.—To be eligible to participate in a program of at-home infant care under a demonstration project established under paragraph (1), a family shall—

“(i) have an income that does not exceed the limits specified in section 658F(3)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(3)(B));

“(ii) include a child under the age of 2;

“(iii) include a parent (as defined in section 658F(8) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(8))), who meets the State’s requirements for having had a recent work history prior to application for at-home infant care benefits; and

“(iv) meet such other eligibility requirements as the State may establish.

“(B) 2-PARENT FAMILIES.—A State selected to participate in a demonstration project of at-home infant care under this section shall permit 2-parent families to participate in the project but may not limit participation in the project to such families.

“(3) AMOUNT OF ASSISTANCE.—The amount of at-home infant care benefits provided to an eligible family under this subsection for a month of benefit receipt shall not exceed the payment rate applicable to eligible child care providers for infant care under the State’s payment rate schedule, according to the provisions of section 658E(c)(4)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)(A)).

“(4) SUBMISSION OF APPLICATIONS.—An eligible low-income parent may submit an application for at-home infant care benefits under a demonstration project established under this subsection at any time prior to the date on which the child attains age 2.

“(5) REQUIRED CERTIFICATIONS.—A State selected to participate in a demonstration project of at-home infant care under this section shall provide certifications to the Secretary that—

“(A) during the period of the demonstration project, the State shall not reduce expenditures for child care services below the levels in effect in the fiscal year preceding the fiscal year in which the State begins to participate in the project;

“(B) the State, in operating the demonstration project, shall not give priority or preference to parents seeking to participate in the program of At-Home Infant Care over

other eligible parents on a waiting list for child care assistance in the State;

“(C) the State shall—

“(i) provide parents applying to receive at-home infant care benefits with information on the range of options for child care available to the parents;

“(ii) ensure that approved applicants for at-home infant care are permitted to choose between receipt of at-home infant care benefits and receipt of a certificate that may be used with an eligible child care provider for child care needed for employment; and

“(iii) provide that a family receiving an at-home infant care benefit may exchange the benefit for a child care voucher for employment at any time during the family's participation in the program;

“(D) the State shall develop or update and implement a plan to improve the quality of infant care, and shall use up to 10 percent of the funds received under the demonstration project for efforts to improve the quality of infant care in the State;

“(E) the State shall ensure that voluntary employment services are offered to program participants after the completion of participation in the program to assist the participants in returning to unsubsidized employment; and

“(F) the State shall cooperate with information collection and evaluation activity conducted by the Secretary.

“(6) TANF ASSISTANCE.—The receipt of an at-home infant care benefit funded under this subsection shall not be considered assistance under the State program funded under this part for any purpose.

“(7) BENEFIT NOT TREATED AS INCOME.—Notwithstanding any other provision of law, the value of an at-home infant care benefit funded under this subsection shall not be treated as income for purposes of any Federal or federally-assisted program that bases eligibility, or the amount of benefits or services provided, on need.

“(8) APPLICATION FOR PARTICIPATION AND SELECTION OF STATES.—

“(A) APPLICATIONS.—Not later than 90 days after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act, the Secretary shall publish a notice of opportunity to participate, specifying the contents of an application for participation in the At-Home Infant Care demonstration project funded under this subsection. The notice shall include a time-frame for States to submit an application to participate, and shall provide that all such applications are to be submitted not later than 270 days after such date of enactment.

“(B) SELECTION.—

“(i) IN GENERAL.—The Secretary shall review the applications and select the participating States not later than 1 year after such date of enactment.

“(ii) CRITERIA.—In selecting States to participate in the demonstration project funded under this subsection, the Secretary shall—

“(I) seek to ensure geographic diversity; and

“(II) give priority to States—

“(aa) whose applications demonstrate a strong commitment to improving the quality of infant care and the choice available to parents of infants;

“(bb) with experience relevant to the operation of at-home infant care programs; and

“(cc) in which there are demonstrable shortages of infant care.

“(9) EVALUATION AND REPORT TO CONGRESS.—

“(A) IN GENERAL.—The Secretary shall conduct an evaluation of the demonstration projects conducted under this subsection and submit a report to Congress on such evaluation not later than 4 years after the date of enactment of the Personal Responsibility

and Individual Development for Everyone Act.

“(B) REQUIREMENTS.—The evaluation required under this paragraph shall expressly address the following:

“(i) Implementation experiences of the States participating in the project in developing and operating programs of at-home infant care, including design issues and issues in coordinating at-home infant care benefits with benefits provided or funded under the Child Care and Development Block Grant in the State.

“(ii) The characteristics of families seeking to participate and participating in the programs of at-home infant care funded under this subsection.

“(iii) The length of participation by families in such programs and the reasons for the families ceasing to participate in the programs.

“(iv) The prior and subsequent employment of participating families and the effect of program participation on subsequent employment participation of the families.

“(v) The costs and benefits of the programs of at-home infant care.

“(vi) The effectiveness of State or tribal efforts to improve the quality of infant care during the period in which the demonstration project is conducted in the State.

“(C) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (10) for a fiscal year, \$750,000 shall be reserved with respect to each such fiscal year for purposes of conducting the evaluation required under this paragraph.

“(10) APPROPRIATIONS.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to carry out this subsection, \$30,000,000 for each of fiscal years 2005 through 2009.”

SA 2954. Mr. ALEXANDER (for Mr. MCCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, and Mr. KERRY)) proposed an amendment to the bill H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coast Guard Authorization Act of 2004”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Title I—Authorization

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized Levels of military strength and training.

Title II—Coast Guard Personnel, Financial, and Property Management

Sec. 201. Enlisted member critical skill training bonus.

Sec. 202. Amend limits to the number and distribution of officers.

Sec. 203. Expansion of Coast Guard housing authorities.

Sec. 204. Property owned by auxiliary units and dedicated solely for auxiliary use.

Sec. 205. Coast Guard auxiliary units as instrumentalities of the United States for taxation purposes.

Sec. 206. Maximum age for retention in an active status.

Sec. 207. Term of enlistments.

Sec. 208. Requirement for constructive credit.

Sec. 209. Nonappropriated fund instrumentalities.

Sec. 210. Travel card management.

Sec. 211. Use of military child development centers and other programs.

Title III—Law Enforcement, Marine Safety, and Environmental Protection

Sec. 301. Marking of underwater wrecks.

Sec. 302. Prohibition on operation of certain electronic devices; ports and waterways partnerships and cooperative ventures.

Sec. 303. Reports from charterers.

Sec. 304. Revision of temporary suspension criteria in suspension and revocation cases.

Sec. 305. Revision of bases for suspension and revocation cases.

Sec. 306. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.

Sec. 307. Records of merchant mariner's documents.

Sec. 308. Exemption of unmanned barges from certain citizenship requirements.

Sec. 309. Increase in civil penalties for violations of certain bridge statutes.

Sec. 310. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.

Sec. 311. Correction to definition of Federal law enforcement agencies in the enhanced border security and visa entry reform act of 2002.

Sec. 312. Stopping vessels; immunity for firing at or into vessel.

Sec. 313. Use of unexpended funds for bridge alterations under Truman-Hobbs Act.

Sec. 314. Inland navigation rules promulgation authority.

Sec. 315. Prevention of departure.

Sec. 316. Compliance with international safety management code.

Sec. 317. Amendments to vessel response plan requirements.

Sec. 318. Requirements for tank level and pressure monitoring devices.

Sec. 319. Report on implementation of the oil pollution act.

Sec. 320. Loans for fishermen impacted by oil spills.

Sec. 321. Fisheries enforcement plans and reporting.

Sec. 322. Deepwater report.

Sec. 323. Small passenger vessel safety.

Sec. 324. Electronic navigational charting.

Sec. 325. Measures for the protection of north atlantic right whales from ship strikes.

Sec. 326. Foreign vessel security plans.

Title IV—Miscellaneous

Sec. 401. Conveyance of lighthouses.

Sec. 402. LORAN-C.

Sec. 403. Conveyance of decommissioned Coast Guard cutters.

Sec. 404. Koss Cove.

Sec. 405. Declaration of non-navigability for portion of the Wateree river.

Sec. 406. Correction of 2002 coastwise trade authorization provision.

Sec. 407. Innovative construction alternatives.

Sec. 408. Bridge administration.

Sec. 409. National Coast Guard Museum.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2004.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2004 the following amounts:

(1) For the operation and maintenance of the Coast Guard, \$4,913,000,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund, of which—

(A) \$70,000,000 shall be available to analyze port security plans prepared in compliance with chapter 701 of title 46, United States Code;

(B) \$100,000,000 shall be available for increased operating expenses due to heightened security efforts; and

(C) \$36,000,000 may be available for use in commissioning 3 additional Marine Safety and Security Teams.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,017,000,000 (of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended, of which

(A) \$702,000,000 shall be available for the Coast Guard's integrated deepwater system;

(B) \$134,000,000 shall be available for the Coast Guard's "Rescue 21" program; and

(C) \$40,000,000 shall be available for the Automatic Identification System.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$22,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay, (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,020,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) \$16,000,000, to remain available until expended; and

(B) \$2,500,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(7) For reserve training, \$95,000,000.

(b) FISCAL YEAR 2005.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2005 the following amounts:

(1) For the operation and maintenance of the Coast Guard, \$5,404,300,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,068,000,000 (of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended, of which—

(A) \$708,000,000 shall be available for the Coast Guard's Integrated Deepwater System; and

(B) \$161,000,000 shall be available for the Coast Guard's Rescue 21 program.

(3) For research, development, test, and evaluation of technologies, materials, and

human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$24,200,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,122,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$18,700,000, to remain available until expended.

(G) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) \$17,850,000, to remain available until expended; and

(B) \$2,500,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(7) For reserve training \$104,500,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2004.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2004.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2004.—For fiscal year 2004, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

TITLE II—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 201. ENLISTED MEMBER CRITICAL SKILL TRAINING BONUS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by adding at the end the following:

“§ 374. Critical skill training bonus

“(a) The Secretary may provide a bonus, not to exceed \$20,000, to enlisted members who complete training in a skill designated as critical, provided at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

“(b) If an enlisted member voluntarily or because of misconduct does not complete his or her term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary shall charge interest on the reimbursed amount at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the preceding calendar quarter.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 373 the following:

“374. Critical skill training bonus.”

SEC. 202. AMEND LIMITS TO THE NUMBER OF COMMANDERS AND LIEUTENANT COMMANDERS.

Section 42 of title 14, United States Code, is amended—

(1) by striking “The” in subsection (a) and inserting “Except in time of war or national emergency declared by Congress or the President, the”;

(2) by striking “6,200.” in subsection (a) and inserting “7,100. In time of war or national emergency, the Secretary shall establish the total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard.”; and

(3) by striking “commander 12.0; lieutenant commander 18.0.” in subsection (b) and inserting “commander 15.0; lieutenant commander 22.0.”.

SEC. 203. EXPANSION OF COAST GUARD HOUSING AUTHORITIES.

(a) DEFINITIONS.—Section 680 of title 14, United States Code, is amended by adding at the end the following:

“(5) The term ‘eligible entity’ means any private person, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.”.

(b) DIRECT LOANS AND LOAN GUARANTEES.—Section 682 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 682. Direct loans and loan guarantees”;

(2) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(3) by inserting before subsection (b), as redesignated, the following:

“(a) DIRECT LOANS.—

“(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

“(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.”;

(4) by striking “subsection (b),” in subsection (b), as redesignated, and inserting “subsection (c).”; and

(5) by striking the subsection heading for subsection (c), as redesignated, and inserting “(c) DIRECT LOANS AND LOAN GUARANTEES.—”.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by striking the item related to section 682 and inserting the following:

“682. Direct loans and loan guarantees.”.

SEC. 204. PROPERTY OWNED BY AUXILIARY UNITS AND DEDICATED SOLELY FOR AUXILIARY USE.

Section 821 of title 14, United States Code, is amended by adding at the end the following:

“(d) Subject to the approval of the Commandant:

“(1) The Coast Guard Auxiliary and each organizational element and unit (whether or not incorporated), shall have the power to acquire, own, hold, lease, encumber, mortgage, transfer, and dispose of personal property for the purposes set forth in section 822. Personal property owned by the Auxiliary or an Auxiliary unit, or any element thereof, whether or not incorporated, shall at all

times be deemed to be property of the United States for the purposes of the statutes described in paragraphs (1) through (6) of subsection (b) while such property is being used by or made exclusively available to the Auxiliary as provided in section 822.

"(2) Personal property owned by the Auxiliary or an Auxiliary unit or any element or unit thereof, shall not be considered property of the United States for any other purpose or under any other provision of law except as provided in sections 821 through 832 and section 641 of this title. The necessary expenses of operation, maintenance and repair or replacement of such property may be reimbursed using appropriated funds.

"(3) For purposes of this subsection, personal property includes, but is not limited to, motor boats, yachts, aircraft, radio stations, motorized vehicles, trailers, or other equipment."

SEC. 205. COAST GUARD AUXILIARY UNITS AS INSTRUMENTALITIES OF THE UNITED STATES FOR TAXATION PURPOSES.

Section 821(a) of title 14, United States Code, is amended by inserting "The Auxiliary and each organizational element and unit shall be deemed to be instrumentalities and political subdivisions of the United States for taxation purposes and for those exemptions as provided under section 107 of title 4." after the second sentence.

SEC. 206. MAXIMUM AGE FOR RETENTION IN AN ACTIVE STATUS.

Section 742 of title 14, United States Code, is amended—

(1) by striking "sixty-two years of age." in subsection (a) and inserting "sixty years of age unless on active duty, other than for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status.;"

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

"(b) A Reserve officer on active duty, other than for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status, shall, if qualified, be retired effective upon the day the officer becomes sixty-two years of age. If not qualified for retirement, a Reserve officer on active duty, other than for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status, shall be discharged effective upon the day the officer becomes sixty-two years of age.;"

(3) by striking "sixty-four" in subsection (c), as redesignated, and inserting "sixty";

(4) by striking "subsections (a) and (b)," in subsection (d), as redesignated, and inserting "subsections (a), (b), and (c).;" and

(5) by striking "sixty-two" in subsection (d), as redesignated, and inserting "sixty".

SEC. 207. TERM OF ENLISTMENTS.

Section 351(a) of title 14, United States Code, is amended by striking "terms of full years not exceeding six years." and inserting "a period of at least 2 years but not more than 6 years."

SEC. 208. REQUIREMENT FOR CONSTRUCTIVE CREDIT.

The second sentence of section 727 of title 14, United States Code, is amended by striking "three years" and inserting "1 year's".

SEC. 209. NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

"§ 152. Nonappropriated fund instrumentalities; contracts with other agencies and instrumentalities to provide or obtain goods and services

"The Coast Guard Exchange System, or a morale, welfare, and recreation system of

the Coast Guard, may enter into a contract or other agreement with any element or instrumentality of the Coast Guard or with another Federal department, agency, or instrumentality thereof to provide or obtain goods and services beneficial to the efficient management and operation of the exchange system or that morale, welfare, and recreation system."

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by inserting after the item relating to section 151 the following:

"152. Nonappropriated fund instrumentalities; contracts with other agencies and instrumentalities to provide or obtain goods and services".

SEC. 210. TRAVEL CARD MANAGEMENT.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

"517. Travel card management

"(a) IN GENERAL.—The Secretary may require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged by that Coast Guard member to that travel charge card issued to that employee or member.

"(b) WITHHOLDING OF NONDISPUTED OBLIGATIONS.—The Secretary may also establish requirements similar to those established by the Secretary of Defense pursuant to section 2784a of title 10 for deduction or withholding of pay or retired pay from a Coast Guard employee, member, or retired member who is delinquent in payment under the terms of the contract under which the card was issued and does not dispute the amount of the delinquency."

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by inserting after the item relating to section 516 the following:

"517. Travel card management".

SEC. 211. USE OF MILITARY CHILD DEVELOPMENT CENTERS AND OTHER PROGRAMS.

The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, when operating other than as a service in the Navy, may agree to provide child care services to members of the armed forces with or without reimbursement in military child development centers and other programs supported in whole or in part with appropriated funds. For purposes of military child development centers and other programs operated under the authority of subchapter II of chapter 88 of title 10, United States Code, the child of a Coast Guard member shall be considered the same as the child of a member of any of the other armed forces.

TITLE III—LAW ENFORCEMENT, MARINE SAFETY, AND ENVIRONMENTAL PROTECTION

SEC. 301. MARKING OF UNDERWATER WRECKS.

Section 15 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 409) is amended—

(1) by striking "day and a lighted lantern" in the second sentence inserting "day and, unless otherwise granted a waiver by the Commandant of the Coast Guard, a light"; and

(2) by adding at the end "The Commandant of the Coast Guard may waive the requirement to mark a wrecked vessel, raft, or other craft with a light at night if the Commandant determines that placing a light

would be impractical and granting such a waiver would not create an undue hazard to navigation."

SEC. 302. PROHIBITION ON OPERATION OF CERTAIN ELECTRONIC DEVICES; PORTS AND WATERWAYS PARTNERSHIPS AND COOPERATIVE VENTURES.

Section 4 of the Ports and Waterways Safety Act (33 U.S.C. 1223), is amended—

(1) by striking "and" after the semicolon in subsection (a) (4)(D);

(2) by striking "environment." in subsection (a)(5) and inserting "environment.;"

(3) by adding at the end of subsection (a) the following:

"(6) may prohibit the use of electronic or other devices that interfere with communications and navigation equipment;

"(7) may carry out the functions under paragraph (1) of this subsection, at the Secretary's discretion and on such terms and conditions as the Secretary deems appropriate, either solely, or in cooperation with a public or private agency, authority, association, institution, corporation, organization or person, except that a non-governmental entity may not carry out an inherently governmental function; and

"(8) may, for the purpose of carrying out the Secretary's functions under paragraph (1) of this subsection, convey or lease real property under the administrative control of the Coast Guard to public or private agencies, authorities, associations, institutions, corporations, organizations, or persons for such consideration and upon such terms and conditions as the Secretary considers appropriate, except that the term of any such lease shall not exceed 20 years.;" and

(4) by adding at the end the following:

"(e) SPECIAL PROVISIONS RELATING TO SUBSECTION (a)(7) and (8).—

"(1) DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—For purposes of subsection (a)(7), the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.

"(2) DISPOSITION OF PROCEEDS FROM CONVEYANCES AND LEASES.—Amounts collected under subsection (a)(7) shall be credited to a special fund in the Treasury and ascribed to the Coast Guard. The amounts collected shall be available to the Coast Guard's 'Operating Expenses' account without further appropriation and without fiscal year limitation, and the amounts appropriated from the general fund for that account shall be reduced by the amounts so collected.

"(3) NONAPPLICATION OF CERTAIN ACTS.—A conveyance or lease of real property under subsection (a)(8) is not subject to subtitle I of title 40, United States Code, or the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.)."

SEC. 303. REPORTS FROM CHARTERERS.

Section 12120 of title 46, United States Code, is amended by striking "owners and masters" and inserting "owners, masters, and charterers".

SEC. 304. REVISION OF TEMPORARY SUSPENSION CRITERIA IN SUSPENSION AND REVOCATION CASES.

Section 7702(d)(1) of title 46, United States Code, is amended—

(1) by striking "if, when acting under the authority of that license, certificate, or document—" and inserting "if--";

(2) by striking "has" in subparagraph (B)(i) and inserting "has, while acting under the authority of that license, certificate, or document.;"

(3) by striking "or" at the end of subparagraph (B)(ii);

(4) by striking "1982." in subparagraph (B)(iii) and inserting "1982; or"; and

(5) by adding at the end of subparagraph (B) the following:

"(iv) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment."

SEC. 305. REVISION OF BASES FOR SUSPENSION AND REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended—

(1) by striking "incompetence, misconduct, or negligence;" in paragraph (1)(B) and insert "misconduct or negligence;";

(2) by striking "or" after the semicolon in paragraph (2);

(3) by striking "(note)." in paragraph (3) and inserting "(note)."; and

(4) by adding at the end the following:

"(4) has committed an act of incompetence relating to the operation of a vessel, whether or not acting under the authority of that license, certificate, or document; or

"(5) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment."

SEC. 306. REMOVAL OF MANDATORY REVOCATION FOR PROVED DRUG CONVICTIONS IN SUSPENSION & REVOCATION CASES.

Section 7704(b) of title 46, United States Code, is amended by inserting "suspended or" after "shall be".

SEC. 307. RECORDS OF MERCHANT MARINERS' DOCUMENTS.

Section 7319 of title 46, United States Code, is amended by striking the second sentence.

SEC. 308. EXEMPTION OF UNMANNED BARGES FROM CERTAIN CITIZENSHIP REQUIREMENTS.

(a) Section 12110(d) of title 46, United States Code, is amended by inserting "or an unmanned barge operating outside of the territorial waters of the United States," after "recreational endorsement."

(b) Section 12122(b)(6) of title 46, United States Code, is amended by inserting "or an unmanned barge operating outside of the territorial waters of the United States," after "recreational endorsement."

SEC. 309. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN BRIDGE STATUTES.

(a) Section 5(b) of the Bridge Act of 1906 (33 U.S.C. 495) is amended by striking "\$1,000." and inserting "\$25,000."

(b) Section 5(c) of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 18, 1894 (33 U.S.C. 499), is amended by striking "\$1,000." and inserting "\$25,000."

(c) Section 18(c) of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", enacted March 3, 1899 (33 U.S.C. 502) is amended by striking "\$1,000." and inserting "\$25,000."

(d) Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533) is amended by striking "\$1,000." and inserting "25,000."

SEC. 310. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT SAFETY STANDARDS.

Section 4311 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting "(1) A person violating section 4307(a) of this title is liable to the United States Government for a civil penalty of not more than \$5,000, except that the maximum civil penalty may be not more than \$250,000 for a related series of violations.";

(2) by striking "4307(a)(1)," in the second sentence of subsection (b) and inserting "4307(a).";

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

(4) by adding at the end of subsection (b) the following:

"(2) Any person, including, a director, officer, or executive employee of a corporation, who knowingly and willfully violates section 4307(a) of this title, shall be fined not more than \$10,000, imprisoned for not more than one year, or both."; and

(5) by striking "\$1,000." in subsection (c) and inserting "\$5,000."

SEC. 311. CORRECTION TO DEFINITION OF FEDERAL LAW ENFORCEMENT AGENCIES IN THE ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002.

Paragraph (4) of section 2 of the Enhanced Border Security and Visa Entry Reform Act of 2002, Pub. L. 107-173, is amended by striking subparagraph (G) and inserting the following:

"(G) The United States Coast Guard."

SEC. 312. STOPPING VESSELS; IMMUNITY FOR FIRING AT OR INTO VESSEL.

(a) IN GENERAL.—Section 637 of title 14, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Whenever any vessel liable to seizure or examination does not stop on being ordered to do so or on being pursued by an authorized vessel or authorized aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for an authorized vessel or authorized aircraft, the person in command or in charge of the authorized vessel or authorized aircraft may, after a gun has been fired by the authorized vessel or authorized aircraft as a warning signal, fire at or into the vessel which does not stop; except that the prior use of the warning signal is not required if its use would unreasonably endanger persons or property in the vicinity of the vessel.";

(2) by inserting "or" after the semicolon in subsection (c)(1);

(3) by striking paragraphs (2) and (3) of subsection (c) and inserting the following:

"(2) it is a surface naval vessel or military aircraft on which one or more members of the Coast Guard are assigned pursuant to section 379 of title 10."; and

(4) by striking subsection (d).

(b) REPORT.—The Commandant of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the location, vessels or aircraft, circumstances, and consequences of each incident in the 12-month period covered by the report in which the person in command or in charge of an authorized vessel or an authorized aircraft (as those terms are used in section 637 of title 14, United States Code) fired at or into a vessel without prior use of the warning signal as authorized by that section.

SEC. 313. USE OF UNEXPENDED FUNDS FOR BRIDGE ALTERATIONS UNDER TRUMAN-HOBBS ACT.

Section 8 of the Act of June 21, 1940 (33 U.S.C. 518) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There"; and

(2) by adding at the end the following:

"(b) UNEXTENDED FUNDS.—In addition to other uses permitted by law, upon completion of a bridge alteration project, unexpended funds previously appropriated or otherwise available for the completed project may be used to pay the Federal share of the design and construction costs for other

bridge alteration projects authorized under this Act."

SEC. 314. INLAND NAVIGATION RULES PROMULGATION AUTHORITY.

(a) REPEAL.—Section 2 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2001) is repealed.

(b) INLAND NAVIGATION RULES.—Section 3 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2002) is amended to read as follows:

"SEC. 3. INLAND NAVIGATION RULES.

"The Secretary may issue inland navigation regulations applicable to all vessels upon the inland waters of the United States and technical annexes that are as consistent as possible with the respective annexes to the International Regulations."

SEC. 315. PREVENTION OF DEPARTURE.

Section 3505 of title 46, United States Code, is amended to read as follows:

"§ 3505. Prevention of departure

"Notwithstanding section 3303(a) of this title, a foreign vessel carrying a citizen of the United States as a passenger or embarking passengers from a United States port may not depart from a United States port if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party."

SEC. 316. COMPLIANCE WITH INTERNATIONAL SAFETY MANAGEMENT CODE.

(a) APPLICATION OF EXISTING LAW.—Section 3202(a) of title 46, United States Code, is amended to read as follows:

"(a) MANDATORY APPLICATION.—This chapter applies to a vessel that—

"(1)(A) is transporting more than 12 passengers described in section 2101(21)(A) of this title; or

"(B) is of at least 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, that is a tanker, freight vessel, bulk freight vessel, high speed freight vessel, or self-propelled mobile offshore drilling unit; and

"(2)(A) is engaged on a foreign voyage; or

"(B) is a foreign vessel departing from a place under the jurisdiction of the United States on a voyage, any part of which is on the high seas."

(b) COMPLIANCE OF REGULATIONS WITH INTERNATIONAL SAFETY MANAGEMENT CODE.—Section 3203(b) of title 46, United States Code, is amended by striking "vessels engaged on a foreign voyage." and inserting "vessels to which this chapter applies."

SEC. 317. AMENDMENTS TO VESSEL RESPONSE PLAN REQUIREMENTS.

(a) IN GENERAL.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended—

(1) by striking the caption of paragraph (5) and inserting "(5) TANK VESSEL, NON-TANK VESSEL, AND FACILITY RESPONSE PLANS.—";

(2) by adding at the end of paragraph (5)(A) "The President shall also issue regulations which require an owner or operator of a non-tank vessel described in subparagraph (C) to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil.";

(3) by striking "vessels and" in paragraph (5)(B) and inserting "vessels, non-tank vessels, and";

(4) by redesignating clauses (ii) and (iii) of paragraph (5)(B) as clauses (iii) and (iv), respectively, and inserting after clause (1) the following:

"(ii) A non-tank vessel.";

(5) by striking "vessel or" in paragraph (5)(D) and inserting "vessel, a non-tank vessel, or an";

(6) by inserting "non-tank vessel," in paragraph (5)(E) after "vessel," each place it appears;

(7) by inserting "non-tank vessel," in paragraph (5)(F) after "vessel,";

(8) by striking "vessel or" in paragraph (5)(F) and inserting "vessel, non-tank vessel, or";

(9) by inserting "non-tank vessel," in paragraph (5)(G) after "vessel,";

(10) by inserting "and non-tank vessel" in paragraph (5)(H) after "cash tank vessel";

(11) by striking "Not later than 2 years after the date of enactment of this section, the President shall require—" in paragraph (6) and inserting "The President shall require—";

(12) by striking "cargo" in paragraph (6)(B) and inserting "cargo, and non-tank vessels carrying oil of any kind as fuel for main propulsion,"; and

(13) by striking "vessel and" in paragraph (7) and inserting "vessel, non-tank vessel, and" in paragraph (7).

(b) NON-TANK VESSEL DEFINED.—Section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) by striking "and" after the semicolon in paragraph (24)(B);

(2) by striking "threat." in paragraph (25) and inserting "threat; and"; and

(3) by adding at the end the following:

"(26) 'non-tank vessel' means a self-propelled vessel of 400 gross tons or greater, other than a tank vessel, which carries oil of any kind as fuel for main propulsion and that—

"(A) is a vessel of the United States; or
 "(B) operates on the navigable waters of the United States."

(c) ADDITION OF NOXIOUS LIQUID SUBSTANCES TO THE LIST OF HAZARDOUS SUBSTANCES FOR WHICH THE COAST GUARD MAY REQUIRE A RESPONSE PLAN.—Section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)) is further amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively;

(2) by inserting after subparagraph (A) the following:

"(B) The Secretary of the Department in which the Coast Guard is operating may issue regulations which require an owner or operator of a tank vessel, a vessel carrying in bulk noxious liquid substances, or a facility described in subparagraph (C) to prepare and submit to the Secretary a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of a noxious liquid substance. For purposes of this paragraph, the term 'noxious liquid substance' has the same meaning when that term is used in the MARPOL Protocol described in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)), and the term 'carrying in bulk' means loading or carrying on board a vessel without the benefit of containers or labels and received and handled by carrier without mark or count.";

(3) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraph (C)";

(4) by striking "subparagraph (A)" in subparagraph (C), as redesignated, and inserting "subparagraphs (A) and (B)";

(5) by striking "subparagraph (D)," in clause (1) of subparagraph (F), as redesignated, and inserting "subparagraph (E)," and

(6) by striking subparagraph (G), as redesignated, and inserting the following:

"(G) Notwithstanding subparagraph (F), the President may authorize a tank vessel, non-tank vessel, offshore facility, or onshore facility that handles, stores, or transports

oil to operate without a response plan approved under this paragraph, until not later than 2 years after the date of the submission to the President of a plan for the tank vessel, non-tank vessel, or facility, if the owner or operator certifies that the owner or operator has ensured by contract or other means approved by the President the availability of private personnel and equipment necessary to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge."

SEC. 318. REQUIREMENTS FOR TANK LEVEL AND PRESSURE MONITORING DEVICES.

Section 4110 of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note) is amended—

(1) by striking "shall" each place it appears and inserting "may"; and

(2) by adding at the end the following:

"(c) STUDY.—

"(1) The Secretary of the Department in which the Coast Guard is operating shall conduct a study analyzing the costs and benefits of methods other than those described in subsections (a) and (b) for effectively detecting the loss of oil from oil cargo tanks. The study may include technologies, monitoring procedures, and other methods.

"(2) In conducting the study, the Secretary may seek input from Federal agencies, industry, and other entities.

"(3) The Secretary shall provide the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 180 days after the date of enactment of this Act."

SEC. 319. REPORT ON IMPLEMENTATION OF THE OIL POLLUTION ACT.

(a) IN GENERAL.—No later than 180 days of enactment of this Act, the Coast Guard shall provide a written report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with respect to issues related to implementation of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

(b) SCOPE.—The report shall include the following:

(1) The status of the levels of funds currently in the Oil Spill Liability Trust Fund and projections for levels of funds over the next 5 years.

(2) The domestic and international implications of changing the phase-out date for single hull vessels pursuant to section 3703a of title 46, United States Code, from 2015 to 2010.

(3) The costs and benefits of requiring vessel monitoring systems on tank vessels used to transport oil or other hazardous cargo, and from using additional aids to navigation, such as RACONS.

(4) A summary of the extent to which the response costs and damages for oil spill incidents have exceeded the liability limits established in section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704), and a description of the steps that the Coast Guard has taken or plans to take to implement subsection (d)(4) of that Act (33 U.S.C. 2704(d)(4)).

(5) A summary of manning, inspection, and other safety issues for tank barges and towing vessels used in connection with them, including—

(A) a description of applicable Federal regulations, guidelines, and other policies;

(B) a record of infractions of applicable requirements described in subparagraph (A) over the past 10 years;

(C) an analysis of oil spill data over the past 10 years, comparing the number and size of oil spills from tank barges with those from tanker vessels of a similar size; and

(D) recommendations on areas of possible improvements to existing regulations, guide-

lines and policies with respect to tank barges and towing vessels.

SEC. 320. LOANS FOR FISHERMEN IMPACTED BY OIL SPILLS.

(a) INTEREST; PARTIAL PAYMENT OF CLAIMS.—Section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713) is amended by adding at the end the following:

"(f) LOAN PROGRAM.—

"(1) IN GENERAL.—The President shall establish a loan program under the Fund to provide interim assistance to fishermen and aquaculture producer claimants during the claims procedure.

"(2) ELIGIBILITY FOR LOAN.—A loan may be made under paragraph (1) only to a fisherman or aquaculture producer that—

"(A) has incurred damages for which claims are authorized under section 1002;

"(B) has made a claim pursuant to this section that is pending; and

"(C) has not received an interim payment under section 1005(a) for the amount of the claim, or part thereof, that is pending.

"(3) TERMS AND CONDITIONS OF LOANS.—A loan awarded under paragraph (1)—

"(A) shall have flexible terms, as determined by the President;

"(B) shall be for a period ending on the later of—

"(i) the date that is 5 years after the date on which the loan is made; or

"(ii) the date on which the fisherman or aquaculture producer receives payment for the claim to which the loan relates under the procedure established by subsections (a) through (e) of this section; and

"(C) shall be at a low interest rate, as determined by the President."

(b) USES OF THE FUND.—Section 1012(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

(1) by striking "Act." in paragraph (5)(C) and inserting "Act; and"; and

(2) by adding at the end the following:

"(6) the making of loans pursuant to the program established under section 1013(f)."

(c) STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a study that contains—

(1) an assessment of the effectiveness of the claims procedures and emergency response programs under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) concerning claims filed by, and emergency responses carried out to protect the interests of, fishermen and aquaculture producers; and

(2) any legislative or other recommendations to improve the procedures and programs referred to in paragraph (1).

SEC. 321. FISHERIES ENFORCEMENT PLANS AND REPORTING.

(a) FISHERIES ENFORCEMENT PLANS.—The Coast Guard and the National Oceanic and Atmospheric Administration shall, to the maximum extent possible, consult with each other and with State and local enforcement authorities in preparing their annual fisheries enforcement plans.

(b) FISHERY PATROLS.—Prior to undertaking fisheries patrols, the Coast Guard and the National Oceanic and Atmospheric Administration shall, to the maximum extent possible, provide to each other and to appropriate State and local enforcement authorities their intentions and projected dates for such patrols.

(c) ANNUAL SUMMARY.—The Coast Guard and National Oceanic and Atmospheric Administration shall prepare and make available to each other, State and local enforcement entities, and other relevant stakeholders, an annual summary report of fisheries enforcement activities for the preceding year, including a summary of the

number of patrols, law enforcement actions taken, and resource hours expended.

SEC. 322. DEEPWATER REPORT.

No later than 180 days after enactment of this Act, the Coast Guard shall provide a written report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with respect to performance under the first term of the Integrated Deepwater System contract. The report shall include an analysis of how well the prime contractor has met the two key performance goals of operational effectiveness and minimizing total ownership costs. The report shall include a description of the measures implemented by the prime contractor to meet these goals and how these measures have been or will be applied for subcontracts awarded during the 5-year term of the contract, as well as criteria used by the Coast Guard to assess the contractor's performance against these goals. To the extent available, the report shall include performance and cost comparisons of alternatives examined in implementing the contract.

SEC. 323. SMALL PASSENGER VESSEL SAFETY.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall report to the Congress regarding the enforcement efforts and degree of compliance regarding the 1996 amendments to the Small Passenger Vessel Regulations (title 46, Code of Federal Regulations, part 185) requiring the master of a small passenger vessel to require passengers to don life jackets when possible hazardous conditions exist including—

- (1) transiting hazardous bars or inlets;
- (2) during severe weather;
- (3) in the event of flooding, fire, or other events that may possibly call for evacuation; and
- (4) when the vessel is being towed, except a non-self-propelled vessel under normal operating conditions.

(b) **CONTENTS.**—The report under this section shall include—

- (1) a section regarding the enforcement efforts the Coast Guard has undertaken to enforce these regulations;
- (2) a section detailing compliance with these regulations, to include the number of vessels and masters cited for violations of these regulations for fiscal years 1998 through 2003;
- (3) a section detailing the number and types of marine casualties for fiscal years 1998 through 2003 which have been related wholly or in part to violations of these regulations; and
- (4) a section providing recommendation on improving compliance with, and possible modifications to, these regulations.

SEC. 324. ELECTRONIC NAVIGATIONAL CHARTING.

The Commandant of the Coast Guard, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall provide a written report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure no later than 180 days after the date of enactment of this Act with respect to electronic navigational charts. The report shall include—

- (1) the costs for the National Oceanic and Atmospheric Administration to complete the suite of electronic navigational charts;
- (2) the costs and benefits of a United States requirement of electronic navigation systems on vessels; and
- (3) a description of international standards and requirements that already exist or are

being developed for the use of electronic navigation systems.

SEC. 325. MEASURES FOR THE PROTECTION OF NORTH ATLANTIC RIGHT WHALES FROM SHIP STRIKES.

(a) Within 120 days of enactment of this Act, the Secretary shall initiate studies to examine options for minimizing vessel strikes of North Atlantic Right Whales in the access of ports which the Secretary, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, has determined—based on a review of past incidents of vessel strikes as well as available scientific, navigation, and other data—pose a substantial risk of vessel strikes of North Atlantic Right Whales. Such studies shall examine measures identified in consultation with the Administrator, including vessel routing, reporting and/or speed measures, that would minimize vessel strikes of North Atlantic Right Whales.

(b) Within 18 months of enactment of this Act, the Secretary of Homeland Security shall, in consultation with Administrator of the National Oceanic and Atmospheric Administration, provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the studies referred to in paragraph (a), including—

- (1) a discussion of the effectiveness of the measures studied in reducing ship strikes of North Atlantic Right Whales;
- (2) a summary, of available analyses regarding potential costs of such measures including regional economic impacts;
- (3) the extent to which statutory authority currently exists for the Coast Guard to implement these and other similar measures; and
- (4) in consultation with the Administrator and the Secretary of State, a discussion of the national and international legal bases for implementation of such measures.

SEC. 326. FOREIGN VESSEL SECURITY PLANS.

Section 70103 of title 46, United States Code, is amended by adding new paragraphs (c)(8) and (c)(9) to read as follows:

“(8) A foreign vessel destined for, arriving at, or departing from a port or place subject to the jurisdiction of the United States is deemed in compliance with this section if—

“(A) the vessel has in effect a security plan approved pursuant to the International Convention for the Safety of Life at Sea, 1974, (SOLAS) Chapter XI-2 and the International Ship and Port Facility Security Code (ISPS Code); and

“(B) the vessel operates in compliance with its approved plan, SOLAS Chapter XI-2, and the ISPS Code.

“(9) The Secretary shall, consistent with international treaties, conventions, and agreements to which the United States is a party, establish procedures, measures, and standards to assure foreign vessels destined for, arriving at, or departing from a port or place subject to the jurisdiction of the United States comply with vessel security requirements under SOLAS, the ISPS Code, this chapter, and regulations issued under this chapter, including—

“(A) an effective port state control program that identifies foreign vessels for examination based on each vessel's operating history, owner or operator, vessel type, and such other factors as the Secretary determines to be appropriate;

“(B) examination of a vessel and its cargo, passengers, and crew;

“(C) examination of a vessel's security arrangements;

“(D) procedures to ensure shipboard personnel understand their security responsibilities and have the knowledge and ability to

perform their assigned duties under a vessel's approved security plan, SOLAS, and the ISPS Code;

“(E) a detailed examination of a vessel's approved security plan;

“(F) restrictions on a vessel's operations or movements;

“(G) denial of entry into port; and

“(H) such other measures that the Secretary determines are necessary to deter a transportation security incident to the maximum extent practicable and to protect the safety and security of United States ports, persons, vessels, facilities, and other property.”

TITLE IV—MISCELLANEOUS

SEC. 401. CONVEYANCE OF LIGHTHOUSES.

Section 308(c) of the National Historic Lighthouse Preservation Act of 2000 (16 U.S.C. 470w-7(c)) is amended by adding at the end the following:

“(4) **LIGHTHOUSES ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.**—Upon receiving notice of an executed or intended conveyance by sale, gift, or any other manner of a lighthouse conveyed under authority other than this Act, the Secretary shall review the executed or proposed conveyance to ensure that any new owner will comply with any and all conditions of the original conveyance. If the Secretary determines that the new owner has not or is unable to comply with those conditions the Secretary shall immediately invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.”

SEC. 402. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$25,000,000 for each of fiscal years 2004 and 2005. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 403. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTERS.

(a) **IN GENERAL.**—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to a vessel described in subsection (b) to the person designated in subsection (b) with respect to the vessel (in this section referred to as the ‘recipient’), without consideration, if the person complies with the conditions under subsection (c).

(b) **VESSELS DESCRIBED.**—The vessels referred to in subsection (a) are the following:

(1) The Coast Guard Cutter BRAMBLE, to be conveyed to the Port Huron Museum of Arts and History (a nonprofit corporation under the laws of the State of Michigan), located in Port Huron, Michigan.

(2) The Coast Guard Cutter PLANETREE, to be conveyed to Jewish Life (a nonprofit corporation under the laws of the State of California), located in Sherman Oaks, California.

(3) The Coast Guard Cutter SUNDEW, to be conveyed to Duluth Entertainment and Convention Center Authority (a nonprofit corporation under the laws of the State of Minnesota), located in Duluth, Minnesota.

(c) **CONDITIONS.**—As a condition of any conveyance of a vessel under subsection (a), the Commandant shall require the recipient—

(1) to agree—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use

by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use of the vessel by the Government under subparagraph (C);

(2) to have funds available that will be committed to operate and maintain the vessel conveyed in good working condition—

(A) in the form of cash, liquid assets, or a written loan commitment; and

(B) in an amount of at least \$700,000; and

(3) to agree to any other conditions the Commandant considers appropriate.

(d) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of a vessel under this section, the Commandant may, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. The Commandant shall deliver a vessel conveyed under this section at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)).

(e) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

SEC. 404. KOSS COVE.

(a) IN GENERAL.—Notwithstanding any other provision of law or existing policy, the cove described in subsection (b) shall be known and designated as "Koss Cove", in honor of the late Able Bodied Seaman Eric Steiner Koss of the National Oceanic and Atmospheric Administration vessel RAINIER who died in the performance of a nautical charting mission off the coast of Alaska.

(b) COVE DESCRIBED.—The cove referred to in subsection (a) is—

(1) adjacent to and southeast of Point Elrington, Alaska, and forms a portion of the southern coast of Elrington Island;

(2) $\frac{3}{4}$ mile across the mouth;

(3) centered at 59 degrees 56.1 minutes North, 148 degrees 14 minutes West; and

(4) 45 miles from Seward, Alaska.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the cove described in subsection (b) is deemed to be a reference to Koss Cove.

SEC. 405. DECLARATION OF NON-NAVIGABILITY FOR PORTION OF THE WATEREE RIVER.

For purposes of bridge administration, the portion of the Wateree River, in the State of South Carolina, 100 feet upstream and downstream of the railroad bridge at approximately mile marker 10.0, is declared to not be navigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

SEC. 406. CORRECTION OF 2002 COASTWISE TRADE AUTHORIZATION PROVISION.

Section 213(b) of the Maritime Policy Improvement Act of 2002 is amended by striking "transport and launch" and inserting "transport or launch".

SEC. 407. INNOVATIVE CONSTRUCTION ALTERNATIVES.

The Commandant of the Coast Guard may consult with the Office of Naval Research and other Federal agencies with research and development programs that may provide in-

novative construction alternatives for the Integrated Deepwater System.

SEC. 408. BRIDGE ADMINISTRATION.

Section 325(b) of the Department of Transportation and Related Agencies Appropriations Act, 1983 (Pub. L. 97-369; 96 Stat. 1765) is amended by striking "provides at least thirty feet of vertical clearance Columbia River datum and at least eighty feet of horizontal clearance, as" and inserting "is so".

SEC. 409. NATIONAL COAST GUARD MUSEUM.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§ 98. National Coast Guard Museum

"(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish a new National Coast Guard Museum on Federal lands administered by the Coast Guard at a location specified by the Commandant.

"(b) FUNDING.—The National Coast Guard Museum should be supported with nonappropriated Federal funds or nonfederal funds to the maximum extent practicable and that the priority for appropriated funds should be to preserve and protect historic Coast Guard artifacts and to promote the purposes of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

"(c) LOCATION.—The National Coast Guard Museum may be located at, or in close proximity to, the Coast Guard Academy in New London, Connecticut or at a location with a comparable historic connection to the Coast Guard that will similarly enhance the public's knowledge and appreciation of the Coast Guard's maritime history.

"(d) FUNDING PLAN.—Before the date on which the Commandant establishes a museum under subsection (a), the Commandant shall provide to the Committees on Commerce of the Senate and on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating and maintaining such a museum, including—

"(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

"(2) the extent to which appropriated, nonappropriated, and nonfederal funds would be used for such purposes; and

"(3) a certification by the Inspector General of the Department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic."

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§ 98. National Coast Guard Museum."

SA 2955. Mr. ALEXANDER (for Mr. MCCAIN) proposed an amendment to the bill H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes; as follows:

Amend the title so as to read A Bill To authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, and for other purposes.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, April 8, 2004, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review the National Park Service concessions program, including implementation of the National Park Service Concessions Management Improvement Act of 1998.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Sarah Creachbaum at (202) 224-6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 30, 2004, at 9:30 a.m., in closed session to receive testimony on the Second Interim Report of the Iraq Survey Group.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 30, 2004, at 2 p.m., to conduct a vote on the nomination of the Honorable Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development, and to conduct a markup of S. 2238, "The Flood Insurance Reform Act of 2004."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet Tuesday, March 30, 2004, at 2:30 p.m. on the nominations of Theodore W. Kassinger, to be Deputy Secretary of DOT, Deborah Hersman to be a Member of the NTSB, Thomas Moore to be a Commissioner of the CPSC, Joseph Brennan, to be a Commissioner of the FMC, Paul Anderson to be a Commissioner of the FMC, and Jack McGregor to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, in SR253.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on