S. 1959

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1959, a bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall.

S. 1998

At the request of Mr. VITTER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. CON. RES. 62

At the request of Mr. MCCONNELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Con. Res. 62, a concurrent resolution directing the Joint Committee on the Library to procure a statue of Rosa Parks for placement in the Capitol.

At the request of Mr. BIDEN, his name was added as a cosponsor of S. Con. Res. 62, supra.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 273

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

AMENDMENT NO. 1451

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 1451 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2518

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 2518 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2519

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 2519 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 2519 proposed to S. 1042, supra.

AMENDMENT NO. 2524

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 2524 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. COLEMAN):

S. 2008. A bill to improve cargo security, and for other purposes; read the first time.

Mrs. MURRAY. Mr. President, today I'm pleased to introduce the bipartisan GreenLane Maritime Cargo Security Act with the chair of the Homeland Security and Government Affairs Committee, Senator SUSAN COLLINS.

We've worked together to create an innovative bill that will protect the American people and protect our economy from terrorist threats.

Our bill will help close one of the most dangerous vulnerabilities facing our nation—a terrorist organization using cargo containers to bring weapons and terrorists into the United States.

For decades, industry leaders in my home state of Washington and around the world have worked hard to create an open, efficient trading system. That system relies on cargo containers to move the vast majority of the world's commerce from factory to market.

The cargo container has reduced the cost of trade—helping American businesses and creating American jobs. We can be proud of the efficiency and speed of our container trading system.

But that system was designed for a different time—before terrorist attacks on American soil and before fanatics took jetliners and turned them into missiles.

Our bill addresses those concerns. Our bill increases scrutiny of shipments. It provides benefits to shippers but only after we have verified that they have improved security. And it ensures we keep testing the system to make sure it stays secure.

Let me quickly summarize the benefits of the GreenLane Act. It gives U.S. officials in foreign ports the authority to inspect suspicious containers before they are loaded for departure into the United States. The GreenLane Act makes the haystack of containers smaller so that the search is smaller. It allows the Government to focus on suspicious cargo. It ensures that we are inspecting and stopping cargo that poses a threat. And it cuts down smuggling of weapons, people, drugs or other illegal cargo.

A smaller haystack and strict overseas security measures will allow the United States and foreign officials to better stop criminal actions and threats to our national security. The GreenLane Act protects America's economy in the event of a terror attack, and it provides a secure, organized way to quickly resume cargo operations after any emergency shutdown. Because any shutdown of ports has the potential to cost the U.S. economy billions of dollars a day, the GreenLane Act will minimize the economic impact of a terrorist attack. And the GreenLane Act creates market incentives for everyone in the supply chain to improve security and take responsibility for the cargo they handle.

Today we have a choice in how we deal with the cargo security challenges that face us. But if we wait for a disaster, we will not have a choice. If we all agree on a system now, we will have a role in shaping what it looks like and making sure it is sensitive to the need for free-flowing commerce. I am here to say, along with Senator COLLINS, that we need to make these changes on our terms now before there is an incident. If we wait until after there is an incident, we risk drastic actions that will hurt everyone. With the GreenLane Act we introduce today, we have the opportunity to create effective, efficient systems and put them in place now.

I invite anyone who cares about our security and our economy to join Senator COLLINS and me in this effort. If anybody would like more information, visit my Web page at Murray.Senate.Gov/GreenLane.

I thank Senator COLLINS for her tremendous leadership and partnership in developing this legislation. She brings tremendous experience and expertise to one of America's biggest threats. It has been a pleasure to work with her in developing this critically important bill. I look forward to working with her, and anyone else here, to help turn the ideas of this bill into laws that will protect the American people.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator MURRAY, in introducing today the GreenLane Maritime Cargo Security

Act. It has been a great pleasure to work with my colleague on this important issue. Senator MURRAY has been an early leader in the call for greater port security. I am pleased we were able to join our efforts in a bipartisan bill to provide long overdue improvements in maritime security.

Our comprehensive legislation would help build a coordinated approach to maritime and port security across all levels of government and with our overseas trading partners. It would improve our Nation's security as it expedites trade with those governments and businesses that join us in this goal. It would encourage innovation, and it would provide financial assistance to our ports as they strive to strengthen their terrorism prevention and response efforts.

This legislation would provide the structure and resources needed to better protect the American people from attack through these vital yet extremely vulnerable points of entry and centers of economic activity.

Coming from a State with three international cargo ports, including the largest port by tonnage in New England, I am keenly aware of the importance of our seaports to our national economy and to the communities in which they are located. In addition to our ports' obvious economic significance, the link between maritime security and our national security has been underscored time and again by terrorism experts, including the 9/11 Commission. It is easy to see why, if you look at the statistics.

In 2003, more than 6,000 ships made nearly 57,000 calls on American ports. They carried the bulk of approximately 800 million tons of goods that came into our country, including more than 9 million containers. We know that al-Qaida has the stated goal of causing maximum harm to the American people and maximum disruption to our economy. Therefore, when you look at what could achieve those goals, you are instantly drawn to our cargo ports.

We already have a glimpse of the staggering damage a terrorist attack on a cargo port could produce. In the fall of 2002, the west coast dock strike cost our economy an estimated $1 billion a day for each of the 10 days that the work stoppage lasted. It not only brought those western coast ports to a halt but also harmed businesses throughout the country. That astonishing amount of harm, $10 billion worth, was the result of an event that was both peaceful and anticipated. Think of what the impact of a terrorist attack would be.

More recently, Hurricane Katrina brought the port of New Orleans and several other gulf coast ports to a standstill. Fortunately, much of this cargo was able to be diverted to other ports undamaged by the storm. In the aftermath of a terrorist attack, however, it is likely that an attack on one port would result in the closure, at least temporarily, of all ports. All of us remember in the wake of 9/11 that commercial aircraft were grounded across this country for a number of days. It is logical to assume that all of the ports would be closed in this country if there were a terrorist attack on one port.

In addition to the threat of a direct attack on one of our ports, any one of the more than 9 million containers that enter the United States each year has the potential to be the Trojan horse of the 21st century. When we look at these huge cargo ships unloading thousands of containers every day, we think: Oh, that contains consumer goods, maybe television sets or toys or clothing or sneakers. Fortunately, in the vast majority of cases, that is exactly what is in those containers. But a container could include terrorists themselves, biological or chemical agents, or even a small nuclear weapon.

For years, criminals have used cargo containers to smuggle narcotics, firearms, and people into the United States. These containers may come from anyone of 1,000 ports overseas, ports that have varying degrees and levels of security. They could also be intercepted or tampered with along the way.

Earlier year this year, I toured the ports of Los Angeles and Long Beach. The sheer size of these facilities and the activities that are going on every day are startling. So, too, are the risks and the vulnerabilities that they offer for terrorists to exploit. By coincidence, my visit came days before 32 Chinese nationals were smuggled into the port of Los Angeles in two cargo containers. Fortunately, that Trojan horse held people who were simply seeking a better way of life, albeit illegally, and they were not terrorists seeking to destroy our way of life. They were caught. But what is particularly disturbing to me, and speaks to the weaknesses and vulnerabilities of the current system, is they weren't caught through any security measure. It wasn't the container security initiative or the C–TPAT Program or any other new initiative that resulted in these 32 Chinese nationals being caught. Instead it was an alert crane operator who happened to see them crawling out of the containers.

We cannot continue to rely on luck or even alert crane operators to provide for the security of our seaports, our Nation, and our people.

In August, the President issued the National Security Strategy for Maritime Security. It warns of the probability of a hostile state using a weapon of mass destruction sometime in the next decade, and it identifies the maritime sector as most likely to be used to bring a weapon of mass destruction into the United States. In addition, the use of ''just in time'' inventories, which are now used by most industries, means that a disruption of our ports would have catastrophic repercussions for our entire economy.

A fundamental goal of port security is to head off trouble before it reaches our shores. Current supply-chain security programs within the Federal Government, however, were separately conceived and managed by different agencies, rather than woven together into a layered, consistent approach. The result of that, the Government Accountability Office tells us, is that only 17.5 percent of high-risk cargo identified by our own Customs agents was inspected overseas. I am talking about cargo that has been identified as high risk, and yet we are inspecting less than 20 percent of high-risk cargo. We found that the current programs lack standards, lack staffing, and lack the validation of security measures that are necessary for their success.

We cannot remove the risk of a terrorist attack, but the better security measures outlined by the Murray-Collins bill can build a stronger shield against terrorism without hampering trade.

This legislation provides the tools to construct a more effective security system. It was developed in close consultation with key stakeholders including port authorities, major retailers and importers, carriers, supply chain managers, security and transportation experts, and Federal and State agencies.

First, it addresses the problem of uncoordinated supply-chain security efforts by directing the Secretary of Homeland Security to develop a strategic plan to strengthen international security for all modes of transportation by which containers arrive in, depart from or move through seaports of the United States. This plan will clarify the roles, responsibilities, and authorities of government agencies at all levels and of private sector stakeholders. It will establish clear, measurable goals for furthering the security of commercial operations from point of origin to point of destination. It will outline mandatory, baseline security measures and standards and provide incentives for additional voluntary measures.

The new Office of Cargo Security Policy, established in our legislation, would ensure implementation of the strategic plan. This important office will report to the Department's Assistant Secretary for Policy in order to better coordinate maritime security efforts within the Department of Homeland Security and among our international and private-sector partners.

This legislation also gives the Secretary 6 months to establish minimum standards and procedures for securing containers in transit to the U.S., based on the Department's experience with current cargo security programs. All containers bound for U.S. ports of entry must meet those standards no later than 2 years after they are established. Currently, DHS has been too slow to implement certain vital security measures. For example, the Department has been working on a regulation setting a minimum standard for mechanical seals on containers for

more than 2 years. Such delays are unacceptable. This legislation would set clear timelines to ensure steady progress.

The Department has also pledged to deploy radiation detection equipment at all ports of entry in the U.S. to examine 100 percent of cargo. The zero tolerance policy for radiation has been discussed since 2002, though less than a quarter of the detection equipment deemed necessary for domestic coverage had been deployed as of last month. Even more frustrating is that the Department has changed the target for system deployment multiple times. The Department's new Domestic Nuclear Detection Office is beginning to take hold of this critical issue, yet the need for a comprehensive plan for the deployment of radiation detection equipment is evident. Our legislation requires this plan be developed and that 100 percent incoming containers to the U.S. be examined for radiation no later than 1 year after enactment.

I want to thank Senator COLEMAN for his efforts in this area. These provisions address concerns that have been identified through our joint investigative work on programs protecting our nation against weapons of mass destruction.

For the first time, this legislation would authorize the Container Security Initiative. Ongoing, predictable funding—$175 million a year for the five years beginning in 2007—is essential for this crucial program to succeed. In addition to providing funding, the bill lays out requirements for CSI ports and a process for designating new ports under CSI. The Secretary must undertake a full assessment of the potential risk of smuggling or cargo tampering related to terrorism, before designating a port under CSI. This authorization also will enable our CSI partners to strengthen anti-terrorism measures and to improve training of personnel.

We would authorize C–TPAT at $75 million per year for that same 5-year period, and we clearly outline the certification and validation requirements and the benefits associated with meeting those requirements. Our legislation directs the Secretary to correct the deficiencies of the program, and, within one year, to issue guidelines that will be used to certify a participant's security measures and supply chain practices.

In addition, we would create a new, third tier of C–TPAT, called the GreenLane, which offers additional benefits to C–TPAT participants that meet the highest level of security standards. Cargo in transit to the U.S. through the GreenLane would be more secure through the use of container security devices and stronger supply chain security practices in all areas, such as physical, procedural and personnel security. The legislation directs the Secretary to develop benefits that may include further reduced inspections, priority processing for inspections, and, most significantly, preference in entering U.S. ports in the aftermath of a terrorist attack. Senator MURRAY, who developed this concept, will describe GreenLane in greater detail.

The bill also places a greater emphasis on communications among government and industry players in responding to an incident and settles the critical question of ''who's in charge.''

Technology plays an important role in maritime and cargo security. The Department of Homeland Security has scattered efforts to deploy existing technologies, to enhance those tools and to develop new ones. It is critical that these efforts be undertaken in a more coordinated fashion. In addition, the Government must work closely with and encourage the ingenuity of the private sector in developing the technologies that will improve both security and trade.

Let me close by saying that this legislation recognizes that America's ports, large and small, are our partners in keeping our Nation safe and our economy moving. Our Port Security Grant Program will help our ports make the investments needed to meet the threat of terrorism. The global maritime industry is crucial to our Nation's economy, and our ports are undoubtedly on the front lines of the war against terrorism. This legislation would set clear goals for improving the security of this vital sector, and it would provide the resources to meet and achieve those goals.

I again thank my colleague, Senator MURRAY, for her hard work and initiative on this legislation. We are pleased to be joined as original cosponsors by Senators NORM COLEMAN and JOE LIEBERMAN. That is indicative of the kind of bipartisan support this legislation enjoys, and it is my hope that many more of our colleagues will join us in bringing this legislation to enactment early next year. Our container trading system was designed for a world before September 11.

Now, here we are, 4 years later, and we still have not made our maritime cargo system as secure as it needs to be. Six months after the September 11 attacks, I held a hearing to exam the vulnerability of cargo security. Many of the concerns that were raised at that hearing are still dogging us today.

One of the challenges we face is how we can make trade more secure without slowing it to a crawl. If we have absolute security, we will curtail trade. If we have completely open trade, we will not have enough security.

For the past few years, I have been meeting with leaders in Government and industry to figure out how we can strike the right balance. One thing I know for sure is, it is better for us to work together now to design a security system on our own terms than to wait for an attack and force a security system in a crisis atmosphere.

I have spent several years exploring this challenge and meeting with stakeholders to get their ideas. Senator COLLINS, as chair of the Senate Homeland Security and Governmental Affairs Committee, has held hearings on this issue and has introduced legislation.

As a result of our work, Senator COLLINS and I have developed the GreenLane Maritime Cargo Security Act. It provides, for the first time, a comprehensive blueprint for how we can improve security while keeping trade efficient. At its heart, this challenge is about keeping the good things about trade—speed and efficiency—without being vulnerable to the bad things about trade—the potential for terrorists to use our engines of commerce.

There is an incident that occurred a few years ago that shows just how serious a threat we are facing. Four years ago, in Italy, dockworkers noticed something strange about one of the cargo containers. They opened it up and found an Egyptian man inside. But this was not your average stowaway. This man was a suspected al-Qaida terrorist, and he had all of the tools of the trade with him. His cargo container had been outfitted for a long voyage with a bed, a heater, and water. He had a satellite phone and a laptop computer. He also had security passes and mechanic certificates for four U.S. airports.

Now, that happened in 2001. It can still happen today. But don't take my word for it. The Commissioner of Customs and Border Protection said:

[T]he container is the potential Trojan Horse of the 21st century.

The 9/11 Commission said terrorists may turn from targeting aviation to targeting seaports because ''opportunities to do harm are as great, or greater, in maritime or surface transportation.''

As we all know, our Government has uncovered al-Qaida training manuals, and some of these books suggest that terrorists try to recruit workers at borders, airports, and seaports.

There are two main scenarios we need to think about.

First, a group like al-Qaida could use cargo containers to smuggle weapons and personnel into the United States. They could split up a weapon and ship it to the U.S. in separate containers. And those pieces could be reassembled anywhere in the United States. So the first danger is that terrorists could use these cargo containers to get dangerous weapons into the United States.

Secondly, terrorists could use a cargo container as a weapon itself. A terrorist could place a nuclear, chemical, or biological weapon inside a container and then detonate it once it reaches a U.S. port or another destination inside the United States.

This week, the 9/11 Commission said we have not done enough to prevent terrorists from acquiring weapons of mass destruction. One study said if a nuclear device was detonated at a major seaport, it could kill up to a million people.

Now, many of our ports are located near major cities. Others are located near key transportation hubs. For example, if a chemical weapon were detonated in Seattle, the chemical plume could contaminate the rail system, Interstate 5, and SeaTac Airport, not to mention the entire downtown business and residential areas.

Terrorists could also detonate a dirty bomb or launch a bioterror attack. Any of those scenarios would impose a devastating cost in human lives, but that is not all.

We also know that al-Qaida wants to cripple our economy. Cargo containers could offer them a powerful way to do just that, and the damage goes beyond lives. An attack launched through our ports would also have a devastating economic impact. That is because after an attack the Federal Government is likely to shut down our ports to make sure that additional hazards weren't being brought into the country—similar to what we did with airplanes after 9/11.

When we stopped air travel then, it took us a couple of days to get back up to speed. And as we all remember, it cost our economy a great deal. But if you stopped cargo containers without a resumption system in place, it could take as long as 4 months to get them inspected and moving again. That would cripple our economy, and it could even spark a global recession.

Today, our cargo containers are part of the assembly line of American business. We have just-in-time delivery and rolling warehouses. If you shut down the flow of cargo, you are shutting down the economy. If our ports were locked down, we would feel the impact at every level of our economy.

Factories would not be able to get the raw materials they need. Many keep small inventories on hand. Once those inventories run out, factories would be shut down and workers laid off. We would also see the impact in stores. Merchants would not be able to get their products from overseas. Store shelves would go bear, and workers, again, would be laid off.

One study, in fact, concluded that if U.S. ports were shut down for 12 days, it could cost our economy $58 billion. In 2002, we saw what closing down a few ports on the west coast would do. When west coast dockworkers were locked out, it cost our economy about $1 billion a day. Imagine if we shut down all our ports, not just those on the west coast.

Dr. Stephen Flynn, who is a national security expert, has said that a 3-week shutdown could spawn a global recession. It is clear that we are vulnerable and that an attack could do tremendous damage.

If our ports were shut down today, we do not have a system in place for getting them started again. There is no protocol for what would be searched, what would be allowed in, and even who would be in charge.

Now, I want to acknowledge that we have made some progress since 9/11. We have provided some funding to make our ports more secure. I have fought for port security grants to make sure we are controlling access to our ports, and our local ports are on the cutting edge of security. We have implemented the 24-hour rule so we know what is supposed to be in a container before it reaches the United States. We are adding some more detection equipment to American ports, but, remember, once a nuclear device is sitting on a U.S. dock, it is too late. Customs created a program that works with foreign ports to speed some cargo into the United States. It is a good idea, but to date it has not been implemented well.

In May, the Government Accountability Office issued a very troubling report. It found that if companies applied for C–TPAT status, we gave them less scrutiny simply for submitting paperwork. We never checked to see if they actually did what they said they were going to do. We just inspected them less. One expert called that approach ''trust, but don't verify.''

Even when U.S. Customs inspectors do find something suspicious at a foreign port, they cannot force a container to be inspected today. They can ask the local government, but those requests are frequently rejected.

So because we cannot enforce those agreements through our State Department, our Customs officials do not have the power they need, and potentially dangerous cargo can arrive at U.S. ports without being inspected overseas.

I am deeply concerned about this issue because I know that maritime cargo, especially container cargo, is a critical part of our economy. My interest in trade goes back to my childhood. My dad ran a small dime store. He relied on imports to stock the shelves in his store. International trade put food on our table, and I have never forgotten that. So I want to make sure we close the loopholes that threaten our ability to trade, while we protect our lives and our economy.

I have worked on this challenge for several years. I have held hearings. I wrote and funded Operation Safe Commerce. And I have been meeting with various stakeholders.

I know this proposal has to work for everyone in the supply chain: importers, freight forwarders, shippers, terminal operators, and workers such as longshoremen, truckdrivers, and port employees—all the people who are on the frontlines as our eyes and our ears. They need to be part of the solution because they would be among the first to be hurt if an incident occurred.

Senator COLLINS and I have worked together to get input from stakeholders, and with that we have crafted a bill that I believe strikes the right balance. Our proposal is built around five commonsense ideas.

It has been over 4 years since the tragedy of September 11, and some of our most vulnerable assets—our ports and our maritime cargo system—still do not have a coordinated security regime. So the GreenLane Act will take that first step and ensure minimum security standards are in place for all container cargo entering our ports.

Secondly, because there are so many cargo containers coming into our country, we need to make that haystack smaller. We need to do a better job in front-loading our inspections overseas before the cargo ever gets loaded on a ship that is headed for the United States. Then, instead of focusing on a small percent of all containers, we can separate the most secure containers from the ones that need more security.

Third, we need to give businesses incentives to adopt better security. Companies are going to do what is in their financial interest, and we can use market incentives to make the entire industry more secure.

Fourth, we need to minimize the impact of any incident. Right now, if there were a terrorist attack through one of our ports, there would be an awful lot of confusion. So we need to put one office in charge of cargo security policy. We need to create protocols for resuming trade after an incident occurs. And we need to establish joint operations centers to help make local decisions that will get our trade moving again.

We cannot afford to leave cargo on the docks for weeks. We need a plan that tells us in advance what cargo will be unloaded first, and how we will get this system back on its feet.

Finally, we need to monitor and secure cargo from the factory floor overseas until it reaches our own shores. There are vulnerabilities at every step of the supply chain. A secure system is going to start at the factory overseas and continue until that cargo reaches its final destination.

I want to detail how our bill will make the American people safer. First of all, it raises the security standards for everyone across the board and directs the Department of Homeland Security to take all of the best practices and lessons learned and create new standards that will establish a new baseline of security for everyone.

Secondly, it creates the GreenLane. If shippers agree to follow the higher security standards of the GreenLane, they get a series of benefits.

To be designated as GreenLane cargo, importers have to ensure that all entities within their supply chain are validated C–TPAT participants; access to the cargo and containers is restricted to those employees who need access and we are assured of their identification; a logistics system is in place that provides the ability to track everything loaded into a GreenLane container back to the factory; and, a container security device, such as an e-seal, is used to secure the container.

Remember, GreenLane is optional. No one has to participate. I believe companies will want to participate because they will get benefits in return.

What are those benefits? Their bonding requirements could be reduced or

eliminated. Instead of paying customs duties on every shipment, they could be billed monthly or quarterly. Their cargo will be subject to fewer searches and will be released faster upon entering the United States. They will lose less cargo to theft, and they will have the stability that comes from having one uniform standard to plan around.

Finally, the GreenLane Act sets up a plan so that trade can be resumed quickly and safely if an attack occurs. Today, there are no protocols. There is no guide on how to get the system going again. Our bill will create one, and it will let the most secure cargo—the GreenLane cargo—be released first.

Our bill creates joint operations centers to ensure a coordinated, measured response and the resumption and flow of commerce in the event of an incident or heightened national security threat level.

Our bill takes other steps. It expands port security grants. It makes sure we continue to monitor our security system to make sure it is working. It makes sure that a company's cargo data is not available to competitors. It sets a uniform standard for security so shippers and others have some certainty, rather than a hodgepodge of different standards.

There have been a lot of commissions and studies on port security, and we have worked to address their recommendations in our bill.

The 9/11 Commission said we need ''layered'' security, that we need to centralize authority so we can have more accountability, and that Federal agencies need to share information better. Our bill implements all of those recommendations.

The Government Accountability Office looked at current Customs programs and identified some troubling shortcomings.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 2009. A bill to provide assistance to agricultural producers whose operations were severely damaged by the hurricanes of 2005; to the Committee on Finance.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Agriculture Hurricane Recovery Act of 2005 be printed in the RECORD.

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

S. 2009

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Agriculture Hurricane Recovery Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—CROP ASSISTANCE
Sec. 101. Crop disaster assistance.
Sec. 102. Nursery crops and tropical fruit producers.
Sec. 103. Citrus and vegetable assistance.
Sec. 104. Sugar producers.
TITLE II—LIVESTOCK ASSISTANCE
Sec. 201. Livestock assistance program.
TITLE III—FORESTRY
Sec. 301. Tree assistance program.
TITLE IV—CONSERVATION
Sec. 401. Emergency conservation program.
TITLE V—LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS
Sec. 501. Emergency grants for low-income migrant and seasonal farmworkers.
TITLE VI—FISHERIES
Sec. 601. Fisheries assistance.
TITLE VII—TIMBER TAX RELIEF
Sec. 701. Timber tax relief for businesses affected by certain natural disasters.
TITLE VIII—MISCELLANEOUS
Sec. 801. Infrastructure losses.
Sec. 802. Commodity Credit Corporation.
Sec. 803. Emergency designation.
Sec. 804. Regulations.

SEC. 2. DEFINITIONS.

Except as otherwise provided in this Act, in this Act:

(1) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) CATASTROPHIC RISK PROTECTION.—The term ''catastrophic risk protection'' means the level of insurance coverage provided under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)).

(3) DISASTER COUNTY.—The term ''disaster county'' means a county included in the geographic area covered by a natural disaster declaration due to hurricanes in calendar year 2005—

(A) made by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) due to hurricanes in calendar year 2005; or

(B) made by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(4) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity for which producers are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means an eligible crop for which producers are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—CROP ASSISTANCE

SEC. 101. CROP DISASTER ASSISTANCE.

(a) EMERGENCY ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency assistance under this section to producers on a farm or aquaculture operation (other than producers of sugarcane) that meet the eligibility criteria of paragraph (2) in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and quality losses as were used in administering that section.

(2) ELIGIBILITY CRITERIA.—For producers described in paragraph (1) to be eligible for emergency assistance under this section—

(A) the farm or aquaculture operation must be located in a disaster county; and

(B) the producers must have incurred qualifying crop or quality losses with respect to the 2004, 2005, or 2006 crop (as elected by a producer), but limited to only 1 such crop, due to damaging weather or related condition, as determined by the Secretary.

(3) LIMITATION.—Qualifying crop losses for the 2006 crop are limited to only those losses caused by a hurricane or tropical storm occurring during the 2005 hurricane season in disaster counties.

(b) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (c), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses;

(3) had an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a)) of greater than $2,500,000; or

(4) were not in compliance with highly erodible land conservation and wetland conservation provisions under subtitles B and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.).

(c) CONTRACT WAIVER.—The Secretary may waive subsection (b) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of all insurable commodities produced on the farm for each of the next 2 crop years—

(A) to obtain additional coverage for those commodities under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of all noninsurable commodities produced on the farm for each of the next 2 crop or calendar years, as applicable—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for those commodities under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section.

(d) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to the producers on a farm for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producers on the farm receive for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(e) CROP INSURANCE DEDUCTIBLES.—For the purpose of determining crop insurance payments under this section, the Secretary shall consider Hurricane Wilma has having occurred during the 2005 crop year.

SEC. 102. NURSERY CROPS AND TROPICAL FRUIT PRODUCERS.

(a) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to—

(1) commercial ornamental nursery and fernery producers in a disaster county for eligible inventory losses due to hurricanes in calendar year 2005; and

(2) tropical fruit producers in a disaster county who have suffered a loss of 35 percent or more relative to their expected production (as defined in section 1480.3 of title 7, Code of Federal Regulations (or a successor regulation)) due to hurricanes in calendar year 2005.

(b) ADMINISTRATION.—

(1) DETERMINATION OF COMMERCIAL OPERATIONS.—For a nursery or fernery producer to be considered a commercial operation for purposes of subsection (a)(1) or (d)(1), the producer must be registered as nursery or fernery producer in the State in which the producer conducts business.

(2) DETERMINATION OF ELIGIBLE INVENTORY.—For purposes of subsection (a)(1), eligible nursery and fernery inventory includes foliage, floriculture, and woody ornamental crops, including—

(A) stock used for propagation; and

(B) fruit or nut seedlings grown for sale as seed stock for commercial orchard operations growing fruit or nuts.

(c) CALCULATION OF LOSSES AND PAYMENTS.—

(1) NURSERY AND FERNERY PRODUCERS.—

(A) IN GENERAL.—For purposes of subsection (a)(1)—

(i) inventory losses for a nursery or fernery producer shall be determined on an individual-nursery or -fernery basis; and

(ii) the Secretary shall not offset inventory losses at 1 nursery or fernery location by salvaged inventory at another nursery or fernery operated by the same producer.

(B) AMOUNT.—The amount of payment to a nursery or fernery producer under subsection (a)(1) shall be equal to the product obtained by multiplying (as determined by the Secretary)—

(i) the difference between the pre-disaster and post-disaster inventory value, as determined by the Secretary using the wholesale price list of the producer, less the maximum customer discount provided by the producer, and not to exceed the prices in the Department of Agriculture publication entitled ''Eligible Plant List and Price Schedule'';

(ii) 25 percent; and

(iii) the producer's share of the loss.

(2) TROPICAL FRUIT PRODUCERS.—The amount of a payment to a tropical fruit producer under subsection (a)(2) shall be equal to the product obtained by multiplying (as determined by the Secretary)—

(A) the number of acres affected;

(B) the payment rate; and

(C) the producer's share of the crop.

(3) PAYMENT LIMITATION.—The Secretary shall not impose any payment limitation on an assistance payment made to a nursery, fernery, or tropical fruit producer under paragraph (1) or (2) of subsection (a).

(d) DEBRIS-REMOVAL ASSISTANCE.—

(1) AVAILABILITY OF ASSISTANCE.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to commercial ornamental nursery and fernery producers in a disaster county to help cover costs incurred for debris removal and associated cleanup due to hurricanes in calendar year 2005.

(2) AMOUNT OF ASSISTANCE.—

(A) IN GENERAL.—Assistance under this subsection may not exceed the actual costs incurred by the producer for debris removal and cleanup or $250 per acre, whichever is less.

(B) NO ADDITIONAL PAYMENT LIMITATIONS.—Except as provided in subparagraph (A), the Secretary shall not impose any limitation on the maximum amount of payments that a producer may receive under this subsection.

(e) NONDISCRIMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out this section, the Secretary shall not discriminate against or penalize producers that did not purchase crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to an insurable commodity or did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) with respect to a noninsurable commodity.

(2) PENALTY.—In the case of a producer described in paragraph (1)—

(A) payment rates under this section shall be reduced by 5 percent; and

(B) the producer shall comply with subsection (f).

(f) CONTRACT TO PROCURE CROP INSURANCE OR NAP.—In the case of a producer described in subsection (e)(1) who receives any assistance under this section, the producer shall be required to enter into a contract with the Secretary under which the producer agrees—

(1) in the case of all insurable commodities grown by the producer during the next available coverage period—

(A) to obtain at least catastrophic risk protection for those commodities under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of all noninsurable commodities grown by the producer during the next available coverage period—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for those commodities under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section.

(g) RELATION TO OTHER ASSISTANCE.—

(1) LINK TO ACTUAL LOSSES.—Assistance provided under subsection (a) to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 100 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) Assistance received under any other emergency crop loss authority.

(C) The value of the crop that was not lost (if any), as estimated by the Secretary.

(h) ADJUSTED GROSS INCOME LIMITATION.—The average adjusted gross income limitation specified in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), shall apply to assistance provided under this section.

SEC. 103. CITRUS AND VEGETABLE ASSISTANCE.

Notwithstanding any other provision of this Act or any other law, the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to both citrus and vegetable producers to carry out an assistance program similar to the program entitled the ''Florida Citrus Disaster Program'', described at 69 Fed. Reg. 63134, October 29, 2004, Document No. 04-24290 (relating to Florida citrus, fruit, vegetable, and nursery crop disaster programs), except that qualifying crop losses shall be limited to those losses caused by a hurricane or tropical storm occurring during the 2005 hurricane season in a disaster county.

SEC. 104. SUGAR PRODUCERS.

The Secretary shall use $395,000,000 of the funds of the Commodity Credit Corporation to make payments to processors in Florida and Louisiana that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) to compensate first processors and producers for crop and other losses that are related to hurricanes, tropical storms, excessive rains, and floods occurring during calendar year 2005, to be calculated and paid on the basis of losses on 40-acre harvesting units, in disaster counties, on the same terms and conditions, to the maximum extent practicable, as payments made under section 102 of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005 (Public Law 108-324; 118 Stat. 1235).

TITLE II—LIVESTOCK ASSISTANCE

SEC. 201. LIVESTOCK ASSISTANCE PROGRAM.

(a) EMERGENCY FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments for livestock losses to producers for 2005 or 2006 losses (as elected by a producer), but not both, in a county that has received an emergency disaster designation by the President after January 1, 2004.

(2) RESTRICTION.—In determining eligibility for assistance under this section, the Secretary shall not use the end date of the normal grazing period to determine the threshold of a 90-day loss of carrying capacity.

(b) ADMINISTRATION.—Except as provided in subsection (a), the Secretary shall make assistance available under this subsection in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under this section, the Secretary shall not penalize a producer that takes actions (including recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(d) INCLUSION OF POULTRY.—In providing assistance under this section, the Secretary shall include poultry within the definition of ''livestock''.

TITLE III—FORESTRY

SEC. 301. TREE ASSISTANCE PROGRAM.

(a) SPECIFIC INCLUSION OF NURSERY TREES, CHRISTMAS TREES, TIMBER AND FOREST PRODUCTS.—Section 10201 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C.

8201) is amended by striking paragraph (1) and inserting the following:

''(1) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means—

''(A) a person that produces annual crops from trees for commercial purposes;

''(B) a nursery grower that produces field-grown trees, container-grown trees, or both, whether or not the trees produce an annual crop, intended for replanting after commercial sale; or

''(C) a forest landowner who produces periodic crops of timber, Christmas trees, or pecan trees for commercial purposes.''.

(b) APPLICATION OF AMENDMENT.—The Secretary shall apply the amendment made by subsection (a) beginning in disaster counties.

(c) COST-SHARING WAIVERS.—

(1) TREE ASSISTANCE PROGRAM.—The cost-sharing requirements of section 10203(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8203(1)) shall not apply to the operation of the tree assistance program in disaster counties in response to the hurricanes of calendar year 2005.

(2) COOPERATIVE FORESTRY ASSISTANCE ACT.—The cost-sharing requirements of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) shall not apply in disaster counties during the 2-year period beginning on the date of enactment of this Act.

(3) REFORESTATION.—In carrying out the tree assistance program under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), the Secretary shall provide such funds as are necessary to compensate forest owners that—

(A) produce periodic crops of timber or Christmas trees for commercial purposes; and

(B) have suffered tree losses in disaster counties.

TITLE IV—CONSERVATION

SEC. 401. EMERGENCY CONSERVATION PROGRAM.

(a) SPECIFIC INCLUSION OF NURSERY AND FERNERY PRODUCERS AND INTERIOR FENCES.—Section 401 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201) is amended—

(1) by striking ''sec. 401. The Secretary'' and inserting the following:

''SEC. 401. PAYMENTS TO AGRICULTURAL PRODUCERS FOR WIND EROSION CONTROL OR REHABILITATION MEASURES.

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) INCLUSIONS.—In this title:

''(1) AGRICULTURAL PRODUCER.—The term 'agricultural producer' includes a producer of nursery or fernery crops.

''(2) INTERIOR FENCES.—The term 'fences' includes both perimeter pasture and interior corral fences.''.

(b) APPLICATION OF AMENDMENT.—The Secretary shall apply the amendment made by subsection (a)(2) beginning in disaster counties.

(c) COMPENSATION.—The Secretary shall use funds of the Commodity Credit Corporation to compensate producers on a farm operating in a disaster county for costs associated with repairing structures, barns, storage facilities, poultry houses, beehives, greenhouses, and shade houses due to hurricane damage in calendar year 2005.

TITLE V—LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS

SEC. 501. EMERGENCY GRANTS FOR LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

(a) IN GENERAL.—The Secretary shall use $40,000,000 of funds of the Commodity Credit Corporation, to remain available until December 31, 2007, to provide emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a)

(b) USE OF GRANTS.—Grants provided under this section may be used to provide such emergency services as the Secretary determines to be necessary, including—

(1) the repair of existing farmworker housing and construction of new farmworker housing units to replace housing damaged as a result of hurricanes during 2005; and

(2) the reimbursement of public agencies and private organizations for emergency services provided to low-income migrant or seasonal farmworkers after October 31, 2005.

TITLE VI—FISHERIES

SEC. 601. FISHERIES ASSISTANCE.

(a) FUNDS FOR OYSTER RESTORATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Commerce $10,000,000 to provide assistance for reseeding, rehabilitation, and restoration of oyster reefs located in Alabama, Florida, Louisiana, or Mississippi.

(2) AVAILABILITY OF FUNDS.—The funds transferred under paragraph (1) shall remain available until September 30, 2007.

(3) RECEIPT AND ACCEPTANCE.—The Secretary of Commerce shall be entitled to receive, shall accept, and shall use as described in this section the funds transferred under paragraph (1) without further appropriation.

(b) FUNDS FOR FISHERIES DISASTER ASSISTANCE.—

(1) IN GENERAL.—In addition to amounts appropriated or otherwise made available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Commerce $60,000,000 to provide fisheries disaster assistance.

(2) LIMITATION ON USE OF FUNDS.—Of the funds transferred under paragraph (1)—

(A) not more than 5 percent of such funds may be used for administrative expenses; and

(B) none of such funds may be used for lobbying activities or representational expenses.

(3) RECEIPT AND ACCEPTANCE.—The Secretary of Commerce shall be entitled to receive, shall accept, and shall use as described in this section the funds transferred under paragraph (1) without further appropriation.

(c) PROVISION OF ASSISTANCE.—

(1) LUMP SUM PAYMENTS TO STATES.—The Secretary of Commerce shall use the funds transferred under this section to provide direct lump sum payments to the States of Louisiana, Mississippi, Alabama, and Florida to provide assistance to persons located in a disaster county who have experienced significant economic hardship due to the loss of fisheries, oysters, lobsters, stone crabs, or clams, destroyed or damaged processing facilities, or closures due to red tide or other water quality issues.

(2) USE OF FUNDS.—Funds transferred to the Secretary of Commerce under this section shall be used to provide assistance—

(A) to individuals, with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs;

(B) to small businesses, including fishermen, fish processors, and related businesses serving the fishing industry;

(C) to carry out activities related to domestic product marketing and seafood promotion; and

(D) to carry out seafood testing programs operated by a State.

TITLE VII—TIMBER TAX RELIEF

SEC. 701. TIMBER TAX RELIEF FOR BUSINESSES AFFECTED BY CERTAIN NATURAL DISASTERS.

(a) CASUALTY LOSSES.—

(1) IN GENERAL.—Section 1211 of the Internal Revenue Code of 1986 (relating to limitation of capital losses) shall not apply to any qualified timber loss.

(2) QUALIFIED TIMBER LOSS.—For purposes of this subsection, the term ''qualified timber loss'' means a loss with respect to timber which is attributable to—

(A) Hurricane Dennis,

(B) Hurricane Katrina,

(C) Hurricane Rita, or

(D) Hurricane Wilma.

(b) INCREASED EXPENSING FOR REFORESTATION EXPENDITURES.—

(1) IN GENERAL.—In applying section 194(b) of the Internal Revenue Code of 1986 to any specified qualified timber property for the first taxable year beginning after the date of the enactment of this section, subparagraph (B) of section 194(b)(1) shall be applied—

(A) by substituting ''$20,000'' for ''$10,000'', and

(B) by substituting ''$10,000'' for ''$5,000''.

(2) SPECIFIED QUALIFIED TIMBER PROPERTY.—The term ''specified qualified timber property'' means qualified timber property (within the meaning of section 194(c)(1) of the Internal Revenue Code of 1986) which is located in an area with respect to which a natural disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of—

(A) Hurricane Dennis,

(B) Hurricane Katrina,

(C) Hurricane Rita, or

(D) Hurricane Wilma.

TITLE VIII—MISCELLANEOUS

SEC. 801. INFRASTRUCTURE LOSSES.

(a) INFRASTRUCTURE LOSSES.—The Secretary shall compensate producers on a farm in a disaster county for costs incurred to repair or replace barns, greenhouses, shade houses, poultry houses, beehives, and other structures, equipment, and fencing that—

(1) was used to produce or store any agricultural commodity; and

(2) was damaged or destroyed by the hurricanes of calendar year 2005.

(b) TIMING OF ASSISTANCE.—The Secretary may provide assistance authorized under this section in the form of—

(1) reimbursement for eligible repair or replacement costs previously incurred by producers; or

(2) cash or in-kind assistance in advance of the producer undertaking the needed repair or replacement work.

(c) PAYMENT LIMITATIONS.—Assistance provided under this section to a producer for a repair or replacement project, together with amounts received for the same project from insurance proceeds or other sources, may not exceed 95 percent of the costs incurred to repair or replace the damaged or destroyed structures, equipment, or fencing, as estimated by the Secretary.

(d) LOAN ELIGIBILITY.—After approval of the county committee established under section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h) for the county or other area in which the farming operation is located, the producers on a farm in a disaster county shall be eligible to receive an emergency loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) regardless of whether the producers satisfy the requirements of the first proviso of section 321(a) of that Act (7 U.S.C. 1961(a)).

SEC. 802. COMMODITY CREDIT CORPORATION.

Except as otherwise provided in this Act—

(1) the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act; and

(2) funds made available under this Act shall remain available until expended.

SEC. 803. EMERGENCY DESIGNATION.

The amounts provided under this Act or under amendments made by this Act to respond to the hurricanes of calendar year 2005 are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SEC. 804. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. SMITH, and Mr. KOHL):

S. 2010. A bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, with my good friend and colleague, Senator BLANCHE LINCOLN, I rise to introduce the Elder Justice Act of 2005. We are joined in this effort by Senator GORDON SMITH, the chairman of the Aging Committee, and Senator HERB KOHL, the ranking minority member of that committee.

As my colleagues may recall, Senator JOHN BREAUX and I introduced similar legislation in both the 107th and 108th Congresses, with the strong support of Senators LINCOLN, SMITH and KOHL. The bill was reported by the Finance Committee last year, but unfortunately it was not approved before we adjourned.

Although the number of older Americans is growing at a rapid pace, thousands of cases of elder abuse go unaddressed every day. The problem of elder abuse, neglect and exploitation has long been invisible and is probably one of the most serious issues facing seniors and their families.

Research in the field is scarce, but, by some estimates, up to five million cases of elder abuse, neglect and exploitation occur each year. Without more attention and more resources, far too many of these cases of abuse, neglect and exploitation will go unaddressed and far too many older Americans will suffer.

Few pressing social issues have been as systematically ignored as elder abuse. In fact, 25 years of congressional hearings on the devastating effects of elder abuse have found this problem to be a ''disgrace'' and a ''burgeoning national scandal.'' Yet, to date, no federal legislation has been enacted to address elder abuse in a comprehensive manner.

During that same time period, Congress passed comprehensive bills to address child abuse and crimes against women, yet there is not one full-time Federal employee working on elder abuse in the entire Federal Government.

The cost of elder abuse is high. This is true in terms of needless human suffering, inflated health care costs, limited Federal resources and the loss of one of our greatest national assets—the wisdom and experience of older citizens.

S. 2010 is designed to create a national focus on elder abuse to increase detection, prevention, prosecution and victim assistance. It ensures that states, communities, consumers and families will have access to the information and resources they need to confront this difficult issue.

By addressing law enforcement, social service and public health concerns, our bill uses the proven approach Congress has adopted to combat child abuse and violence against women.

I would like to take this opportunity to describe our legislation in more detail.

The Elder Justice Act establishes dual Offices of Elder Justice at the Departments of Justice, DOJ, and Health and Human Services, HHS, to coordinate Federal, State and local efforts to combat elder abuse in residential and institutional settings. In addition, an Elder Justice Coordinating Council will be established to make recommendations to the HHS Secretary and the Attorney General on coordinating activities of Federal agencies related to elder abuse. This Council is specifically mandated to advise us on legislation, model laws and other appropriate action on addressing elder abuse.

The bill creates an Advisory Board on Elder Abuse, Neglect and Exploitation to establish a short-term and long-term multi-disciplinary strategic plan for expanding the field of elder justice. The board would make recommendations to HHS, DOJ, and the Elder Justice Coordinating Council and submit to HHS, DOJ, and Congress information and recommendations on elder justice programs, activities and legislation.

The Elder Justice Act also directs the HHS Secretary to establish an Elder Resource Center to develop ways to collect, maintain and disseminate information relevant to consumers, families and providers in order to protect individuals from elder abuse and neglect. It is our hope that this Center will improve the quality, quantity and accessibility of information available on elder abuse. In addition, the bill establishes a National Elder Justice Library within the Center to serve as a centralized repository for materials on training, technical assistance and promising practices related to elder justice.

S. 2010 also improves, streamlines and promotes uniform collection and dissemination of national data related to elder abuse, neglect and exploitation. Today, data on elder abuse are very limited. The Director of the Centers for Disease Control and Prevention, CDC, is directed to develop a method for collecting national data regarding elder abuse and then create uniform national data reporting forms to help determine what a reportable event on elder abuse is.

The legislation includes several grants to combat elder abuse including grants to improve data collection activities on elder abuse prevention and prosecution of elder abuse cases. These grants would establish five Centers of Excellence nationwide to specialize in research, clinical practice and training related to elder abuse.

In addition, the HHS Secretary will award safe haven grants to six diverse communities to examine elder shelters to test various models for establishing safe havens. Elder victims' needs, which are rarely addressed, will be better met by supporting the creation of safe havens for seniors who are not safe where they live. Development of safe haven programs which focus on the special needs of at-risk elders and older victims are needed and necessary.

The legislation directs the HHS Secretary to award training grants to groups with responsibility for elder justice, eligible entities to provide care for those with dementia and certain entities to make recommendations on caring for underserved populations of seniors living in rural areas, minority populations, and Indian tribes. Training to combat elder abuse, neglect and exploitation will be supported both within individual disciplines and in multi-disciplines such as public health, social service and law enforcement settings.

In addition, our bill directs the Secretary to award fellowships to individuals so they may obtain training in both forensic pathology and geriatrics. An individual receiving such a fellowship shall provide training in forensic geriatrics to interdisciplinary teams of health care professionals. Grants also would be awarded to create programs to increase the number of health care professionals with geriatric training. Finally, the Elder Justice Act directs the HHS Secretary to award grants to conduct a national multimedia campaign to raise awareness on elder abuse.

Our legislation also requires a number of studies on elder abuse including one on the responsibilities of federal,

state and local governments in response to reports of elder abuse. This study would be to improve response time to elder abuse and reduce elder victimization.

In addition, the CDC Director is directed to conduct a study on the best method to address elder abuse from a public health perspective, including reducing elder abuse, neglect and exploitation committed by family members. Current statistics indicate that only 20 percent of elder abuse occurs in long-term care facilities and institutions—80 percent of elder abuse is committed in the home.

The bill also establishes new programs to assist victims and provides grants for education and training of law enforcement and prosecutors. It requires reporting of crimes in long-term care settings, creates a national criminal background check program for those employed by long-term care providers—something strongly advocated by Senator KOHL—and establishes a national nurse aide registry program based on recommendations by HHS.

Senior citizens cannot wait any longer for this legislation to pass.

More and more of us will enjoy longer life in relative health, but with this gift comes the responsibility to prevent the needless suffering too often borne by our frailest seniors.

In closing, I must note that our legislation has been endorsed by the Elder Justice Coalition, a national membership organization dedicated to eliminating elder abuse, neglect, and exploitation in America. This coalition, which has been a strong advocate and supporter of the Elder Justice Act, has 397 members.

This Congress, one of my top priorities is to get this bill signed into law, once and for all, so that elder justice will become a reality for those Americans who need it most. Our seniors deserve no less.

Mrs. LINCOLN. Mr. President, I am pleased to join my distinguished colleague, Senator HATCH, to introduce the Elder Justice Act of 2005. I am pleased that Senate Special Committee on Aging Chairman SMITH and Ranking Member KOHL are joining us as original cosponsors of this important legislation.

I have been a cosponsor of the Elder Justice Act since Senator BREAUX and Senator HATCH introduced the original bill in 2002. I joined them again as a cosponsor in 2003 and helped pass a version of the legislation out of the Senate Finance Committee in late 2004.

Unfortunately and regrettably, the Elder Justice Act failed to become law last year, despite the incredible leadership by Senator BREAUX and Senator HATCH. It has yet to become law despite the fact that our Nation continues to grow older and despite the fact that the tragedy of elder abuse, neglect, and exploitation continues.

Abuse of our senior citizens can be physical, sexual, psychological, or financial. The perpetrator may be a stranger, an acquaintance, a paid caregiver, a corporation, and sadly, even a spouse or another family member. Elder abuse happens everywhere, at all levels of income and in all geographic areas. No matter how rich you are, and no matter where you live, no one is immune.

Congress must make our seniors a priority and pass the Elder Justice Act as soon as possible.

This bill represents the culmination of 25 years of congressional hearings on the distressing effects of elder abuse. It represents a consensus agreement developed by the Elder Justice Coalition, a national organization dedicated to eliminating elder abuse, neglect, and exploitation in America. This bill reminds us of the fact that Congress has already passed comprehensive bills to address child abuse and violence against women but has continued to ignore the fact that we have no Federal law enacted to date on elder abuse.

Every older person has the right to be free of abuse, neglect, and exploitation. And the Elder Justice Act will enhance our knowledge about abuse of our seniors in all its terrible forms. It will elevate elder abuse to the national stage. Too many of our seniors suffer needlessly. Each year, anywhere between 500,000 and 5 million seniors in our country are abused, neglected, or exploited. And, sadly, most abuse goes unreported.

This historical problem will only get worse as 77 million baby boomers age.

The Elder Justice Act confronts elder abuse in the same ways we combat child abuse and violence against women: through law enforcement, public health programs, and social services at all levels of government. It also establishes research projects to assist in the development of future legislation.

The Elder Justice Act will take steps to make older Americans safer in their homes, nursing home facilities, and neighborhoods. It enhances detection of elder abuse and helps seniors recover from abuse after it starts. It increases collaboration between federal agencies and between Federal, State, local, and private entities, law enforcement, longterm care facilities, consumer advocates, and families to prevent and treat elder abuse.

Each of us will grow older, and if we're lucky, we will live for a very long time. A baby girl born today has a 50 percent chance of living until she is 100 years old. What will we gain if we fail to ensure that baby girl ages with dignity, free of abuse, neglect, and exploitation? As Hubert Humphrey said, ''The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.''

It is time for Congress to pass the first comprehensive federal law to address elder abuse, the Elder Justice Act of 2005, to ensure that those in the twilight of life are protected from abuse that threatens their safety, independence, and productivity.

Mr. SMITH. Mr. President, I rise in support of the Elder Justice Act.

My job as a Senator is to help protect and defend the freedoms of all Americans. As the Chairman of the Senate Aging Committee it is an expressed duty of mine to focus on one of our more vulnerable populations, older Americans.

All too often we concentrate our efforts to stop crime on crimes that are reported or easy to identify. However, crimes against the elderly are often never reported or identified. Many older Americans find themselves reliant on a caregiver or close one who is taking advantage of them physically or monetarily and have no means to take action against this individual. This scary and sad scenario happens more often then we would like to admit.

According to the best available estimates, between 1 and 2 million Americans age 65 or older have been injured, exploited, or otherwise mistreated by someone on whom they depended for care or protection. Too many older Americans suffer from the various forms of abuse and the legislation we are introducing today will take very important steps to stop the long ignored problem of elder abuse. The Elder Justice Act prevents and treats elder abuse by:

Improving prevention and intervention through funding projects to make older Americans safer in their homes, facilities, and neighborhoods. The bill specifically enhances long-term care staffing.

Creating forensic centers and targeting funding to develop expertise in the detection of signs of elder abuse.

Targeting funding to efforts to better find ways to mitigate the consequences of elder mistreatment.

Enhancing collaboration by supporting coordination between federal and local entities including consumer advocates, long-term care facilities and most importantly families.

My home state of Oregon has been a leader in many of these efforts. One program, the Elder Safe program IN Washington County, helps victims aged 65 and older after a crime is reported to police and continues to help them through the criminal justice system. Based at the Sheriff's Office, Elder Safe collaborates with the District Attorney's Office and the Department of Aging and Veterans' Services and all city police department to coordinate services to help seniors read legal documents or travel to the courthouse. Assistance from the Elder Safe program is tailored to the unique circumstance of each victim and may include personal support, court advocacy, or help filling out forms. It is important that we support programs, like the Elder Safe program, nationally. The Elder Justice Act will be a huge boost to our efforts. I urge my colleagues on both sides of the aisle to support this important bill.

Mr. KOHL. Mr. President, I rise today in strong support of the Elder Justice Act. I applaud the leadership and commitment that Senator HATCH and Senator LINCOLN have shown to protecting our Nation's senior citizens by reintroducing this legislation. As Ranking Member of the Special Committee on Aging, I am pleased to join Senator SMITH, our Chairman, as an original cosponsor of this important bill.

I also want to commend the bipartisan Elder Justice Coalition for its role in developing and moving this bill forward. In particular, I would like to acknowledge the contributions of Wisconsin members of the Coalition, including the Coalition of Wisconsin Aging Groups, the Wisconsin Association of Area Agencies on Aging, and the Wisconsin Board on Aging and Long Term Care, among many others. Passage of the Elder Justice Act is long overdue, and we look forward to working with the Coalition to ensure that it becomes law as soon as possible.

In the past forty years, our Nation has made great strides to address the ugly truth of child abuse and domestic violence in our society. We have made a difference by making comprehensive legislation designed to combat these terrible issues a top priority. Today, I ask the Congress to once again focus on the issue of abuse only this time, to focus on the grim reality of elder abuse, neglect and exploitation.

For the past 25 years, Congress has held hearings on the devastating effects of elder abuse; yet no comprehensive action has been taken. Abuse of the elderly is certainly nothing new, but as our Nation has aged and the Baby Boom generation stands on the cusp of retirement, the prevalence of elder abuse will only get worse. The time to act is now. The shame and scandal of abuse, neglect and exploitation of our Nation's seniors can no longer be ignored or tolerated.

I am pleased that the Elder Justice Act includes one of my top priorities—a provision mandating a national criminal background check system for nursing home, home health and other long-term care employees. While the vast majority of employees are hard-working, dedicated and professional, it is simply too easy for people with abusive and criminal backgrounds to find work in long term care.

Today, seven States, including my home State of Wisconsin, are engaged in a pilot project to require FBI criminal background checks before hiring a new employee. The Elder Justice Act will ensure that once the pilot is over, we will move to a national criminal background check system so seniors in all fifty states will be protected. I want to thank Senators HATCH and LINCOLN and their staff for working with me to once again include this provision as a key part of the Elder Justice Act. I very much appreciate their efforts and look forward to working with them to see that it becomes law.

In addition to the background check provision, the Elder Justice Act takes a number of steps to prevent and treat elder abuse. First, it will improve prevention and intervention by funding State and local projects that keep older Americans safe.

Second, it will improve collaboration by bringing together a variety of different Federal, State, local, and private entities to address elder abuse. The bill ensures that health officials, social services, law enforcement, long-term care facilities, consumer advocates and families are all working together to confront this problem.

Third, it will develop expertise to better detect elder abuse, neglect and exploitation, by training health professionals in both forensic pathology and geriatrics.

Fourth, it will develop victim assistance programs for at-risk seniors and create ''safe havens'' for seniors who are not safe where they live.

Finally, it will give extra resources to law enforcement officials to investigate cases of elder abuse and make them a top priority.

Once again, I thank Senators HATCH and LINCOLN for bringing the issue of elder abuse to the forefront by re-introducing this important legislation. I urge my colleagues to join us in supporting it.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 2011. A bill to require the Administrator of the Environmental Protection Agency to establish performance standards for fine particulates for certain pulp and paper mills, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, today I am introducing the Tire Derived Fuel Safety Act of 2005 to ensure that Americans living near pulp and paper mills that burn tires for energy are protected from the potential harmful effects of air pollutants such as fine particulates.

As the price of oil and natural gas continues to rise, U.S. manufacturing facilities are seeking alternative energy sources. Pulp and paper mills, in particular, are replacing these high cost energy sources with lower cost tire derived fuels or TDF due to its high-energy value.

The burning of tires results in the emissions of particulates, carbon monoxide, sulfur oxides, nitrogen oxides, volatile organic compounds, PCBs, arsenic, cadmium, nickel, zinc, mercury, chromium and vanadium. These air pollutants can have serious health impacts on the people living downwind of facilities when effective emissions control technologies are not used.

Luckily, most U.S. pulp and paper mills that burn TDF have already installed electrostatic precipitators or fabric filters to control for fine particulate emissions. And, in fact, EPA's 1997 ''Air Emissions From Scrap Tire Combustion'' report states that it is not likely that a solid fuel combustor without add-on particulate controls—such as an ESP or fabric filter—could satisfy air emissions regulatory requirements in the United States.

Yet, that hasn't stopped International Paper from proposing to burn 72 tons a day of tires at its Ticonderoga, NY mill without the addition of commonly accepted emissions control technologies. Doing so jeopardizes the health of Vermonters and New Yorkers alike.

My bill requires EPA to issue performance standards for fine particulates for pulp and paper mills that switch to tire-derived fuels to ensure that all communities across United States are equally and fairly protected.

My bill also requires EPA to study and report to Congress on the health impacts of increased emissions, particularly fine particulates, from the use of TDF. It also requires EPA to work with Health and Human Services to document the rates of childhood diseases—particularly respiratory diseases—of children that live or attend school within a 20-mile radius of a pulp and paper mill burning TDF.

I invite my colleagues to join me in my efforts to ensure that all Americans are equally protected from the harmful effects of the burning of tire-derived fuel without adequate air pollution controls. 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. 2011

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 ''Tire-Derived Fuel Safety Act of 2005''.

SEC. 2. COMBUSTION OF TIRE-DERIVED FUEL.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE MILL.—The term ''eligible mill'' means any pulp or paper mill (SIC code 2611 or 2621) that burns or proposes to burn tire-derived fuel.

(3) EMISSION.—The term ''emission'' means an emission into the air of—

(A) a criteria pollutant, including a fine particulate; or

(B) a hazardous air pollutant.

(4) TIRE-DERIVED FUEL.—The term ''tire-derived fuel'' means fuel derived from whole or shredded tires, including in combination with another fuel.

(b) REQUIREMENTS FOR APPROVAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, the Administrator shall not issue a permit under the Clean Air Act (42 U.S.C. 7401 et seq.), and shall object to the issuance of a permit under section 505(b) of that Act (42 U.S.C. 7661d(b)), authorizing the burning of tire-derived fuel at an eligible mill that is a major stationary source (as defined in section 111(a) of that Act (42 U.S.C. 7411(a))) unless—

(A) the Administrator has listed the source as part of a source category for which a performance standard has been established under subsection (c); and

(B) the source demonstrates to the satisfaction of the Administrator that the source—

(i) will install any control equipment required or make the necessary process changes before the date on which the source begins operation; and

(ii) will operate at or below the required emissions performance standards as demonstrated by data from a continuous emissions monitoring device.

(2) INTERIM PERMITS.—Notwithstanding paragraph (1), the Administrator may approve an interim permit (including a trial permit) to burn tire-derived fuel at a new eligible mill, or an eligible mill in existence on the date of enactment of this Act, that is a major stationary source (as defined in section 111(a) of the Clean Air Act (42 U.S.C. 7411(a))) that demonstrates to the satisfaction of the Administrator that the source—

(A) will install—

(i) an electrostatic precipitator;

(ii) a Kevlar baghouse; or

(iii) any other technology that achieves a reduction in emissions that is equivalent to the reduction achieved using an electrostatic precipitator or a Kevlar baghouse; and

(B) will operate at or below the required emissions performance standards as demonstrated by data from a continuous emissions monitoring device.

(c) STANDARDS FOR CERTAIN PULP AND PAPER MILLS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall establish performance standards for fine particulates for—

(i) new eligible mills; and

(ii) eligible mills in existence on the date on which the standards are proposed.

(B) REQUIREMENTS.—In establishing standards under subparagraph (A), the Administrator shall—

(i) ensure that the standards would result in reductions in emission levels that are at least equal to reductions achieved through the use of an electrostatic precipitator or Kevlar baghouse; and

(ii) require pulp and paper mills that are in operation as of the date on which the standards are proposed, but that are not in compliance with those standards, to come into compliance with the standards by not later than 18 months after the effective date of the standards.

(2) STUDY AND REPORT ON GENERAL HEALTH EFFECTS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a study, and submit to Congress a report, on the impact on human health of increased emissions, especially fine particulates, from the use of tire-derived fuel.

(3) REPORT ON HEALTH EFFECTS ON CERTAIN CHILDREN.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary of Health and Human Services, shall submit to Congress a report that describes the rates of birth defects and childhood diseases (particularly respiratory and immune system diseases) of children that live or attend school within a 20-mile radius of any pulp and paper mill that burns tire-derived fuel.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, Ms. CANTWELL, Mr. VITTER, and Mrs. BOXER):

S. 2012. A bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, today I come to the Senate, along with my good friend and coauthor, Senator DAN INOUYE of Hawaii, to introduce a bill to reauthorize the Magnuson-Stevens Fisheries Conservation and Management Act.

This legislation reauthorizes the law that manages and regulates fisheries in the United States exclusive economic zone. It is cosponsored by Senators SNOWE, CANTWELL, and VITTER.

The law was originally enacted in 1976. A that time it was titled the Fishery Conservation and Management Act. Senator Warren Magnuson and I developed the law after Warren sent me to monitor the law of the sea negotiations, which took place all over the world. A concept considered during these negotiations was the expansion of a coastal nation's sovereignty over its seaward waters out to 200 miles.

Warren and I took a bipartisan approach to the legislation and developed a bill that established our country's exclusive right to harvest fishery resources from 3 to 200 miles and put in place one of the most successful Federal-State management systems. This system recognized the complexity of our differing fish stocks and the unique regional approaches needed to manage these resources.

This is now the seventh authorization of the act we created over 30 years ago. It is the first reauthorization I have been a part of as chairman of the Commerce, Science, and Transportation Committee, which has jurisdiction over this legislation.

The Magnuson-Stevens Fishery Conservation and Management Act of 2005 implements many of the recommendations made by the U.S. Commission on Ocean Policy—the first such commission authorized by Congress to review our nation's ocean policies and laws in over 35 years. This was coauthored by my great friend from South Carolina, Senator Ernest Hollings. The Commission's recommendations were important to the development of this act we present to the Senate today.

The intent of this legislation is to authorize these recommendations and to build on some of the sound fishery management principles we passed in the Sustainable Fisheries Act in 1996, which was the last time we reauthorized the act.

Our bill will preserve and strengthen the regional fishery management councils. The eight regional councils located around the United States and Caribbean Islands are a model of Federal oversight benefiting from local innovation and management approaches. This reauthorization establishes a council training program designed to prepare members for the numerous legal, scientific, economic, and conflict of interest requirements which apply to the fishery management process. In addition, this reauthorization addresses concerns over the transparency of the regional council process—it provides additional financial disclosure requirements for council members and clarifies the act's conflict of interest and recusal requirements.

In order to prevent overfishing and preserve the sustainable harvest of fishery resources in all eight regional council jurisdictions, this bill mandates the use of annual catch limits which shall not be exceeded. Under the 1996 Sustainable Fisheries Act, overfishing of overfished stocks was to end. To meet this goal, we required the implementation of rebuilding plans which would restore any overfished species to sustainable levels. It has been almost 10 years since we passed the Sustainable Fisheries Act and overfishing of overfished stocks remains a significant problem. The legislation we are introducing today requires every fishery management plan to contain an annual catch limit which is set at or below optimum yield, based on the best scientific information available.

This bill also requires that any harvests exceeding the annual catch limit be deducted from the annual catch limit for the following year.

An important recommendation from the U.S. Commission on Ocean Policy was to establish national standards for quota programs. Our legislation establishes national guidelines for the harvesting of fish for limited access privilege programs, which are also called LAPPs. These guidelines would require that any LAPP must accomplish important objectives, including: assisting in rebuilding an overfished fishery; reducing capacity in a fishery that is overcapitalized; promoting the safety of human life at sea; promoting conservation and management; and providing a system for monitoring, management, and enforcement of the program.

The regional councils, the administration, and to a lesser extent the U.S. Commission on Ocean Policy, all recommended we address the inconsistencies between the Magnuson-Stevens Act and the National Environmental Protection Act. They recommended we resolve timeline or ''process'' issues which have required councils to spend much of their time and funding developing litigation-proof environmental impact statements and environmental assessments under NEPA.

This bill provides a uniform process under which councils can consider the substantive requirements of NEPA while adhering to the timelines found in Magnuson-Stevens when they are developing fishery management plans, plan amendments, and regulations.

Several of the provisions in this bill strengthen the role of science in council decisionmaking, which was another strong recommendation made by the U.S. Commission on Ocean Policy. Our bill specifies that the scientific and statistical committees, called SSCs, are to provide their councils with ongoing scientific advice needed for management decisions. This may include

recommendations on acceptable biological catch or optimum yield, annual catch limits, or other mortality limits. The SSCs are also expected to advise the councils on a variety of other issues, including stock status and health, bycatch, habitat status, and socioeconomic impacts.

We have enhanced the overall effectiveness of this act by improving data collection and management. Our legislation authorizes a national cooperative research and management program, which would be implemented on a regional basis and conducted through partnerships between Federal and State managers, commercial and recreational fishing industry participants, and scientists. This will improve data related to recreational fisheries by establishing a new national program for the registration of marine recreational fishermen who fish in Federal waters. Our legislation also directs the secretary, in cooperation with the councils, to create a regionally based bycatch reduction engineering program which will develop technological devices and engineering techniques for minimizing bycatch, bycatch mortality, and post-release mortality.

The Magnuson-Stevens Act has worked well. It has enabled effective conservation and management of our fishery resources and allowed for sustainable harvests. Both the U.S. Commission on Ocean Policy and the Pew Oceans Commission singled out the fisheries managed by the North Pacific Council—which does not have an overfished or endangered species of fish—as an example of proper fisheries management.

Let me say that again. They singled out the fisheries management by the North Pacific Council, which does not have an overfished or endangered species of fish, as an example of proper fisheries management.

The council consistently sets an optimum yield far below the acceptable biological catch, and the fisheries in its jurisdiction have remained sustainable and abundant. That is the North Pacific Council, Mr. President. Our goal is to build upon this success and ensure the sustainability of this resource for generations to come.

Unfortunately, management internationally and especially on the high-seas is lacking. Industrial foreign fleets continue to expand and fish in remote and deep parts of the oceans. When we first developed this legislation over 30 years ago, such practices were unimaginable. The illegal, unreported, and unregulated—we call this IUU—fishing on the high-seas now threatens the good management taking place in U.S. waters that we control.

Our bill strengthens U.S. leadership in international conservation and management. It requires the Secretary of Commerce to establish an international compliance and monitoring program and to provide Congress with reports on our progress in reducing IUU fishing. This bill also requires the Secretary to promote international cooperation and strengthen the ability of regional fishery management organizations to combat IUU and other harmful fishing practices. In addition, this legislation allows the use of measures authorized under the High Seas Driftnet Act to force compliance in cases where regional or international fishery management organizations are unable to stop IUU fishing.

I have been pleased with the bipartisan approach we have taken on this bill. My co-chairman, Senator INOUYE, and I have worked together on this reauthorization, and I look forward to working with my colleagues on the Commerce Committee to move this legislation forward.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2013. A bill to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, I introduce today a bill to implement the provisions of the ''Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population''. This bill is co-sponsored by Senator INOUYE.

The United States-Russia Polar Bear Conservation and Management Implementation Act of 2005 will amend the Marine Mammal Protection Act adding provisions to create a binational U.S. and Russian Polar Bear Commission. This commission will be authorized to determine annual take limits and the adoption of other measures to restrict the taking of polar bears for subsistence purposes. The Commission will also identify polar bear habitats and ''develop recommendations for habitat conservation measures.'' Additionally, it prohibits the possession, import, export, transport, sale, receipt, acquisition, or purchase of any polar bear, or any part or product thereof, that is taken in violation of the Agreement.

This bill will simultaneously support the conservation of U.S. and Russian Polar Bear populations and the historical traditions of indigenous peoples in the arctic region.

This implementing legislation for the Polar Bear Treaty is necessary to establish the needed regulatory and management entities in both the U.S. and Russia. The shared population of Polar Bears that migrate between our two nations deserve the added protections and conservation this bill will provide.

The U.S.-Russian Polar Bear Treaty was completed and signed by both countries on October 16, 2000. The Senate Foreign Relations Committee held a hearing on the treaty in June of 2003, and reported it out favorably on July 23, 2003. The full Senate agreed to the resolution of advice and consent on the treaty on July 31, 2003. This legislation is needed for the U.S. to ratify and implement the treaty. The administration is supportive of the treaty and the proposed legislation, as are Alaska Natives, the State of Alaska, and conservation groups.

Russia has indicated that once the U.S. ratifies the treaty, it will promptly do the same.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 312—EXPRESSING THE SENSE OF THE SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE THROUGH THE NEGOTIATION OF FAIR AND EFFECTIVE INTERNATIONAL COMMITMENTS

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 312

Whereas there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate;

Whereas there are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations;

Whereas the potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and thereby have implications for the national security interests of the United States;

Whereas the United States, as the largest economy in the world, is also the largest greenhouse gas emitter;

Whereas the greenhouse gas emissions of the United States are currently projected to continue to rise;

Whereas the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries;

Whereas reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases;

Whereas the development and sale of climate-friendly technologies in the United States and internationally presents economic opportunities for workers and businesses in the United States;

Whereas climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources, and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure;