

S. 1046

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1159

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1159, a bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes.

S. 1177

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1210

At the request of Mr. JEFFORDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1210, a bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

S. 1245

At the request of Ms. COLLINS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1303

At the request of Mr. BROWNBACk, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services.

S. 1465

At the request of Mr. FRIST, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1465, a bill to authorize the President to award a gold medal on behalf of Congress honoring Wilma G. Rudolph, in recognition of her enduring contributions to humanity and women's athletics in the United States and the world.

S. 1519

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1519, a bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for qualifying individuals through 2004.

S. 1570

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1570, a bill to amend the Internal

Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. RES. 210

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 210, a resolution expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October of 2003 as "National Work and Family Month".

S. RES. 212

At the request of Mr. BROWNBACk, his name was withdrawn as a cosponsor of S. Res. 212, a resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

S. RES. 217

At the request of Mr. CONRAD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. Res. 217, a resolution expressing the sense of the Senate regarding the goals of the United States in the Doha Round of the World Trade Organization agriculture negotiations.

AMENDMENT NO. 1571

At the request of Mr. DEWINE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of amendment No. 1571 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1572

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1572 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1575

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 1575 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1575

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 1575 proposed to H.R. 2660, supra.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. HOLLINGS, and Mr. CARPER):

S. 1587. A bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce, along with my colleague Senator SPECTER, the "Reducing Crime and Terrorism at America's Seaports Act of 2003." About a year ago, the Independent Task Force on Homeland Security Imperatives, co-chaired by former Senators Gary Hart and Warren Rudman and sponsored by the Council on Foreign Relations, released its report in which it concluded that "America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil." The report received considerable media fanfare and inspired eloquent proclamations about the need to strengthen America's domestic security agenda—but sadly, in the ensuing months, we have done little to protect one of the key vulnerabilities identified by the task force, this nation's seaports.

The 361 seaports in the United States serve essential national interests by facilitating the flow of trade and the movement of cruise passengers, as well as supporting the effective and safe deployment of U.S. Armed Forces. Yet, our attention to the security needs of seaport facilities and other marine areas, which cover some 3.5 million square miles of ocean area and 95,000 miles of coastline, has been inadequate—especially when you consider the sheer volume of traffic that moves through our seaports and along our waterways each year.

Annually, U.S. seaports handle more than 141 million ferry and cruise ship passengers and unfathomable amounts of waterborne commerce, more than 2 billion tons of domestic and international freight and 3 billion tons of oil. Each year, millions of truck-size cargo containers are off-loaded onto U.S. docks—yet, as the Hart-Rudman Report noted, "only the tiniest percentage of [these] containers . . . are subject to examination—and a weapon of mass destruction could well be hidden among this cargo." Indeed, only about 2 percent of the nearly 6 million cargo containers that pass through the U.S. are inspected each year—and, according to some expert reports, only 30 percent of that cargo contains material that matches the cargo manifest.

The 2002 Hart-Rudman Report was both timely and important in that it shed new light on these glaring vulnerabilities and, in the process, re-energized the debate surrounding America's national security needs. However, the report's findings were hardly new. Two years earlier, the

Interagency Commission on Crime and Security at U.S. Seaports, a blue-ribbon government panel, had similarly noted that seaports and the "maritime mode" were especially vulnerable and that they did "not exhibit a substantial security or anti-terrorism profile, particularly when compared with the emphasis commercial aviation places on these activities." The Interagency Commission concluded that "terrorism, serious crime and inadequate cargo control are the most obvious threat vectors in seaports today."

With that in mind, last Congress, Senator SPECTER and I introduced legislation designed to update Federal law to address critical security issues at U.S. seaports. We have re-tooled and re-focused that legislation, making important improvements and taking account of recent changes in the law. Today, we re-introduce the "Reducing Crime and Terrorism at America's Seaports Act of 2003," which addresses all three threats identified by the Interagency Commission—terrorism, serious crime and inadequate cargo control.

Here is a summary of some of the pressing vulnerabilities that the legislation would address directly: *First*, the Interagency Commission concluded that "control of access to the seaport or sensitive areas within the seaports" poses one of the greatest potential threats to port security. Such unauthorized access continues and exposes the nation's seaports, and the communities that surround them, to acts of terrorism, sabotage or theft. In response, the Biden-Specter Bill would double the maximum term of imprisonment for anyone who fraudulently gains access to a seaport or waterfront.

*Second*, an estimated 95 percent of the cargo shipped to the U.S. from foreign countries, other than Canada and Mexico, arrives through out seaports. Accordingly, the Interagency Commission found that this enormous flow of goods through U.S. ports provides a tempting target for terrorists and others to smuggle illicit cargo into the country, while also making "our ports potential targets for terrorist attacks." In addition, the smuggling of non-dangerous, but illicit, cargo may be used to finance terrorism. Despite the gravity of the threat, we continue to operate in an environment in which terrorists and criminals can evade detection by underreporting and misreporting the content of cargo. In one review by the U.S. Customs Service, nearly 20 percent of the carrier arrivals in the sample were discrepant, i.e., carried more or fewer containers than were listed on the manifest. In an earlier review, Customs found a 53 percent discrepant rate. Even where this improperly-reported cargo is legitimate, it needlessly diverts precious resources and attention away from the job of detecting terrorists and serious criminals. To deter this problem, the Biden-Specter Bill would increase penalties for noncompliance with certain manifest reporting and record-keeping

requirements, including information regarding the content of cargo containers and the country from which the shipments originated.

*Third*, the Coast Guard is the main Federal agency responsible for law enforcement at sea. Yet, its ability to force a vessel to stop or be boarded is limited. While the Coast Guard has the authority to use whatever force is reasonably necessary, a vessel operator's refusal to stop is not currently a crime. The Biden-Specter Bill would make it a crime for a vessel operator to fail to slow or stop a ship once ordered to do so by a federal law enforcement officer; for any person on board a vessel to impede boarding or other law enforcement action authorized by Federal law; or for any person on board a vessel to provide false information to a federal law enforcement officer.

*Fourth*, The Coast Guard maintains over 50,000 navigational aids on more than 25,000 miles of waterways. These aids, which are relied upon by all commercial, military and recreational mariners, are critical for safe navigation by commercial and military vessels. Accordingly, they are inviting targets for terrorists. The Biden-Specter Bill would make it a crime to endanger the safe navigation of a ship by damaging any maritime navigational aid maintained by the Coast Guard; place in the waters anything which is likely to damage a vessel or its cargo, interfere with a vessel's safe navigation, or interfere with maritime commerce; or dump a hazardous substance into U.S. waters, with the intent to endanger human life or welfare.

*Fifth*, each year, thousands of ships, including cruise ships, whose numbers have swelled enormously over the last half century, enter and leave the U.S. through seaports. Smugglers and terrorists exploit this massive flow of maritime traffic to transport dangerous materials and dangerous people into this country. The Biden-Specter Bill would make it a crime to use a vessel to smuggle into the United States either a terrorist or any explosive or other dangerous material for use in committing a terrorist act.

*Sixth*, under current Federal law, it is a crime to destroy an aircraft or aircraft facilities. Incredibly, there are no equivalent Federal prohibitions in the maritime context. Given the magnitude of the threat against America's seaports, we should provide the same protection to seaports that we do for airports. The Biden-Specter Bill would make it a crime to damage or destroy any part of a ship, a maritime facility, or anything used to load or unload cargo and passengers; commit a violent assault on anyone at a maritime facility; or knowingly communicate a hoax in a way which endangers the safety of a vessel.

*Seventh*, according to the Interagency Commission, "at many seaports, the carrying of firearms is not restricted, and thus internal conspirators and other criminals are allowed

armed access to cargo vessels and cruise line terminals." Currently, Federal law prohibits carrying firearms into airports, which is a sensible step to protect against possible terrorist attacks or other criminal activity. We should provide the same protections currently afforded to airports to our seaports and passenger vessels. The Biden-Specter Bill would prohibit the carrying of a dangerous weapon, including a firearm or explosive, at a seaport or on board a vessel.

*Eighth*, as a consequence of the vast amount of waterborne commerce, cargo theft has become a major problem. Yet, there is no national data collection and reporting system that captures the magnitude of serious crime at seaports. Given the importance of free-flowing commerce to our nation's economy and the reported trafficking and sale of contraband to finance terrorist activity, it is especially important that we work to assess and correct the problem. The Biden-Specter Bill would require the reporting of cargo theft offenses. It would also instruct the Attorney General to create a database containing the reported information, which would be made available to appropriate governmental officials while respecting important privacy protections. Importantly, organizations like the American Institute of Marine Underwriters and the Inland Marine Underwriters Association have specifically expressed their strong support for this provision.

And, ninth, the Interagency Commission concluded that existing laws are not stiff enough to stop certain crimes, including cargo theft, at seaports. The Biden-Specter Bill would increase the maximum term of imprisonment for low-level thefts of interstate or foreign shipments from 1 year to 3 years and expand the statute to outlaw theft of goods from trailers, cargo containers, warehouses, and similar venues. The American Institute of Marine Underwriters and the Inland Marine Underwriters Association also have expressed strong support for this provision.

This comprehensive anti-crime and anti-terrorism legislation is the product of informal collaborations with ports, industry and labor groups, as well as interested federal agencies. As a result of the contributions by these groups, we believe that we have developed a strong, bipartisan bill that, once passed, will significantly improve federal criminal law; expand the array of tools available to investigators and prosecutors; and ensure that federal resources are appropriately invested.

We are delighted to have the support of organizations, like the American Association of Port Authorities (AAPA), with special knowledge and expertise in seaport and cargo security. In fact, the AAPA, which represents more than 150 public port authorities in the United States, Canada, the Caribbean and Latin America, has sent me a strong letter endorsing the legislation—a copy of which will appear in the record at the end of my statement.

In closing, in the aftermath of September 11th and given the ongoing and escalating terrorism perpetrated around the globe, surely we recognize that the conclusions contained in the Hart-Rudman Report were not mere hyperbole—but a clarion call for action. Needless to say, a terrorist attack against any one of this Nation's seaports would not only jeopardize human life, but could also bring the otherwise free flow of commerce to a screeching halt—exactng a heft toll on the U.S. economy, world shipping, and international trade. That impact could be both devastating and far-reaching, and that is not even considering the effect of America's military readiness which depends on quick access to certain strategic ports in order to ensure effective mobilization and deployment of U.S. Armed Forces.

Given the threat, we must undertake to do all that we reasonably can to discourage and/or frustrate such an attack. This legislation, while not a cure-all, is an important step in the right direction. I implore my colleagues to join our effort and move quickly to enact this bill into law. America will be better for it.

Mr. President, I ask unanimous consent that the text of the bill and the letter from AAPA be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1587

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Crime and Terrorism at America's Seaports Act of 2003".

#### SEC. 2. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.

(a) IN GENERAL.—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) any secure area of any seaport; or";

(2) in subsection (b)(1), by striking "5" and inserting "10";

(3) in subsection (c)—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) the term 'seaport' means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States."; and

(4) in the section heading, by inserting "or seaport" after "airport".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting the following:

"1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport."

#### SEC. 3. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTION OF BOARDING, OR PROVIDING FALSE INFORMATION.

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

"§ 2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.

"(a)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order by an authorized Federal law enforcement officer to heave to that vessel.

"(2) It shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to—

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

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

"(b) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Customs Service, or the authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to.

"(c) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the designee of the Secretary of State.

"(d) In this section—

"(1) the term 'Federal law enforcement officer' has the meaning given the term in section 115(c);

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

"(3) the term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 2(d) of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903(c)); and

"(4) the term 'vessel of the United States' has the meaning given the term in section 2(c) of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903(b)).

"(e) Any person who intentionally violates the provisions of this section shall be fined under this title, imprisoned for not more than 5 years, or both."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109, title 18, United States Code, is amended by inserting after the item for section 2236 the following:

"2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information."

#### SEC. 4. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

Section 1993 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "passenger vessel," after "transportation vehicle";

(B) in paragraphs (2)—

(i) by inserting "passenger vessel," after "transportation vehicle"; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider" each place that term appears;

(C) in paragraph (3)—

(i) by inserting "passenger vessel," after "transportation vehicle" each place that term appears; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider" each place that term appears;

(D) in paragraph (5)—

(i) by inserting "passenger vessel," after "transportation vehicle"; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider"; and

(E) in paragraph (6), by inserting "or owner of a passenger vessel" after "transportation provider" each place that term appears;

(2) in subsection (b)(1), by inserting "passenger vessel," after "transportation vehicle"; and

(3) in subsection (c)—

(A) by redesignating paragraph (6) through (8) as paragraphs (7) through (9); and

(B) by inserting after paragraph (5) the following:

"(6) the term 'passenger vessel' has the meaning given that term in sections 2101(22) and 2102 of title 46, United States Code."

#### SEC. 5. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES, AND MALICIOUS DUMPING.

(a) VIOLENCE AGAINST MARITIME NAVIGATION.—Section 2280(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (H), by striking "(G)" and inserting "(H)";

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

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

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

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

(b) PLACEMENT OF DESTRUCTIVE DEVICES.—

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

"§ 2280A. Devices or substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce

"(a) A person who knowingly places, or causes to be placed, in waters subject to the jurisdiction of the United States, by any means, a device or substance which is likely to destroy or cause damage to a vessel or its cargo, or cause interference with the safe navigation of vessels, or interference with maritime commerce, with the intent of causing such destruction or damage, or interference with the safe navigation of vessels or with maritime commerce, shall be fined under this title, imprisoned for any term of years or for life, or both; and if the death of any person results from conduct prohibited under this subsection, may be punished by death.

"(b) Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government."

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

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

(c) MALICIOUS DUMPING.—

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

“§ 2282. Knowing discharge or release

“(a) ENDANGERMENT OF HUMAN LIFE.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjoining shoreline with the intent to endanger human life, health, or welfare shall be fined under this title and imprisoned for any term of years or for life; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for a term of years or for life.

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

“(c) DEFINITIONS.—In this section:

“(1) DISCHARGE.—The term ‘discharge’ means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

“(2) HAZARDOUS MATERIAL.—The term ‘hazardous material’ has the meaning given the term in section 2101(14) of title 46, United States Code.

“(3) MARINE ENVIRONMENT.—The term ‘marine environment’ has the meaning given the term in section 2101(15) of title 46, United States Code.

“(4) NAVIGABLE WATERS.—The term ‘navigable waters’ has the meaning given the term in section 1362(7) of title 33, and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.

“(5) NOXIOUS LIQUID SUBSTANCE.—The term ‘noxious liquid substance’ has the meaning given the term in the MARPOL Protocol defined in section 2(1) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).

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

“2282. Knowing discharge or release.”.

**SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS OR TERROR SUSPECTS.**

(a) TRANSPORTATION OF DANGEROUS MATERIALS AND TERROR SUSPECTS.—Chapter 111 of title 18, as amended by section 5 of this Act, is amended by adding at the end the following:

“§ 2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials.

“(a) IN GENERAL.—Any person who knowingly and willfully transports aboard any vessel an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing that any such item is intended to be used to commit a Federal crime of terrorism, shall be fined under this title, imprisoned for any term of years or for life, or both; and if the death of any person results from conduct prohibited

by this subsection, may be punished by death.

“(b) DEFINITIONS.—In this section:

“(1) BIOLOGICAL AGENT.—The term ‘biological agent’ means any biological agent, toxin, or vector (as those terms are defined in section 178).

“(2) BY-PRODUCT MATERIAL.—The term ‘by-product material’ has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

“(3) CHEMICAL WEAPON.—The term ‘chemical weapon’ has the meaning given that term in section 229F.

“(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term ‘explosive or incendiary device’ has the meaning given the term in section 235(5).

“(5) FEDERAL CRIME OF TERRORISM.—The term ‘Federal crime of terrorism’ has the meaning given that term in section 2332b(g).

“(6) NUCLEAR MATERIAL.—The term ‘nuclear material’ has the meaning given that term in section 831(f)(1).

“(7) RADIOACTIVE MATERIAL.—The term ‘radioactive material’ means—

“(A) source material and special nuclear material, but does not include natural or depleted uranium;

“(B) nuclear by-product material;

“(C) material made radioactive by bombardment in an accelerator; or

“(D) all refined isotopes of radium.

“(8) SOURCE MATERIAL.—The term ‘source material’ has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

“(9) SPECIAL NUCLEAR MATERIAL.—The term ‘special nuclear material’ has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

“§ 2284. Transportation of terrorists or terror suspects.

“(a) IN GENERAL.—Any person who knowingly and willfully transports aboard any vessel any terrorist or terror suspect shall be fined under this title, imprisoned for any term of years or for life, or both.

“(b) DEFINED TERM.—In this section, the term ‘terrorist or terror suspect’ means any person who intends to commit, or is avoiding apprehension after having committed, a Federal crime of terrorism (as that term is defined under section 2332b(g)).”.

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

“2283. Transportation of explosive, chemical, biological, or radioactive or nuclear materials.

“2284. Transportation of terrorists or terror suspects.”.

**SEC. 7. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.**

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 111 the following:

**“CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES**

“Sec.

“2290. Jurisdiction and scope.

“2291. Destruction of vessel or maritime facility.

“2292. Penalty when death results.

“2293. Imparting or conveying false information.

“2294. Bar to prosecution.

**“§ 2290. Jurisdiction and scope**

“(a) JURISDICTION.—There is jurisdiction over an offense under this chapter if the prohibited activity takes place—

“(1) within the United States or within waters subject to the jurisdiction of the United States; or

“(2) outside United States and—

“(A) an offender or a victim is a citizen of the United States;

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

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

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

**“§ 2291. Destruction of vessel or maritime facility**

“(a) OFFENSE.—Whoever willfully—

“(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

“(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), or destructive substance, as defined in section 13, in, upon, or in proximity to, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

“(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any maritime facility, including but not limited to, any aid to navigation, lock, canal, or vessel traffic service facility or equipment, or interferes by force or violence with the operation of such facility, if such action is likely to endanger the safety of any vessel in navigation;

“(4) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

“(5) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

“(6) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365, in, upon, or in proximity to, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

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

“(8) attempts or conspires to do anything prohibited under paragraphs (1) through (7): shall be fined under this title or imprisoned not more than 20 years, or both.

“(b) PENALTY.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be fined under title 18, imprisoned for a term up to life, or both.

“(c) THREATS.—Whoever willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry the threat into execution, shall be fined under this

title, imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

**“§ 2292. Penalty when death results**

“Whoever is convicted of any crime prohibited by this chapter, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life.

**“§ 2293. Imparting or conveying false information**

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

“(b) MALICIOUS CONDUCT.—Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt to do any act which would be a crime prohibited by this chapter, or by chapter 2, 97, or 111 of this title, shall be fined under this title, imprisoned not more than 5 years, or both.

“(c) JURISDICTION.—

“(1) IN GENERAL.—Except as provided under paragraph (2), section 2290(a) shall not apply to any offense under this section.

“(2) JURISDICTION.—Jurisdiction over an offense under this section shall be determined in accordance with the provisions applicable to the crime prohibited by this chapter, or by chapter 2, 97, or 111 of this title, to which the imparted or conveyed false information relates, as applicable.

**“§ 2294. Bar to prosecution**

“(a) IN GENERAL.—It is a bar to prosecution under this chapter if—

“(1) the conduct in question occurred within the United States in relation to a labor dispute; and

“(2) such conduct is prohibited under the law of the State in which it was committed.

“(b) DEFINITIONS.—In this section:

“(1) LABOR DISPUTE.—The term ‘labor dispute’ has the same meaning as in section 113(c) of the Norris-LaGuardia Act (29 U.S.C. 113(c)).

“(2) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, United States Code, is amended by inserting after the item for chapter 111 the following:

“111A. Destruction of, or interference with vessels or maritime facilities ..... 2290”.

**SEC. 8. CARRYING A WEAPON OR EXPLOSIVE ON A VESSEL OR AT A SEAPORT.**

(a) IN GENERAL.—Title 18, United States Code, is amended by striking section 2277 and inserting the following:

**“§ 2277. Carrying a weapon or explosive on a vessel or at a seaport.**

“(a) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 10 years, or both, if the individual—

“(1) when on, or attempting to get on a vessel, or within the area of any seaport, knowingly possesses a dangerous weapon, explosive, incendiary device, or loaded firearm on or about the property of the individual; or

“(2) has knowingly placed, attempted to place, or attempted to have placed a dangerous weapon, explosive, incendiary device, or loaded firearm on that vessel, or at that seaport.

“(b) CRIMINAL PENALTY INVOLVING DISREGARD FOR HUMAN LIFE.—An individual who willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsection (b), shall be fined under title 18, imprisoned for not more than 15 years, or both, and if death results to any person, shall be imprisoned for a term of years or for life.

“(c) NONAPPLICATION.—

“(1) IN GENERAL.—Subsection (b) of this section shall not apply to—

“(A) the personnel of the Armed Forces of the United States, or to officers or employees of the United States or of a State or of a political subdivision thereof, while acting in the performance of their duties, who are authorized by law or by rules or regulations to own or possess any such weapon or explosive;

“(B) another individual the Under Secretary for Border and Transportation Security of the Department of Homeland Security by regulation authorizes to carry a dangerous weapon on board a vessel or at a seaport; or

“(C) any person employed on a vessel who—

“(i) possesses items otherwise prohibited under subsection (b) that are used in the course of performing duties within the scope of employment of that individual;

“(ii) has obtained the permission of the owner or master of the vessel to carry such items on the vessel; and

“(iii) has obtained the permission of the captain of the seaport to carry such items at the seaport.

“(2) LAWFUL SHIPMENT OF EXPLOSIVE OR INCENDIARY DEVICE.—Subsection (b)(3) shall not apply to any person who is engaged in the lawful shipment of any explosive or incendiary device.

“(d) CONSPIRACY.—If 2 or more persons conspire to violate subsection (b) or (c), and 1 or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.

“(e) DEFINITIONS.—In this section:

“(1) DANGEROUS WEAPON.—The term ‘dangerous weapon’ has the meaning given that term in section 930(g)(2) of title 18;

“(2) EXPLOSIVE AND INCENDIARY DEVICE.—The terms ‘explosive’ and ‘incendiary device’ have the meanings given such terms in section 232(5) of title 18; and

“(3) LOADED FIREARM.—The term ‘loaded firearm’ means a starter gun or a weapon designed to expel a projectile through an explosive, that has a cartridge, a detonator, or powder in the chamber, magazine, cylinder, or clip.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18 is amended by striking the matter relating to section 2277 and inserting the following:

“2277. Carrying a weapon or explosive on a vessel or at a seaport.”

**SEC. 9. CARGO THEFT DATA COLLECTION.**

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

(1) require the reporting of a cargo theft offense to the Attorney General by the carrier, facility, or cargo owner with custody of the cargo at the time of the offense, as soon as such carrier, facility, or cargo owner becomes aware of the offense, with such reports to contain information regarding the offense as specified in the regulations, including the port of entry, the port where the

shipment originated, and where the theft occurred, to the extent such information is available to the reporting party;

(2) create a database to contain the reports made under paragraph (1) and integrate them, to the extent feasible, with other non-criminal justice and intelligence data, such as a bill of lading, cargo contents and value, point of origin, and lienholder filings; and

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

(b) MODIFICATION OF DATABASES.—

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

(2) DESIGNATION OF COVERED AGENCIES.—The Attorney General, after consultation with the Secretary of the Treasury and the Secretary of Transportation, shall designate the agencies included within the requirement of paragraph (1).

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

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

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

(d) VIOLATION OF REGULATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any penalties that may be available under any other provision of law, any person or entity who is found by the Attorney General, after notice and an opportunity for a hearing, to have violated the regulations promulgated pursuant to section 9(a)(1), shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation, except that the maximum penalty for any party's first violation shall not exceed \$7,500.

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

(3) NOTICE OF ASSESSMENT OF PENALTY.—The amount of such civil penalty shall be assessed by the Attorney General, or his designee, by written notice.

(4) CALCULATION OF PENALTY.—In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(5) MODIFICATION OF PENALTIES.—The Attorney General may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(6) ENFORCEMENT OF ASSESSMENTS.—If a person or entity fails to pay an assessment of a civil penalty after it has become final, the Attorney General may collect such assessments in any appropriate district court of the United States.

(e) ANNUAL REPORT.—The Attorney General shall submit an annual report on the implementation of this section to the Committees on the Judiciary of the Senate and the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as are necessary for each of the fiscal years 2003 through 2007 to carry out the requirements of this section, such sums to remain available until expended.

**SEC. 10. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.**

(a) THEFT OF INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—  
(A) by inserting “trailer,” after “motortruck,”;

(B) by inserting “air cargo container,” after “aircraft,”; and  
(C) by inserting “, or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,” after “air navigation facility”;

(2) in the fifth undesignated paragraph, by striking “one year” and inserting “3 years”;

(3) by inserting after the first sentence in the eighth undesignated paragraph the following: “For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.”

(b) STOLEN VESSELS.—

(1) IN GENERAL.—Section 2311 of title 18, United States Code, is amended by adding at the end the following:

“‘Vessel’ means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.”

(2) TRANSPORTATION AND SALE OF STOLEN VESSELS.—Sections 2312 and 2313 of title 18, United States Code, are each amended by striking “motor vehicle or aircraft” and inserting “motor vehicle, vessel, or aircraft”.

(c) REVIEW OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 or 2311 of title 18, United States Code, as amended by this Act.

(d) ANNUAL REPORT OF LAW ENFORCEMENT ACTIVITIES.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this Act.

(e) REPORTING OF CARGO THEFT.—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime Reporting System, or any successor system, by no later than December 31, 2005.

**SEC. 11. INCREASED PENALTIES FOR NON-COMPLIANCE WITH MANIFEST REQUIREMENTS.**

(a) REPORTING, ENTRY, CLEARANCE REQUIREMENTS.—Section 436(b) of the Tariff Act of 1930 (19 U.S.C. 1436(b)) is amended by—

(1) striking “or aircraft pilot” and inserting “, aircraft pilot, operator, or owner of such vessel, vehicle, or aircraft,”;

(2) striking “\$5,000” and inserting “\$10,000”; and

(3) striking “\$10,000” and inserting “\$25,000”.

(b) CRIMINAL PENALTY.—Section 436(c) of the Tariff Act of 1930 (19 U.S.C. 1436(c)) is amended by striking “\$2,000” and inserting “\$10,000”.

(c) FALSITY OR LACK OF MANIFEST.—Section 584(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1584(a)(1)) is amended by striking “\$1,000” in each place it occurs and inserting “\$10,000”.

AMERICAN ASSOCIATION  
OF PORT AUTHORITIES,  
Alexandria, VA, August 22, 2003.

Hon. JOSEPH R. BIDEN, JR.,  
Subcommittee on Crime and Drugs, Committee  
on the Judiciary, U.S. Senate, Washington,  
DC.

DEAR SENATOR BIDEN: I am writing on behalf of the American Association of Port Authorities (AAPA) and its U.S. members. AAPA represents the leading public port authorities in the U.S., Canada and the rest of the Western Hemisphere.

Port security is the top priority of our members, and AAPA worked closely with Congressional leaders on the passage last year of the Maritime Transportation Security Act. As you know, one portion that was left out of the final bill was the section on criminal penalties. The “Reducing Crime and Terrorism at American’s Seaports Act of 2003,” that you plan to introduce soon, addresses the need to broaden the federal crime statute and stiffen the penalties for these crimes at seaports.

AAPA endorses this bill and encourages its strong consideration. It provides increased penalties for entry by false pretense to a port; failure to “heave to,” use of a dangerous weapon or explosive on a passenger vessel, criminal sanctions for violence against maritime navigation, penalties for transporting dangerous materials and terrorists; makes destruction or interference with vessels or maritime facilities a crime, limits carrying a weapon or explosive on a port, mandates cargo theft data collection, expands the law regarding theft of interstate shipments, and increases penalties for non-compliance with manifest requirements.

We commend your leadership on this critical issue and look forward to working with your staff as this bill progresses to ensure the final law works well in the maritime environment and further enhances port and maritime security.

Sincerely,

KURT NAGLE.

By Ms. LANDRIEU:

S. 1588. A bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women’s health and disease prevention and conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, today I rise to introduce the Environmental Health Research Act. Science has long since shown that the environment plays an important role in an individual’s health. We have made the correlation between clean drinking water and a person’s well being. We know that there is a link between childhood asthma and unclean air. Through scientific research we have been able to shed light on these findings, and as a society we are healthier from knowing how our

environment affects our physical condition, as we are now able to take steps to ameliorate our environment so we can improve our health.

With all of the advancements we have made in recent decades, we must still research further, especially in the area of how the environment affects women’s health. There is evidence that shows that environmental factors contribute to numerous diseases in women. For example, there are synthetic chemicals in numerous regularly used pesticides and natural compounds in many plant products in our regular diet that produce compounds that mimic the female hormone estrogen. Many scientists believe that these “environmental estrogens” may block the natural hormone. If this is true, then environmental estrogens may play a role in diseases such as cancers of the breast, uterus, and ovaries, endometriosis, uterine fibroids, and osteoporosis. As we come into contact with environmental estrogens everyday through eating, drinking, and breathing, it is very important that we have research dedicated to discovering how they may affect women’s health.

In addition, 12 million American kids suffer from developmental, learning, or behavioral disabilities. Attention deficit disorder affects three to six percent of our schoolchildren. Research shows that exposure to certain environmental factors during pregnancy may increase the risk of disabilities after birth. The research called for by this bill would help us to answer the many questions raised by the incidence of birth defects in certain environments.

One in three women will be diagnosed with cancer at some point in their lives. Uterine fibroids are present in between 20 and 30 percent of women over the age of 30. Endometriosis affects an estimated 10 to 15 percent of pre-menopausal women. Millions of women are affected every year with diseases that are more than likely linked to the environment. We must further our scientific knowledge in this area. For this reason I ask for your support for the Environmental Health Research Act. Thank you.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1588

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Environmental Health Research Act of 2003”.

**SEC. 2. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES; AWARDS FOR DEVELOPMENT AND OPERATION OF MULTIDISCIPLINARY RESEARCH CENTERS REGARDING WOMEN’S HEALTH AND DISEASE PREVENTION.**

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l et seq.) is amended by adding at the end the following section:

"MULTIDISCIPLINARY RESEARCH CENTERS REGARDING WOMEN'S HEALTH AND DISEASE PREVENTION

"SEC. 463B. (a) IN GENERAL.—The Director of the Institute shall make grants to public or nonprofit private entities for the development and operation of not more than 6 centers whose purpose is conducting multidisciplinary research on environmental factors that may be related to the development of women's health conditions (as defined in section 486). The Director of the Institute shall carry out this section in consultation with the Director of the Office of Research on Women's Health and with the advisory council for the Institute.

"(b) RESEARCH, TRAINING, AND INFORMATION AND EDUCATION.—

"(1) IN GENERAL.—Each center under subsection (a) shall, with respect to the purpose described in such subsection—

"(A) conduct basic and clinical research;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) PRIORITY FOR PREVENTION ACTIVITIES.—

In carrying out the activities described in paragraph (1), each center under subsection (a) shall give priority to activities that are directed toward preventing the development in women of the diseases and conditions involved.

"(3) STIPENDS FOR TRAINING OF HEALTH PROFESSIONALS.—A center under subsection (a) may use funds under such subsection to provide stipends for health and allied health professionals enrolled in programs described in paragraph (1)(C).

"(c) COLLABORATION WITH COMMUNITY.—Each center under subsection (a) shall establish and maintain ongoing collaborations with community organizations in the geographic area served by the center, including those that represent women with disorders that appear to stem from environmental factors.

"(d) COORDINATION OF CENTERS; REPORTS.—The Director of the Institute shall, as appropriate, provide for the coordination of information among centers under subsection (a) and ensure regular communication between such centers.

"(e) STRUCTURE OF CENTER.—Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) DURATION OF SUPPORT.—Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for 1 or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Institute and if such group has recommended to the Director that such period should be extended.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2004 through 2007."

**SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT TO PROVIDE FOR RESEARCH ON HORMONE DISRUPTION.**

(a) FINDINGS.—The Congress finds as follows:

(1) Many compounds found or introduced into the environment by human activity are

capable of disrupting the hormone system of humans and animals. The consequences of such disruption can be profound because of the crucial role hormones play in controlling development. No standardized and validated screens or tests have been developed to routinely and systematically assess chemicals for disruptive effects on hormone systems.

(2) In the last 30 years, the United States has experienced an increase in the incidence of such human disorders as childhood cancers, testicular cancer, hypospadias, juvenile diabetes, attention deficit-like hyperactivity disorders, autism, thyroid disorders, and auto-immune disorders. Exposure to hormone-disrupting chemicals may be contributing to these increases. The impact on children's health as a result of prenatal exposures in particular needs further research.

(3) In 2001, the Centers for Disease Control and Prevention's "National Report on Human Exposure to Environmental Chemicals" reported on human exposure to 27 chemicals, and found unexpectedly high levels of certain chemicals used in consumer products. The hazards to humans of these chemicals, singly and in combination, are not well understood.

(4) Many wildlife populations have been affected by hormone-disrupting substances, including birds, fish, reptiles, and mammals. The effects vary among species and compounds.

(5) The effects in wildlife include thyroid dysfunction, decreased fertility, decreased hatching success, gross birth deformities, metabolic and behavioral abnormalities, demasculinization and feminization of male organisms, deformation and masculinization of female organisms, and compromised immune systems. These effects may signal hazards to human health.

(6) Laboratory studies have corroborated studies of effects in wildlife and have identified biological mechanisms to explain the effects shown.

(7) Since the chemicals found in wildlife are also found in humans, humans are exposed to the same chemicals as wildlife.

(8) Hormone disruption can occur at very low doses, especially when exposure occurs in the womb or immediately after birth, periods during which rapid development is occurring.

(9) In the Food Quality Protection Act of 1996 (21 U.S.C. 301 note), Congress recognized the special vulnerability of infants and children to pesticides and requested that the Environmental Protection Agency establish a program to screen and test hormone-disrupting chemicals. The Environmental Protection Agency has not yet required such screening or tests.

(10) In 1998, a research committee on hormone disrupters, organized under the auspices of the Office of Science and Technology Policy, concluded that "scientific knowledge is inadequate to fully inform public policy, and a government-wide coordinated research effort that addresses the key scientific uncertainties . . . is needed".

(11) In 1999, in response to a request from Congress and funded through the Environmental Protection Agency and the Department of the Interior, the National Academy of Sciences compiled a lengthy list of research, monitoring, and testing priorities related to hormone disruption.

(12) The National Institute of Environmental Health Sciences conducts much of the Federal Government's research on hormone disruption, often working in partnership with other agencies.

(13) While recognizing the many contributions of animal testing to understanding toxic hazards, the Congress also recognizes the desirability of speeding the use of validated nonanimal screens and tests (to reduce

animal suffering and to reduce costs) and expediting judgments about hazards from toxic chemicals.

(14) The United States Geological Survey (referred to in this section as the "USGS") has considerable experience assessing the occurrence of chemicals in the environment, ecological health, and the hazards to wildlife health and associated human health posed by chemicals in the environment, as a result of monitoring by the USGS of the Nation's water resources and wildlife disease, and research by the USGS on the effects of chemicals on wildlife.

(15) The National Academy of Sciences has recognized the expertise of the USGS in such areas as food web contamination and water quality assessment and has encouraged more coordinated work on human health between the USGS and the National Institutes of Health.

(b) AMENDMENT.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 2851 et seq.), as amended by section 2, is further amended by adding at the end the following:

**"DIRECTED NATIONAL PROGRAM OF RESEARCH ON HORMONE DISRUPTION**

**"SEC. 463C. (a) RESEARCH.—**

"(1) IN GENERAL.—The Director of the Institute shall establish within the Institute a comprehensive program to—

"(A) conduct research on the impact of chemicals that affect human health through disruption of the hormone systems;

"(B) conduct research on the occurrence of hormone-disrupting chemicals in the environment and their effects on ecological and wildlife health, in cooperation with the United States Geological Survey (referred to in this section as the "USGS");

"(C) coordinate the design of a multi-agency research initiative on hormone disruption;

"(D) coordinate research on hormone disruption in the United States with such research conducted in other nations; and

"(E) report to the public every 2 years on the extent to which hormone disruption by chemicals in the environment poses a threat to human health and the environment.

"(2) ISSUES.—The program established under paragraph (1) shall provide for the following:

"(A) Collection, compilation, publication, and dissemination of scientifically valid information on—

"(i) possible human health effects of hormone-disrupting chemicals, with emphasis on exposures to low doses of individual chemicals and chemical mixtures during critical life stages of development, particularly effects of prenatal exposures on children's health;

"(ii) the extent of human exposure to hormone-disrupting chemicals, with particular emphasis on exposures during critical life stages of development and in residential and occupational settings; and

"(iii) exposure of wildlife species to hormone-disrupting chemicals and possible health effects associated with such exposures.

"(B) Research on mechanisms by which hormone-disrupting substances interact with biological systems.

"(C) Research on improved in vitro and in vivo methods to screen and test hormone disruption.

"(D) Research on the identity, levels, transport, and fate of hormone-disrupting chemicals in the environment.

"(b) DIRECTOR'S DUTIES.—

"(1) IN GENERAL.—The Director of the Institute shall have principal responsibility, in consultation with the Director of the USGS, for conducting and coordinating research on

the effects of hormone-disrupting chemicals on human health and the environment.

“(2) AGREEMENT.—Not later than 6 months after the date of enactment of the Environmental Health Research Act of 2003, the Director of the Institute and the Director of the USGS shall enter into an agreement to carry out the research program established under subsection (a).

“(3) TRANSFER OF FUNDS.—The Director of the Institute may transfer funds to other Federal agencies to carry out the Director's responsibilities under paragraph (1).

“(4) REPORT.—The Director of the Institute, in consultation with the Director of the USGS, shall make available to the public, every 2 years following the date of enactment of the Environmental Health Research Act of 2003, findings and conclusions on the extent to which hormone disruption by chemicals in the environment poses a threat to human health and the environment.

“(C) INTERAGENCY COMMISSION.—

“(1) ESTABLISHMENT.—The Secretary shall establish a commission to be known as the Hormone Disruption Research Interagency Commission (referred to in this section as the ‘Interagency Commission’) to advise the Director of the Institute and the Director of the USGS on the development of a comprehensive agenda for conducting research on hormone disruption.

“(2) MEMBERSHIP.—The Interagency Commission shall be composed of 12 members, as follows:

“(A) The Director of the Institute, who shall serve as the Chairperson.

“(B) The Director of the USGS, who shall serve as the Vice Chairperson.

“(C) The Commissioner of the Food and Drug Administration.

“(D) The Director of the Centers for Disease Control and Prevention.

“(E) The Administrator of the National Oceanic and Atmospheric Administration.

“(F) The Director of the National Institute for Occupational Safety and Health.

“(G) The Administrator of the Agency for Toxic Substances and Disease Registry.

“(H) The Director of the Fish and Wildlife Service.

“(I) The Secretary of Defense.

“(J) The Administrator of the Environmental Protection Agency.

“(K) The Chairman of the Consumer Product Safety Commission.

“(L) The Director of the National Science Foundation.

“(3) STAFF.—Each department or agency represented by a member on the Interagency Commission shall provide appropriate staff to carry out the duties of the Interagency Commission.

“(4) RECOMMENDATIONS.—Not later than 12 months after the date of enactment of the Environmental Health Research Act of 2003, the Interagency Commission shall recommend to the Director of the Institute and the Director of the USGS a research program, including levels of funding for intramural and extramural research.

“(5) PUBLIC COMMENT.—The Director of the Institute, through publication of notice in the Federal Register, shall provide the general public with an opportunity to comment on the recommendations of the Interagency Commission.

“(6) REPORT.—Not later than 4 years after the date of enactment of the Environmental Health Research Act of 2003, the Interagency Commission shall conduct a review of the program established under subsection (a) and submit a report on the results of such review to the Director of the Institute and to the Hormone Disruption Research Panel established under subsection (e).

“(7) TERMINATION.—The Interagency Commission shall terminate not later than the

end of the 5-year fiscal period described in subsection (h)(1).

“(d) FINANCIAL ASSISTANCE.—The Director of the Institute may provide financial assistance and enter into grants, contracts, and interagency memoranda of understanding to conduct activities under this section. Research conducted pursuant to interagency memoranda of understanding may be conducted through intramural and extramural agency research programs, subject to appropriate scientific peer review.

“(e) HORMONE DISRUPTION RESEARCH PANEL.—

“(1) ESTABLISHMENT.—There is established in the Institute a Hormone Disruption Research Panel (referred to in this subsection as the ‘Panel’).

“(2) DUTIES.—The Panel shall advise the Director of the Institute concerning the scientific content of the program established under subsection (a), the progress of such program, and public outreach, and shall provide such other advice as requested by the Director of the Institute.

“(3) MEMBERSHIP.—The Panel shall be composed of the following:

“(A) 15 voting members to be appointed by the President, in consultation with the Director of the Institute.

“(B) Such nonvoting, ex officio members as the Director of the Institute determines to be appropriate.

“(4) VOTING MEMBERS.—Of the 15 voting members of the Panel—

“(A) at least 2 members shall be from environmental protection organizations;

“(B) at least 2 members shall be from public health and consumer organizations;

“(C) at least 2 members shall be from industry;

“(D) at least 1 member shall be from an animal welfare organization; and

“(E) a majority of the members shall be selected from among scientists and environmental health professionals who—

“(i) are not officers or employees of the United States;

“(ii) represent multiple disciplines, including clinical, basic, public, and ecological health sciences;

“(iii) represent different geographical regions of the United States;

“(iv) are from practice settings, academic settings, and for-profit or not-for-profit research settings; and

“(v) have experience in review of research on endocrine disruption.

“(5) TERMS.—The members of the Panel shall be appointed for an initial term of 3 years and shall be eligible for reappointment for 1 additional term of 2 years.

“(6) CHAIRPERSON.—The members of the Panel appointed under paragraph (3) shall elect a chairperson from among such members.

“(7) MEETINGS.—The Panel shall meet at the call of the chairperson or upon the request of the Director of the Institute, but in no case less often than once each year.

“(8) ADMINISTRATIVE SUPPORT.—The Institute shall provide administrative support to the Panel.

“(9) TERMINATION.—The Panel shall terminate not later than the end of the 5-year fiscal period described in subsection (h)(1).

“(f) CONFLICTS OF INTEREST.—All grants and contracts entered into under this section shall include conflict-of-interest provisions that require any person conducting a project under this section to disclose any other source of funding received by the person to conduct other related projects.

“(g) DEFINITIONS.—For purposes of this section:

“(1) HORMONE.—The term ‘hormone’ means a substance produced in a cell or tissue that triggers a biological response. Hormone ac-

tivity may be localized to the cell in which the substance is produced, or may be in nearby or distant tissues or organs.

“(2) HORMONE DISRUPTION.—The term ‘hormone disruption’ means interference by a substance with the synthesis, secretion, transport, binding, action, or elimination of natural hormones in the body that are responsible for the maintenance of homeostasis, reproduction, development, function, or behavior.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for the 5-fiscal-year period beginning with fiscal year 2004 to carry out this section. Amounts appropriated pursuant to this paragraph shall remain available until expended.

“(2) RESTRICTIONS ON USE OF FUNDS.—

“(A) CONSTRUCTION AND REHABILITATION OF FACILITIES AND EQUIPMENT.—Not more than 0.5 percent of the funds made available under this section may be used for the construction or rehabilitation of facilities or fixed equipment.

“(B) ADMINISTRATIVE EXPENSES OF THE DIRECTOR.—Of the total amount of funds made available under this section for any fiscal year, not more than 2 percent of such funds may be used for administrative expenses of the Director of the Institute in carrying out this section.

“(C) PUBLIC OUTREACH.—Of the total amount of funds made available under this section for any fiscal year, at least 1 percent, but not more than 5 percent, shall be used for outreach to the public concerning the activities and results of the program.”

#### SUBMITTED RESOLUTIONS

#### SENATE CONCURRENT RESOLUTION 64—TO COMMEND MEMBERS OF THE UNITED STATES ARMED FORCES FOR THEIR SERVICES TO THE UNITED STATES IN THE LIBERATION OF IRAQ, AND FOR OTHER PURPOSES

Mr. MILLER (for himself, Ms. COLLINS, Mr. INOUE, Mr. CHAMBLISS, Mr. LEVIN, Mr. DASCHLE, Mr. NELSON of Nebraska, and Mr. WARNER) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 64

Whereas the valiant and dedicated members of the United States Armed Forces performed in an exceptionally professional manner, befitting of an all-volunteer military force, during Operation Iraqi Freedom;

Whereas the National Guard and the other reserve components of the United States Armed Forces demonstrated their readiness and ability to respond and deploy quickly and were an integral part of Operation Iraqi Freedom;

Whereas the families of the more than 200,000 members of the United States Armed Forces who were called into action in Operation Iraqi Freedom provided exceptional and unwavering support for the United States servicemembers who were deployed to the Middle East; and

Whereas the people of the United States grieve and pray for all those who made the ultimate sacrifice and for those who were injured in the line of duty while serving in Operation Iraqi Freedom: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) commends the members of the United States Armed Forces for their role in Operation Iraqi Freedom, and for serving in that