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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Bounteous God, whose grace is the crown of Your glory, teach us to be more gracious. Forgive us for uncharitable acts, for cutting words, and for harsh judgment. Deliver us from bitterness of spirit that makes us revel in that which is petty and unkind. Empower our lawmakers to do Your will. Use them to bring down walls of injustice and to confront the evil that festers in our world. May their work bring light to the darkness of these times.

Lift us all into the sunlight of Your generous spirit that we may focus on things pure, true, lovely, productive, and helpful. Let Your peace which passes all understanding reign in our hearts.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we are resuming our work on the Department of Defense authorization bill. This afternoon provides a good opportunity for Senators to come to the floor and offer Defense-related amendments. Under last week's order, at 4 o'clock today the Senate will proceed to executive session to begin consideration of Sandra Ikuta to be a circuit court judge for the Ninth Circuit. We have allocated an hour of debate on the nomination and, therefore, the vote will occur at 5 p.m. on the Ikuta nomination.

Tomorrow we will return to Defense authorization again. I encourage Members to work with the two bill managers to determine the best time to debate their amendments. I hope the Senate will maintain focus on the pending issue of authorizing appropriations for our military activities. We can complete this bill in a reasonable period of time this week if Senators will work with the chairman and ranking member on relevant amendments. Our two managers have a great deal of experience in shepherding this bill through on the floor and have already done a great job working together to clear amendments on both sides of the aisle.

Having said that, I look forward to moving forward on this bill and completing our work on it at the earliest possible time.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, the two leaders and I and Senator KENNEDY have had an opportunity to talk about, first, the parliamentary situation and, secondly, an amendment that the Senator from Massachusetts desires to bring up. We have come to an agreement whereby for the next 30 minutes, we will leave the procedure of the pending amendment in place, and the Senator from Massachusetts will be recognized to address the Senate with regard to the subject of an amendment that he intends to bring up at some point in time. I ask unanimous consent that the Senator from Massachusetts now be recognized for a period of 30 minutes.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2005

Mr. WARNER. Before I finish, I have a request of the leadership. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 389, S. 2012.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2012) 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.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Magnuson-Stevens Fishery Conservation and Management Reauthorization 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. Amendment of Magnuson-Stevens Fishery Conservation and Management Act.
Sec. 3. Changes in findings and definitions.
Sec. 4. Highly migratory species.
Sec. 5. Total allowable level of foreign fishing.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Sec. 6. Western Pacific Sustainable Fisheries Fund.
Sec. 7. Authorization of appropriations.
TITLE I—CONSERVATION AND MANAGEMENT
Sec. 101. Cumulative impacts.
Sec. 102. Caribbean Council jurisdiction.
Sec. 103. Regional fishery management councils.
Sec. 104. Fishery management plan requirements.
Sec. 105. Fishery management plan discretionary provisions.
Sec. 106. Limited access privilege programs.
Sec. 107. Environmental review process.
Sec. 108. Emergency regulations.
Sec. 109. Western Pacific community development.
Sec. 110. Western Alaska Community Development Quota Program.
Sec. 111. Secretarial action on State groundfish fishing.
Sec. 112. Joint enforcement agreements.
Sec. 113. Transition to sustainable fisheries.
Sec. 114. Regional coastal disaster assistance, transition, and recovery program.
Sec. 115. Fishery finance program hurricane assistance.
Sec. 116. Shrimp fisheries hurricane assistance program.
Sec. 117. Bycatch reduction engineering program.
Sec. 118. Community-based restoration program for fishery and coastal habitats.
Sec. 119. Prohibited acts.
Sec. 120. Enforcement.
TITLE II—INFORMATION AND RESEARCH
Sec. 201. Recreational fisheries information.
Sec. 202. Collection of information.
Sec. 203. Access to certain information.
Sec. 204. Cooperative research and management program.
Sec. 205. Herring study.
Sec. 206. Restoration study.
Sec. 207. Western Pacific fishery demonstration projects.
Sec. 208. Fisheries Conservation and Management Fund.
Sec. 209. Use of fishery finance program and capital construction fund for sustainable purposes.
Sec. 210. Regional ecosystem research.
Sec. 211. Deep sea coral research and technology program.
Sec. 212. Impact of turtle excluder devices on shrimping.
Sec. 213. Shrimp and oyster fisheries and habitats.
TITLE III—OTHER FISHERIES STATUTES
Sec. 301. Amendments to Northern Pacific Halibut Act.
Sec. 302. Reauthorization of other fisheries acts.
TITLE IV—INTERNATIONAL
Sec. 401. International monitoring and compliance.
Sec. 402. Finding with respect to illegal, unreported, and unregulated fishing.
Sec. 403. Action to end illegal, unreported, or unregulated fishing and reduce bycatch of protected marine species.
Sec. 404. Monitoring of Pacific insular area fisheries.
Sec. 405. Reauthorization of Atlantic Tunas Convention Act.
Sec. 406. International overfishing and domestic equity.
TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION
Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Appointment of United States commissioners.
Sec. 504. Authority and responsibility of the Secretary of State.
Sec. 505. Rulemaking authority of the Secretary of Commerce.
Sec. 506. Enforcement.
Sec. 507. Penalties.
Sec. 508. Cooperation in carrying out convention.
Sec. 509. Territorial participation.
Sec. 510. Authorization of appropriations.
TITLE VI—PACIFIC WHITING
Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. United States representation on joint management committee.
Sec. 604. United States representation on the scientific review group.
Sec. 605. United States representation on joint technical committee.
Sec. 606. United States representation on advisory panel.
Sec. 607. Responsibilities of the Secretary.
Sec. 608. Rulemaking.
Sec. 609. Administrative matters.
Sec. 610. Enforcement.
Sec. 611. Authorization of appropriations.

SEC. 2. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 3. CHANGES IN FINDINGS AND DEFINITIONS.

(a) ECOSYSTEMS.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

''(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.''.

(b) IN GENERAL.—Section 3 (16 U.S.C. 1802) is amended—

(1) by inserting after paragraph (6) the following:

''(6A) The term 'confidential information' means—

''(A) trade secrets; or

''(B) commercial or financial information the disclosure of which is likely to result in substantial harm to the competitive position of the person who submitted the information to the Secretary.'';

(2) by inserting after paragraph (13) the following:

''(13A) The term 'regional fishery association' means an association formed for the mutual benefit of members—

''(A) to meet social and economic needs in a region or subregion; and

''(B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.'';

(3) by inserting after paragraph (20) the following:

''(20A) The term 'import'—

''(A) means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

''(B) does not include any activity described in subparagraph (A) with respect to fish caught in the exclusive economic zone or by a vessel of the United States.'';

(4) by inserting after paragraph (23) the following:

''(23A) The term 'limited access privilege'—

''(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish that may be received or held for exclusive use by a person; and

''(B) includes an individual fishing quota; but

''(C) does not include community development quotas as described in section 305(i).''; and

(5) by inserting after paragraph (27) the following:

''(27A) The term 'observer information' means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary, or collected as part of a cooperative research initiative, including fish harvest or processing observations, fish sampling or weighing data, vessel logbook data, vessel or processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.''.

(c) REDESIGNATION.—Paragraphs (1) through (45) of section 3 (16 U.S.C. 1802), as amended by subsection (a), are redesignated as paragraphs (1) thorough (50), respectively.

(d) CONFORMING AMENDMENTS.—

(1) The following provisions of the Act are amended by striking ''an individual fishing quota'' and inserting ''a limited access privilege'':

(A) Section 402(b)(1)(D) (16 U.S.C. 1881a(b)(1)(D)).

(B) Section 407(a)(1)(D) and (c)(1) (16 U.S.C. 1883(a)(1)(D); (c)(1)).

(2) The following provisions of the Act are amended by striking ''individual fishing quota'' and inserting ''limited access privilege'':

(A) Section 304(c)(3) (16 U.S.C. 1854(c)(3)).

(B) Section 304(d)(2)(A)(i) (16 U.S.C. 1854(d)(2)(A)(i)).

(C) Section 407(c)(2)(B) (16 U.S.C. 1883(c)(2)(B)).

(3) Section 305(h)(1) (16 U.S.C. 1855(h)(1)) is amended by striking ''individual fishing quotas,'' and inserting ''limited access privileges,''.

SEC. 4. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) TRADITIONAL PARTICIPATION.—For fisheries being managed under an international fisheries agreement to which the United States is a party, Council or Secretarial action, if any, shall reflect traditional participation in the fishery, relative to other Nations, by fishermen of the United States on fishing vessels of the United States.

''(c) PROMOTION OF STOCK MANAGEMENT.—If a relevant international fisheries organization does not have a process for developing a formal plan to rebuild a depleted stock, an overfished stock, or a stock that is approaching a condition of being overfished, the provisions of this Act in this regard shall be communicated to and promoted by the United States in the international or regional fisheries organization.''.

SEC. 5. TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.

Section 201(d) (16 U.S.C. 1821(d)) is amended—

(1) by striking ''shall be'' and inserting ''is'';

(2) by striking ''will not'' and inserting ''cannot, or will not,'';

(3) by inserting after ''Act.'' the following: ''Allocations of the total allowable level of foreign fishing are discretionary, except that the total allowable level shall be zero for fisheries determined by the Secretary to have adequate or excess harvest capacity.''

SEC. 6. WESTERN PACIFIC SUSTAINABLE FISHERIES FUND.

Section 204(e) (16 U.S.C. 1824(e)(7)) is amended—

(1) by inserting ''and any funds or contributions received in support of conservation and management objectives under a marine conservation plan'' after ''agreement'' in paragraph (7);

(2) by striking ''authority, after payment of direct costs of the enforcement action to all entities involved in such action,'' in paragraph (8); and

(3) by inserting after ''paragraph (4).'' in paragraph (8) the following: ''In the case of violations by foreign vessels occurring within the exclusive economic zones off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands, amounts received by the Secretary attributable to fines and penalties imposed under this Act, shall be deposited into the Western Pacific Sustainable Fisheries Fund established under paragraph (7) of this subsection.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended to read as follows:

''SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary to carry out the provisions of this Act—

''(1) $328,004,000 for fiscal year 2006; and

''(2) such sums as may be necessary for fiscal years 2007 through 2012.''.

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. CUMULATIVE IMPACTS.

(a) NATIONAL STANDARDS.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended by inserting ''by utilizing economic and social data and assessment methods based on the best economic and social information available,'' after ''fishing communities''.

(b) CONTENTS OF PLANS.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking ''describe the likely effects, if any, of the conservation and management measures on—'' and inserting ''analyze the likely effects, if any, including the cumulative economic and social impacts, of the conservation and management measures on, and possible mitigation measures for—''.

SEC. 102. CARIBBEAN COUNCIL JURISDICTION.

Section 302(a)(1)(D) (16 U.S.C. 1852(a)(1)(D)) is amended by inserting ''and of commonwealths, territories, and possessions of the United States in the Caribbean Sea'' after ''seaward of such States''.

SEC. 103. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) TRIBAL ALTERNATE ON PACIFIC COUNCIL.—Section 302(b)(5) (16 U.S.C. 1852(b)(5)) is amended by adding at the end thereof the following:

''(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.''.

(b) SCIENTIFIC AND STATISTICAL COMMITTEES.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by striking so much of subsection (g) as precedes paragraph (2) and inserting the following:

''(g) COMMITTEES AND ADVISORY PANELS.—

''(1)(A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

''(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch or maximum sustainable yield, and reports on stock status and health, bycatch, habitat status, socio-economic impacts of management measures, and sustainability of fishing practices.

''(C) Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts with strong scientific or technical credentials and experience.

''(D) The Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106–554—Appendix C; 114 Stat. 2763A–153).

''(E) In addition to the provisions of section 302(f)(7), the Secretary may pay a stipend to members of the scientific and statistical committees or advisory panels who are not employed by the Federal government or a State marine fisheries agency.'';

(2) by striking ''other'' in paragraph (2); and

(3) by resetting the left margin of paragraphs (2) through (5) 2 ems from the left.

(c) COUNCIL FUNCTIONS.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking ''authority, and'' in paragraph (5) and inserting ''authority;'';

(2) by redesignating paragraph (6) as paragraph (7); and

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

''(6) adopt annual catch limits for each of its managed fisheries after considering the recommendations of its scientific and statistical committee or the peer review process established under subsection (g); and''.

(d) REGULAR AND EMERGENCY MEETINGS.—The first sentence of section 302(i)(2)(C) (16 U.S.C. 1852(i)(2)(C)) is amended—

(1) by striking ''published in local newspapers'' and inserting ''provided by any means that will result in wide publicity (except that e-mail notification and website postings alone are not sufficient)''; and

(2) by striking ''fishery) and such notice may be given by such other means as will result in wide publicity.'' and inserting ''fishery).''.

(e) CLOSED MEETINGS.—Section 302(i)(3)(B) (16 U.S.C. 1852(i)(3)(B)) is amended by striking ''notify local newspapers'' and inserting ''provide notice by any means that will result in wide publicity''.

(f) TRAINING.—Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

''(k) COUNCIL TRAINING PROGRAM.—

''(1) TRAINING COURSE.—Within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members. The course may cover a variety of topics relevant to matters before the Councils, including—

''(A) fishery science and basic stock assessment methods;

''(B) fishery management techniques, data needs, and Council procedures;

''(C) social science and fishery economics;

''(D) tribal treaty rights and native customs, access, and other rights related to Western Pacific indigenous communities;

''(E) legal requirements of this Act, including conflict of interest and disclosure provisions of this section and related policies;

''(F) other relevant legal and regulatory requirements, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

''(G) public process for development of fishery management plans; and

''(H) other topics suggested by the Council.

''(2) MEMBER TRAINING.—The training course shall be available to both new and existing Council members, and may be made available to committee or advisory panel members as resources allow.

''(l) COUNCIL COORDINATION COMMITTEE.—The Councils may establish a Council coordination committee consisting of the chairs, vice chairs, and executive directors of each of the 8 Councils described in subsection (a)(1), or other Council members or staff, in order to discuss issues of relevance to all Councils, including issues related to the implementation of this Act.''.

(g) PROCEDURAL MATTERS.—Section 302(i) (16 U.S.C. 1852(i)) is amended—

(1) by striking ''to the Councils or to the scientific and statistical committees or advisory panels established under subsection (g).'' in paragraph (1) and inserting ''to the Councils, the Council coordination committee established under subsection (l), or to the scientific and statistical committees or other committees or advisory panels established under subsection (g).'';

(2) by striking ''of a Council, and of the scientific and statistical committee and advisory panels established under subsection (g):'' in paragraph (2) and inserting ''of a Council, of the Council coordination committee established under subsection (l), and of the scientific and statistical committees or other committees or advisory panels established under subsection (g):''; and

(3) by inserting ''the Council Coordination Committee established under subsection (1),'' in paragraph (3)(A) after ''Council,''; and

(4) by inserting ''other committee,'' in paragraph (3)(A) after ''committee,''.

(h) CONFLICTS OF INTEREST.—Section 302(j) (16 U.S.C. 1852(j)) is amended—

(1) by inserting ''lobbying, advocacy,'' after ''processing,'' in paragraph (2);

(2) by striking ''jurisdiction.'' in paragraph (2) and inserting ''jurisdiction, or with respect to any other individual or organization with a financial interest in such activity.'';

(3) by striking subparagraph (B) of paragraph (5) and inserting the following:

''(B) be kept on file by the Council and made available on the Internet and for public inspection at the Council offices during reasonable times; and''; and

(4) by adding at the end the following:

''(9) On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection.''.

(i) GULF OF MEXICO FISHERIES MANAGEMENT COUNCIL.—Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D)(i) The Secretary shall appoint to the Gulf of Mexico Fisheries Management Council—

''(I) 5 representatives of the commercial fishing sector;

''(II) 5 representatives of the recreational fishing and charter fishing sectors; and

''(III) 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

''(ii) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

''(I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and

''(II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

''(iii) If the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (ii), the Secretary shall—

''(I) publish a notice in the Federal Register asking the residents of that State to submit the

names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and

''(II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.

''(iv) For purposes of clause (ii), an individual who owns or operates a fish farm outside of the Unites States shall not be considered to be a representative of the commercial fishing sector.''.

(j) REPORT AND RECOMMENDATIONS ON GULF COUNCIL AMENDMENT.—

(1) IN GENERAL.—Before August, 2011, the Secretary of Commerce, in consultation with the Gulf of Mexico Fisheries Management Council, shall analyze the impact of the amendment made by subsection (i) and determine whether section 302(b)(2)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)(2)(D)) has resulted in a fair and balanced apportionment of the active participants in the commercial and recreational fisheries under the jurisdiction of the Council.

(2) REPORT.—By no later than August, 2011, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources setting forth the Secretary's findings and determination, including any recommendations for legislative or other changes that may be necessary to achieve such a fair and balanced apportionment, including whether to renew the authority.

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

(a) IN GENERAL.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) striking ''and charter fishing'' in paragraph (5) and inserting ''charter fishing, and fish processing'';

(2) by inserting ''economic information necessary to meet the requirements of this Act,'' in paragraph (5) after ''number of hauls,'';

(3) by striking ''fishery'' the first place it appears in paragraph (13) and inserting ''fishery, including their economic impact,'';

(4) by striking ''and'' after the semicolon in paragraph (13);

(5) by striking ''allocate'' in paragraph (14) and inserting ''allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,'';

(6) by striking ''fishery.'' in paragraph (14) and inserting ''fishery; and''; and

(7) by adding at the end the following:

''(15) provide a mechanism for specifying annual catch limits in the plan (including a multiyear plan), the implementing regulations, or the annual specifications that shall be established by the Council or Secretary based on the best scientific information available at a level that does not exceed optimum yield, and, for purposes of which harvests exceeding the specified annual catch limit (including the specified annual catch limit for a sector) shall either be deducted from the following year's annual catch limit (including the annual catch limit for that sector), or by adjusting other management measures and input controls such that the fishing mortality rate for the following year is reduced to account for the overage to achieve the overfishing and rebuilding objectives of the plan for that sector.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(5) shall take effect 2 years after the date of enactment of this Act.

SEC. 105. FISHERY MANAGEMENT PLAN DISCRETIONARY PROVISIONS.

Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by inserting ''(A)'' after ''(2)'' in paragraph (2);

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

''(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

''(C) with respect to any closure of an area to all fisheries managed under this Act, ensure that such closure—

''(i) is based on the best scientific information available;

''(ii) includes criteria to assess the conservation benefit of the closed area;

''(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

''(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;'';

(2) by striking ''fishery;'' in paragraph (5) and inserting ''fishery and take into account the different circumstances affecting fisheries from different States and port, including distances to fishing grounds and proximity to time and area closures;'';

(3) by striking paragraph (6) and inserting the following:

''(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

''(A) the conservation requirements of this Act with respect to the fishery;

''(B) present participation in the fishery;

''(C) historical fishing practices in, and dependence on, the fishery;

''(D) the economics of the fishery;

''(E) the capability of fishing vessels used in the fishery to engage in other fisheries;

''(F) the cultural and social framework relevant to the fishery and any affected fishing communities;

''(G) the fair and equitable distribution of access privileges to a public resource; and

''(H) any other relevant considerations;'';

(4) by striking ''(other than economic data)'' in paragraph (7);

(5) by striking ''and'' after the semicolon in paragraph (11); and

(6) by redesignating paragraph (12) as paragraph (14) and inserting after paragraph (11) the following:

''(12) establish a process for complying with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) pursuant to section 304(h) of this Act;

''(13) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and''.

SEC. 106. LIMITED ACCESS PRIVILEGE PROGRAMS.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended—

(1) by striking section 303(d); and

(2) by inserting after section 303 the following:

''SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

''(a) IN GENERAL.—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

''(b) NO CREATION OF RIGHT, TITLE, OR INTEREST.—A limited access system, limited access privilege, quota share, or other authorization established, implemented, or managed under this Act—

''(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

''(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation for failure to comply with the terms of the plan or if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

''(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

''(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

''(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

''(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

''(1) IN GENERAL.—In addition to complying with the other requirements of this Act, any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

''(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding; and

''(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

''(C) promote—

''(i) the safety of human life at sea; and

''(ii) the conservation and management of the fishery;

''(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish;

''(E) require that all fish harvested under a limited access privilege program be processed by vessels of the United States, in United States waters, or on United States soil (including any territory of the United States).

''(F) specify the goals of the program;

''(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the establishment of the program and every 5 years thereafter;

''(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers;

''(I) include an appeals process for administrative review of determinations with respect to the Secretary's decisions regarding administration of the limited access privilege program;

''(J) provide for the establishment by the Secretary, in consultation with the Department of Justice and the Federal Trade Commission, for an information collection and review process to provide any additional information needed by the Department of Justice and the Federal Trade Commission to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

''(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

''(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

''(A) the fishery has historically processed the fish outside of the United States; and

''(B) the United States has a seafood safety equivalency agreement with the country where processing will occur (or other assurance that

seafood safety procedures to be used in such processing are equivalent or superior to the applicable United States seafood safety standards).

''(3) FISHING COMMUNITIES.—

''(A) IN GENERAL.—

''(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

''(I) be located within the management area of the relevant Council;

''(II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

''(III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and

''(IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of fishing communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

''(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny limited access privileges granted under this section for any person who fails to comply with the requirements of the plan.

''(B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—

''(i) traditional fishing or processing practices in, and dependence on, the fishery;

''(ii) the cultural and social framework relevant to the fishery;

''(iii) economic barriers to access to fishery;

''(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

''(v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and

''(vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

''(4) REGIONAL FISHERY ASSOCIATIONS.—

''(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

''(i) be located within the management area of the relevant Council;

''(ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

''(iii) be a voluntary association with established by-laws and operating procedures consisting of participants in the fishery, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities; and

''(iv) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

''(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny limited access privileges granted under this section for any person who fails to comply with the requirements of the plan.

''(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

''(i) traditional fishing or processing practices in, and dependence on, the fishery;

''(ii) the cultural and social framework relevant to the fishery;

''(iii) economic barriers to access to fishery;

''(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion, upon the administrative and fiduciary soundness of the association and its by-laws; and

''(v) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

''(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

''(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

''(i) current and historical harvests;

''(ii) employment in the harvesting and processing sectors;

''(iii) investments in, and dependence upon, the fishery; and

''(iv) the current and historical participation of fishing communities;

''(B) to the extent practicable, consider the basic cultural and social framework of the fishery, especially through the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements;

''(C) include measures to assist, when necessary and appropriate, entry-level and small vessel operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges and, where appropriate, recommending the provision of economic assistance in the purchase of limited access privileges to harvest fish;

''(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

''(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquired, or use; and

''(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges;

''(E) establish procedures to address geographic or other consolidation in both the harvesting and processing sectors of the fishery; and

''(F) authorize limited access privileges to harvest fish to be held, acquired, or used by or issued under the system to persons who substantially participate in the fishery, as specified by the Council, including, as appropriate, fishing vessel owners, vessel captains, vessel crew members, fishing communities, and regional fishery associations.

''(6) PROGRAM INITIATION.—

''(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

''(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

''(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

''(D) NEW ENGLAND AND GULF REFERENDUM.—

''(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than ⅔ of those voting in a referendum among eligible permit holders with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

''(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

''(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

''(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

''(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

''(A) establish a policy on the transferability of limited access privilege shares (through sale or lease), including a policy on any conditions that apply to the transferability of limited access privilege shares that is consistent with the policies adopted by the Council for the fishery under paragraph (3); and

''(B) establish criteria for the approval and monitoring of transfers (including sales and leases) of limited access privilege shares.

''(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(g).

''(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

''(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council may consider, and provide for, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

''(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of subsection (c)(3)(A); and

''(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

''(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

''(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

''(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

''(f) LIMITED DURATION.—In establishing a limited access privilege program after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, a Council may establish—

''(1) a set term after which any initial or subsequent allocation of a limited access privilege shall expire;

''(2) different set terms within a fishery if the Council determines that variation of terms will further management goals; and

''(3) a mechanism under which participants in and entrants to the program may acquire or reacquire allocations.

''(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

''(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)), to issue obligations that aid in financing—

''(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

''(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

''(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

''(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, shall be construed to require a reallocation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation, under development or submitted by a Council or approved by the Secretary or by Congressional action before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005.''.

(b) FEES.—Section 304(d)(2)(A) (16 U.S.C. 1854(d)(2)(A)) is amended by striking ''management and enforcement'' and inserting ''management, data collection, and enforcement''.

(c) INVESTMENT IN UNITED STATES SEAFOOD PROCESSING FACILITIES.—The Secretary of Commerce shall work with the Small Business Administration and other Federal agencies to develop financial and other mechanisms to encourage United States investment in seafood processing facilities in the United States for fisheries that lack capacity needed to process fish harvested by United States vessels in compliance with the Magnuson—Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(d) CONFORMING AMENDMENT.—Section 304(d)(2)(C)(i) (16 U.S.C. 1854(d)(2)(C)(i)) is amended by striking ''section 305(h)(5)(B)'' and all that follows and inserting ''section 305(h)(5)(B).''.

(e) APPLICATION WITH AMERICAN FISHERIES ACT.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a), shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

SEC. 107. ENVIRONMENTAL REVIEW PROCESS.

Section 304 (16 U.S.C. 1854) is amended by adding at the end the following:

''(i) ENVIRONMENTAL REVIEW PROCESS.—

''(1) PROCEDURES.—The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). The procedures shall—

''(A) conform to the time lines for review and approval of fishery management plans and plan amendments under this section; and

''(B) integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

''(2) USAGE.—The updated agency procedures promulgated in accordance with this section used by the Councils or the Secretary shall be the sole environmental impact assessment procedure for fishery management plans, amendments, regulations, or other actions taken or approved pursuant to this Act.

''(3) SCHEDULE FOR PROMULGATION OF FINAL PROCEDURES.—The Secretary shall—

''(A) propose revised procedures within 12 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005;

''(B) provide 90 days for public review and comments; and

''(C) promulgate final procedures no later than 18 months after the date of enactment of that Act.

''(4) PUBLIC PARTICIPATION.—The Secretary is authorized and directed, in cooperation with the Council on Environmental Quality and the Councils, to involve the affected public in the development of revised procedures, including workshops or other appropriate means of public involvement.''.

SEC. 108. EMERGENCY REGULATIONS.

(a) LENGTHENING OF SECOND EMERGENCY PERIOD.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is amended by striking ''180 days,'' and inserting ''186 days,''.

(b) TECHNICAL AMENDMENT.—Section 305(c)(3)(D) (16 U.S.C. 1855(c)(3)(D)) is amended by inserting ''or interim measures'' after ''emergency regulations''.

SEC. 109. WESTERN PACIFIC COMMUNITY DEVELOPMENT.

Section 305 (16 U.S.C. 1855) is amended by adding at the end thereof the following:

''(j) WESTERN PACIFIC REGIONAL MARINE EDUCATION AND TRAINING.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program for regionally-based marine education and training programs in the Western Pacific to foster understanding, practical use of knowledge (including native Hawaiian and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific Regional Fishery Management Council, regional educational institutions, and local Western Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians and other underrepresented groups in the region.

''(2) PROGRAM COMPONENTS.—The program shall—

''(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management, marine science, marine technology, and maritime operations;

''(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

''(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii and the Western Pacific;

''(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western and Central Pacific;

''(E) develop means by which local and traditional knowledge (including Pacific islander and Native Hawaiian knowledge) can enhance science-based management of fishery resources of the region; and

''(F) develop partnerships with other Western Pacific Island agencies, academic institutions, and other entities to meet the purposes of this section.''.

SEC. 110. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

Section 305(i)(1) (16 U.S.C. 1855(i)(1)) is amended—

(1) by striking ''To'' in subparagraph (B) and inserting ''Except as provided in subparagraph (E), to''; and

(2) by adding at the end the following:

''(E) A community shall be eligible to participate in the western Alaska community development quota program under subparagraph (A) if the community was—

''(i) listed in table 7 to part 679 of title 50, Code of Federal Regulations, as in effect on January 1, 2004; or

''(ii) approved by the National Marine Fisheries Service on April 19, 1999.''.

SEC. 111. SECRETARIAL ACTION ON STATE GROUNDFISH FISHING.

Section 305 (16 U.S.C. 1855), as amended by section 109, is further amended by adding at the end thereof the following:

''(k) MULTISPECIES GROUNDFISH.—Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary of Commerce shall determine whether fishing in State waters without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan. If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency.''.

SEC. 112. JOINT ENFORCEMENT AGREEMENTS.

(a) IN GENERAL.—Section 311 (16 U.S.C. 1861) is amended—

(1) by striking ''and'' after the semicolon in subsection (b)(1)(A)(iv);

(2) by inserting ''and'' after the semicolon in subsection (b)(1)(A)(v);

(3) by inserting after clause (v) of subsection (b)(1)(A) the following:

''(vi) access, directly or indirectly, for enforcement purposes any data or information required to be provided under this title or regulations under this title, including data from Global Maritime Distress and Safety Systems, vessel monitoring systems, or any similar system, subject to the confidentiality provisions of section 402;'';

(4) by redesignating subsection (h) as subsection (j); and

(5) by inserting after subsection (g) the following:

''(h) JOINT ENFORCEMENT AGREEMENTS.—

''(1) IN GENERAL.—The Governor of an eligible State may apply to the Secretary for execution of a joint enforcement agreement with the Secretary that will authorize the deputization and funding of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary. Upon receiving an application meeting the requirements of this subsection, the Secretary may enter into a joint enforcement agreement with the requesting State.

''(2) ELIGIBLE STATE.—A State is eligible to participate in the cooperative enforcement agreements under this section if it is in, or bordering on, the Atlantic Ocean (including the Caribbean Sea), the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

''(3) REQUIREMENTS.—Joint enforcement agreements executed under paragraph (1)—

''(A) shall be consistent with the purposes and intent of this section to the extent applicable to the regulated activities;

''(B) may include specifications for joint management responsibilities as provided by the first section of Public Law 91–412 (15 U.S.C. 1525); and

''(C) shall provide for confidentiality of data and information submitted to the State under section 402.

''(4) ALLOCATION OF FUNDS.—The Secretary shall include in each joint enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be fairly distributed among all eligible States participating in cooperative enforcement agreements under this subsection, based upon consideration of Federal marine enforcement needs, the specific marine conservation enforcement needs of each participating eligible State, and the capacity of the State to undertake the marine enforcement mission and assist with enforcement needs. The agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.

''(i) IMPROVED DATA SHARING.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, as soon as practicable but no later than 21 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary shall implement data-sharing measures to make any data required to be provided by this Act from Global Maritime Distress and Safety Systems, vessel monitoring systems, or similar systems—

''(A) directly accessible by State enforcement officers authorized under subsection (a) of this section; and

''(B) available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.

''(2) AGREEMENT REQUIRED.—The Secretary shall promptly enter into an agreement with a State under section 402(b)(1)(B) of this Act if—

''(A) the Attorney General or highest ranking legal officer of the State provides a written opinion or certification that State law allows the State to maintain the confidentiality of information required by Federal law to be kept confidential; or

''(B) the Secretary is provided other reasonable assurance that the State can and will protect the identity or business of any person to which such information relates.''.

(b) REPORT ON USING GMDSS FOR FISHERY PURPOSES.—Within 15 months after the date of enactment of this Act, the National Marine Fisheries Service and the United States Coast Guard shall transmit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources containing—

(1) a cost-to-benefit analysis of the feasibility, value, and cost of using the Global Maritime Distress and Safety Systems, vessel monitoring systems, or similar systems for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system;

(2) an examination of the cumulative impact of existing requirements for commercial vessels;

(3) an examination of whether the Global Maritime Distress and Safety Systems or similar requirements would overlap existing requirements or render them redundant;

(4) an examination of how data integration from such systems could be addressed;

(5) an examination of how to maximize the data-sharing opportunities between relevant State and Federal agencies and provide specific information on how to develop these opportunities, including the provision of direct access to the Global Maritime Distress and Safety Systems or similar system data to State enforcement officers, while considering the need to maintain or provide an appropriate level of individual vessel confidentiality where practicable; and

(6) an assessment of how the Global Maritime Distress and Safety Systems or similar systems could be developed, purchased, and distributed to regulated vessels.

SEC. 113. TRANSITION TO SUSTAINABLE FISHERIES.

(a) IN GENERAL.—Section 312 (16 U.S.C. 1861a) is amended—

(1) by striking ''measures;'' in subsection (a)(1)(B) and inserting ''measures, including regulatory restrictions imposed to protect human health or the marine environment and judicially imposed harvest restrictions;'';

(2) by striking ''1996, 1997, 1998, and 1999.'' in subsection (a)(4) and inserting ''2006 through 2012.'';

(3) by striking ''or the Governor of a State for fisheries under State authority, may conduct a fishing'' in subsection (b)(1) and inserting ''the Governor of a State for fisheries under State authority, or a majority of permit holders in the fishery, may conduct a voluntary fishing'';

(4) by inserting ''practicable'' after ''entrants,'' in subsection (b)(1)(B)((i);

(5) by striking ''cost-effective and'' in subsection (b)(1)C) and inserting ''cost-effective and, in the instance of a program involving an industry fee system, prospectively'';

(6) by striking subparagraph (A) of subsection (b)(2) and inserting the following:

''(A) the owner of a fishing vessel, if the permit authorizing the participation of the vessel in the fishery is surrendered for permanent revocation and the vessel owner and permit holder relinquish any claim associated with the vessel or permit that could qualify such owner or holder for any present or future limited access system permit in the fishery for which the program is established and such vessel is (i) scrapped, or (ii) through the Secretary of the department in which the Coast Guard is operating, subjected to title restrictions (including loss of the vessel's fisheries endorsement) that permanently prohibit and effectively prevent its use in fishing in federal or state waters, or fishing on the high seas or in the waters of a foreign nation; or'';

(7) by striking ''The Secretary shall consult, as appropriate, with Councils,'' in subsection (b)(4) and inserting ''The harvester proponents of each program and the Secretary shall consult, as appropriate and practicable, with Councils,'';

(8) by striking ''Secretary, at the request of the appropriate Council,'' in subsection (d)(1)(A) and inserting ''Secretary'';

(9) by striking ''Secretary, in consultation with the Council,'' in subsection (d)(1)(A) and inserting ''Secretary'';

(10) by striking ''a two-thirds majority of the participants voting.'' in subsection (d)(1)(B) and inserting ''at least a majority of the permit holders in the fishery, or 50 percent of the permitted allocation of the fishery, who participated in the fishery.'';

(11) by striking ''establish;'' in subsection (d)(2)((C) and inserting ''establish, unless the Secretary determines that such fees should be collected from the seller;'' and

(12) striking subsection (e) and inserting the following:

''(e) IMPLEMENTATION PLAN.—

''(1) FRAMEWORK REGULATIONS.—The Secretary shall propose and adopt framework regulations applicable to the implementation of all programs under this section.

''(2) PROGRAM REGULATIONS.—The Secretary shall implement each program under this section by promulgating regulations that, together with the framework regulations, establish each program and control its implementation.

''(3) HARVESTER PROPONENTS' IMPLEMENTATION PLAN.—The Secretary may not propose implementation regulations for a program to be paid for by an industry fee system until the harvester proponents of the program provide to the Secretary a proposed implementation plan that, among other matters—

''(A) proposes the types and numbers of vessels or permits that are eligible to participate in the program and the manner in which the program shall proceed, taking into account—

''(i) the requirements of this section;

''(ii) the requirements of the framework regulations;

''(iii) the characteristics of the fishery;

''(iv) the requirements of the applicable fishery management plan and any amendment that such plan may require to support the proposed program;

''(v) the general needs and desires of harvesters in the fishery;

''(vi) the need to minimize program costs; and

''(vii) other matters, including the manner in which such proponents propose to fund the program to ensure its cost effectiveness, as well as any relevant factors demonstrating the potential for, or necessary to obtain, the support and general cooperation of a substantial number of affected harvesters in the fishery (or portion of the fishery) for which the program is intended; and

''(B) proposes procedures for program participation (such as submission of owner bids under an auction system or fair market-value assessment), including any terms and conditions for participation, that the harvester proponents deem to be reasonably necessary to meet the program's proposed objectives.

''(4) PARTICIPATION CONTRACTS.—The Secretary shall contract with each person participating in a program, and each such contract shall, in addition to including such other matters as the Secretary deems necessary and appropriate to effectively implement each program (including penalties for contract non-performance) be consistent with the framework and implementing regulations and all other applicable law.

''(5) REDUCTION AUCTIONS.—Each program not involving fair market assessment shall involve a

reduction auction that scores the reduction price of each bid offer by the data relevant to each bidder under an appropriate fisheries productivity factor. If the Secretary accepts bids, the Secretary shall accept responsive bids in the rank order of their bid scores, starting with the bid whose reduction price is the lowest percentage of the productivity factor, and successively accepting each additional responsive bid in rank order until either there are no more responsive bids or acceptance of the next bid would cause the total value of bids accepted to exceed the amount of funds available for the program.

''(6) BID INVITATIONS.—Each program shall proceed by the Secretary issuing invitations to bid setting out the terms and conditions for participation consistent with the framework and implementing regulations. Each bid that the Secretary receives in response to the invitation to bid shall constitute an irrevocable offer from the bidder.''.

(b) TECHNICAL AMENDMENT.—Sections 116, 203, 204, 205, and 206 of the Sustainable Fisheries Act are deemed to have added sections 312, 402, 403, 404, and 405, respectively to the Act as of the date of enactment of the Sustainable Fisheries Act.

SEC. 114. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

Title III (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

''SEC. 315. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

''(a) IN GENERAL.—When there is a catastrophic regional fishery disaster the Secretary may, upon the request of, and in consultation with, the Governors of affected States, establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by the disaster.

''(b) PROGRAM COMPONENTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the program shall provide funds or other economic assistance to affected entities, or to governmental entities for disbursement to affected entities, for—

''(A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure;

''(B) financial assistance and job training assistance for fishermen who wish to remain in a fishery in the region that may be temporarily closed as a result of environmental or other effects associated with the disaster;

''(C) funding, pursuant to the requirements of section 312(b), to fishermen who are willing to scrap a fishing vessel and permanently surrender permits for fisheries named on that vessel; and

''(D) any other activities authorized under section 312(a) of this Act or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).

''(2) JOB TRAINING.—Any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.

''(3) STATE PARTICIPATION OBLIGATION.—The participation by a State in the program shall be conditioned upon a commitment by the appropriate State entity to ensure that the relevant State fishery meets the requirements of section 312(b) of this Act to ensure excess capacity does not re-enter the fishery.

''(4) NO MATCHING REQUIRED.—The Secretary may waive the matching requirements of section 312 of this Act, section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107), and any other provision of law under which the Federal share of the cost of any activity is limited to less than 100 percent if the Secretary determines that—

''(A) no reasonable means are available through which applicants can meet the matching requirement; and

''(B) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the matching requirement.

''(5) NET REVENUE LIMIT INAPPLICABLE.—Section 308(d)(3) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(d)(3)) shall not apply to assistance under this section.

''(c) REGIONAL IMPACT EVALUATION.—Within 2 months after a catastrophic regional fishery disaster the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region's fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of foreign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.

''(d) CATASTROPHIC REGIONAL FISHERY DISASTER DEFINED.—In this section the term 'catastrophic regional fishery disaster' means a natural disaster, including a hurricane or tsunami, or a judicial or regulatory closure to protect human health or the marine environment, that—

''(1) results in economic losses to coastal or fishing communities;

''(2) affects more than 1 State or a major fishery managed by a Council or interstate fishery commission; and

''(3) is determined by the Secretary to be a commercial fishery failure under section 312(a) of this Act or a fishery resource disaster or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).''.

SEC. 115. FISHERY FINANCE PROGRAM HURRICANE ASSISTANCE.

(a) LOAN ASSISTANCE.—Subject to availability of appropriations, the Secretary of Commerce shall provide assistance to eligible holders of fishery finance program loans and allocate such assistance among eligible holders based upon their outstanding principal balances as of December 2, 2005, for any of the following purposes:

(1) To defer principal payments on the debt for 1 year and re-amortize the debt over the remaining term of the loan.

(2) To allow for an extension of the term of the loan for up to 1 year beyond the remaining term of the loan, or September 30, 2013, whichever is later.

(3) To pay the interest costs for such loans over fiscal years 2006 through 2012, not to exceed amounts authorized under subsection (d).

(4) To provide opportunities for loan forgiveness, as specified in subsection (c).

(b) LOAN FORGIVENESS.—

(1) IN GENERAL.—Upon application made by an eligible holder of a fishery finance program loan, made at such time, in such manner, and containing such information as the Secretary may require, the Secretary, on a calendar year basis beginning in 2005, may—

(A) offset against the outstanding balance on the loan an amount equal to the sum of the amounts expended by the holder during the calendar year to repair or replace covered vessels or facilities, or to invest in new fisheries infrastructure within or for use within the declared fisheries disaster area; or

(B) cancel the amount of debt equal to 100 hundred percent of actual expenditures on eligible repairs, reinvestment, expansion, or new investment in fisheries infrastructure in the disaster region, or repairs to, or replacement of, eligible fishing vessels.

(c) DEFINITIONS.—In this section:

(1) DECLARED FISHERIES DISASTER AREA.—The term ''declared fisheries disaster area'' means fisheries located in the major disaster area designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita.

(2) ELIGIBLE HOLDER.—The term ''eligible holder'' means the holder of a fishery finance program loan if—

(A) that loan is used to guarantee or finance any fishing vessel or fish processing facility home-ported or located within the declared fisheries disaster area; and

(B) the holder makes expenditures to repair or replace such covered vessels or facilities, or invests in new fisheries infrastructure within or for use within the declared fisheries disaster area, to restore such facilities following the disaster.

(3) FISHERY FINANCE PROGRAM LOAN.—The term ''fishery finance program loan'' means a loan made or guaranteed under the fishery finance program under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq,).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the purposes of this section not more than $15,000,000 for each eligible holder for the period beginning with fiscal year 2006 through fiscal year 2012.

SEC. 116. SHRIMP FISHERIES HURRICANE ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall establish an assistance program for the Gulf of Mexico shrimp fishing industry.

(b) ALLOCATION OF FUNDS.—Under the program, the Secretary shall allocate funds appropriated to carry out the program among the States of Alabama, Louisiana, Florida, Mississippi, and Texas in proportion to the percentage of the shrimp catch landed by each State, except that the amount allocated to Florida shall be based exclusively on the proportion of such catch landed by the Florida Gulf Coast fishery.

(c) USE OF FUNDS.—Of the amounts made available to each State under the program—

(1) 2 percent shall be retained by the State to be used for the distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations; and

(2) the remainder of the amounts shall be used for—

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

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

(C) domestic product marketing and seafood promotion;

(D) State seafood testing programs;

(E) the development of limited entry programs for the fishery;

(F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and

(G) voluntary capacity reduction programs for shrimp fisheries under limited access programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $17,500,000 for fiscal years 2006 through 2011 to carry out this section.

SEC. 117. BYCATCH REDUCTION ENGINEERING PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 114 of this Act, is further amended by adding at the end the following:

''SEC. 316. BYCATCH REDUCTION ENGINEERING PROGRAM.

''(a) BYCATCH REDUCTION ENGINEERING PROGRAM.—Not later than 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program to develop technological devices and other conservation engineering changes designed to

minimize bycatch, seabird bycatch, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

''(1) be regionally based;

''(2) be coordinated with projects conducted under the cooperative research and management program established under this Act;

''(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

''(4) provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the program in Council actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

''(b) INCENTIVES.—Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird bycatch amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction, including—

''(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

''(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird bycatch rates; and

''(3) measures that, based on the best scientific information available, will reduce bycatch and seabird bycatch, bycatch mortality, post-release mortality, or regulatory discards in the fishery.''.

SEC. 118. COMMUNITY-BASED RESTORATION PROGRAM FOR FISHERY AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary of Commerce shall establish a community-based fishery and coastal habitat restoration program to implement and support the restoration of fishery and coastal habitats.

(b) AUTHORIZED ACTIVITIES.—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to fishery and coastal communities to assist them in restoring fishery and coastal habitat;

(2) advance the science and monitoring of coastal habitat restoration;

(3) transfer restoration technologies to the private sector, the public, and other governmental agencies;

(4) develop public-private partnerships to accomplish sound coastal restoration projects;

(5) promote significant community support and volunteer participation in fishery and coastal habitat restoration;

(6) promote stewardship of fishery and coastal habitats; and

(7) leverage resources through national, regional, and local public-private partnerships.

SEC. 119. PROHIBITED ACTS.

Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (O);

(2) by striking ''carcass.'' in subparagraph (P) and inserting ''carcass;''; and

(3) by inserting after subparagraph (P) and before the last sentence the following:

''(Q) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish taken, possessed, transported, or sold in violation of any foreign law or regulation; or

''(R) to use any fishing vessel to engage in fishing in Federal or State waters, or on the high seas or the waters of another country, after the Secretary has made a payment to the owner of that fishing vessel under section 312(b)(2).''.

SEC. 120. ENFORCEMENT.

(a) CIVIL ENFORCEMENT.—Section 308 (16 U.S.C. 1858) is amended—

(1) by striking ''$100,000'' in subsection (a) and inserting ''$240,000'';

(2) by striking ''this section,'' in subsection (f) and inserting ''this Act (or any other marine resource law enforced by the Secretary),'';

(3) by inserting ''a permit, or any interest in a permit,'' in subsection (g)(3) after ''vessel,'' each place it appears;

(4) by striking ''the vessel'' in subsection (g)(3) and inserting ''the vessel, permit, or interest'';

(5) by inserting ''or any amount in settlement of a civil forfeiture,'' after ''criminal fine,'' in subsection (g)(4); and

(6) by striking ''penalty or fine'' in subsection (g)(4) and inserting ''penalty, fine, or settlement amount''.

(b) CRIMINAL PENALTIES.—Section 309 (16 U.S.C. 1859) is amended to read as follows:

''SEC. 309. CRIMINAL PENALTIES.

''(a) FINES AND IMPRISONMENT.—

''(1) IN GENERAL.—Any person (other than a foreign government or entity thereof) who knowingly violates subparagraph (D), (E), (F), (H), (I), or (L) of paragraph (1) of section 307, or paragraph (2) of section 307, shall be imprisoned for not more than 5 years and fined—

''(A) not more than $500,000 if such person is an individual; or

''(B) not more than $1,000,000 if such person is a corporation or other legal entity other than an individual.

''(2) AGGRAVATED OFFENSES.—Notwithstanding paragraph (1), the maximum term of imprisonment shall be for not more than 10 years if—

''(A) the violator is an individual; and

''(B) in the commission of a violation described in paragraph (1), that individual—

''(A) used a dangerous weapon;

''(B) engaged in conduct that caused bodily injury to any observer described in section 307, any officer authorized to enforce the provisions of this Act under section 311, or any Council member or staff; or

''(C) placed any such observer, officer, Council member, or staff in fear of imminent bodily injury.

''(b) OTHER VIOLATIONS.—Any person (other than a foreign government or entity thereof) who knowingly violates any other provision of section 307 shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

''(c) JURISDICTION.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action arising under this Act.

''(2) VENUE.—For purposes of this Act—

''(A) each violation of this Act shall constitute a separate offense and the offense shall be deemed to have been committed not only in the district where it first occurred, but also in any other district as authorized by law;

''(B) any offense not committed within a judicial district of the United States is subject to the venue provisions of section 3238 of title 18, United States Code; and

''(C) American Samoa shall be included within the judicial district of the United States District Court for the District of Hawaii.''.

(c) CIVIL FORFEITURES.—Section 310(a) (16 U.S.C. 1860(a)) is amended—

(1) by striking ''(other than any act for which the issuance of a citation under section 311(a) is sufficient sanction)''; and

(2) by striking ''States.'' and inserting ''States, except that no fishing vessel shall be subject to forfeiture under this section as the result of any act for which the issuance of a citation under section 311(a) is sufficient sanction.''.

(d) ENFORCEMENT RESPONSIBILITY.—Section 311(a) (16 U.S.C. 1861(a)) is amended—

(1) by striking ''Act'' and inserting ''Act, and the provisions of any marine resource law administered by the Secretary,''; and

(2) by striking ''State agency,'' and inserting ''agency of any State, Territory, Commonwealth, or Tribe,''.

(e) POWERS OF AUTHORIZED OFFICERS.—Section 311(b) (16 U.S.C. 1861(b)) is amended by striking ''Federal or State''.

(f) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Section 311(e)(1)(B) (16 U.S.C. 1861(e)(1)(B)) is amended to read as follows:

''(B) a reward to any person who furnishes information which leads to an arrest, conviction, civil penalty assessment, or forfeiture of property for any violation of any provision of this Act or any other marine resource law enforced by the Secretary of up to the lesser of—

''(i) 20 percent of the penalty or fine collected; or

''(ii) $20,000;''.

TITLE II—INFORMATION AND RESEARCH

SEC. 201. RECREATIONAL FISHERIES INFORMATION.

Section 401 (16 U.S.C. 1881) is amended by striking subsection (g) and inserting the following:

''(g) RECREATIONAL FISHERIES.—

''(1) FEDERAL PROGRAM.—The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery management regions. The program shall provide for—

''(A) the registration (including identification and contact information) of individuals who engage in recreational fishing—

''(i) in the Exclusive Economic Zone;

''(ii) for anadromous species; or

''(iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

''(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

''(2) STATE PROGRAMS.—The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

''(3) DATA COLLECTION.—Within 24 months after the date of enactment of the Magnuson-Stevens Fishery conservation and Management Reauthorization Act of 2005, the Secretary shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery. Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include—

''(A) an adequate number of dockside interviews to accurately estimate recreational catch and effort;

''(B) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;

''(C) collection and analysis of vessel trip report data from charter fishing vessels; and

''(D) development of a weather corrective factor that can be applied to recreational catch and effort estimates.

''(4) REPORT.—Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.''.

SEC. 202. COLLECTION OF INFORMATION.

Section 402(a) (16 U.S.C. 1881a(a)) is amended—

(1) by striking ''(a) COUNCIL REQUESTS.—'' in the subsection heading and inserting ''(a) COLLECTION PROGRAMS.—'';

(2) by resetting the text following ''(a) COLLECTION PROGRAMS.—'' as a new paragraph 2 ems from the left margin;

(3) by inserting ''(1) COUNCIL REQUESTS.—'' before ''If a Council'';

(4) by striking ''subsection'' in the last sentence and inserting ''paragraph'';

(5) by striking ''(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)'' each place it appears; and

(6) by adding at the end the following:

''(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.''.

SEC. 203. ACCESS TO CERTAIN INFORMATION.

(a) IN GENERAL.—Section 402(b) (16 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3) and resetting it 2 ems from the left margin;

(2) by striking all preceding paragraph (3), as redesignated, and inserting the following:

''(b) CONFIDENTIALITY OF INFORMATION.—

''(1) Any information submitted to the Secretary, a state fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act that contains confidential information shall be confidential and shall be exempt from disclosure under section 552(h)(3) of title 5, United States Code, except—

''(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

''(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of confidential information relating to any person;

''(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

''(D) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

''(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

''(F) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

''(G) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

''(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (G) of paragraph (1), or—

''(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

''(B) when such information is necessary in proceedings to adjudicate observer certifications; or

''(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

''(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

''(ii) to validate the accuracy of the observer information collected.''; and

(3) by striking ''(1)(E).'' in paragraph (3), as redesignated, and inserting ''(2)(A).''.

(b) CONFORMING AMENDMENT.—Section 404(c)(4) (16 U.S.C. 1881c(c)(4)) is amended by striking ''under section 401''.

SEC. 204. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 115, is further amended by adding at the end the following:

''SEC. 317. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

''(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Councils, shall establish a cooperative research and management program to address needs identified under this Act and under any other marine resource laws enforced by the Secretary. The program shall be implemented on a regional basis and shall be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants, and educational institutions.

''(b) ELIGIBLE PROJECTS.—The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Councils in consultation with the Secretary. The program shall promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia for use in such projects.

''(c) FUNDING.—In making funds available the Secretary shall award funding on a competitive basis and based on regional fishery management needs, select programs that form part of a coherent program of research focused on solving priority issues identified by the Councils, and shall give priority to the following projects:

''(1) Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.

''(2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.

''(3) Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.

''(4) Projects for the identification of habitat areas of particular concern and for habitat conservation.

''(5) Projects designed to collect and compile economic and social data.

''(d) EXPERIMENTAL PERMITTING PROCESS.—Not later than 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

''(e) GUIDELINES.—The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

''(f) EXEMPTED PROJECTS.—The procedures of this section shall not apply to research funded by quota set-asides in a fishery.''.

SEC. 205. HERRING STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 204, is further amended by adding at the end the following:

''SEC. 318. HERRING STUDY.

''(a) IN GENERAL.—The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

''(b) REPORT.—The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.''.

SEC. 206. RESTORATION STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 205, is further amended by adding at the end the following:

''SEC. 319. RESTORATION STUDY.

''(a) IN GENERAL.—The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for fiscal year 2007 to conduct this study.''.

SEC. 207. WESTERN PACIFIC FISHERY DEMONSTRATION PROJECTS.

Section 111(b) of the Sustainable Fisheries Act (16 U.S.C. 1855 note) is amended—

(1) by striking ''and the Secretary of the Interior are'' in paragraph (1) and inserting ''is'';

(2) by striking ''not less than three and not more than five'' in paragraph (1); and

(3) by striking paragraph (6) and inserting the following:

''(6) In this subsection the term 'Western Pacific community' means a community eligible to participate under section 305(i)(2)(B)(i) through (iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(2)(B)(i) through (iv)).''.

SEC. 208. FISHERIES CONSERVATION AND MANAGEMENT FUND.

(a) IN GENERAL.—The Secretary shall establish and maintain a fund, to be known as the ''Fisheries Conservation and Management Fund'', which shall consist of amounts retained and deposited into the Fund under subsection (c).

(b) PURPOSES.—Subject to the allocation of funds described in subsection (d), amounts in the Fund shall be available to the Secretary of Commerce, without appropriation or fiscal year limitation, to disburse as described in subsection (e) for—

(1) efforts to improve fishery harvest data collection including—

(A) expanding the use of electronic catch reporting programs and technology; and

(B) improvement of monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as VMS on small vessels;

(2) cooperative fishery research and analysis, in collaboration with fishery participants, academic institutions, community residents, and other interested parties;

(3) development of methods or new technologies to improve the quality, health safety, and value of fish landed;

(4) conducting analysis of fish and seafood for health benefits and risks, including levels of contaminants and, where feasible, the source of such contaminants;

(5) marketing of sustainable United States fishery products, including consumer education regarding the health or other benefits of wild fishery products harvested by vessels of the United States; and

(6) providing financial assistance to fishermen to offset the costs of modifying fishing practices and gear to meet the requirements of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and other Federal laws in pari materia.

(c) DEPOSITS TO THE FUND.—

(1) QUOTA SET-ASIDES.—Any amount generated through quota set-asides established by a Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and designated by the Council for inclusion in the Fishery Conservation and Management Fund, may be deposited in the Fund.

(2) OTHER FUNDS.—In addition to amounts received under sections 311(e)(1)(G) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(e)(1)(G), and amounts received pursuant to paragraph (1) of this subsection, the Fishery Conservation and Management Fund may also receive funds from—

(A) appropriations for the purposes of this section; and

(B) States or other public sources or private or non-profit organizations for purposes of this section.

(d) REGIONAL ALLOCATION.—The Secretary shall, every 2 years, apportion monies from the Fund among the eight Council regions according to consensus recommendations of the Councils, based on regional priorities identified through the Council process, except that no region shall receive less than 5 percent of the Fund in each allocation period.

(e) LIMITATION ON THE USE OF THE FUND.—No amount made available from the Fund may be used to defray the costs of carrying out other requirements of this Act or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 209. USE OF FISHERY FINANCE PROGRAM AND CAPITAL CONSTRUCTION FUND FOR SUSTAINABLE PURPOSES.

(a) PURPOSE OF OBLIGATIONS.—Section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)) is amended to read as follows:

''(7) financing or refinancing including,

''(A) the reimbursement of obligors for expenditures previously made, for the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act;

''(B) activities that assist in the transition to reduced fishing capacity; or

''(C) technologies or upgrades designed to improve collection and reporting of fishery-dependent data, to reduce bycatch, to improve selectivity or reduce adverse impacts of fishing gear, or to improve safety.''.

(b) EXPANSION OF PURPOSES FOR QUALIFIED WITHDRAWALS.—Section 607(f)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)) is amended—

(1) by striking ''for:'' and inserting ''for—'';

(B) by striking ''vessel,'' in subparagraph (A) and inserting ''vessel;'';

(C) by striking ''vessel, or'' in subparagraph (B) and inserting ''vessel;'';

(D) by striking ''vessel.'' in subparagraph (C) and inserting ''vessel;''; and

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

''(D) in the case of any person for whose benefit the fund was established and who participates in the fishing capacity reduction program under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a)—

''(i) if such person remains in the fishery, the satisfaction of any debt obligation undertaken pursuant to such program; and

''(ii) if such person withdraws 1 or more vessels from the fishery, the substitution of amounts the person would otherwise receive under such program for such person's vessel or permit to engage in the fishery;

''(E) the repair, maintenance, or upgrade of an eligible vessel or its equipment for the purpose of—

''(i) making conservation engineering changes to reduce bycatch, improve selectivity of fishing gear, or reduce adverse impacts of fishing gear;

''(ii) improving vessel safety; or

''(iii) acquiring, installing, or upgrading equipment to improve collection, reporting, or accuracy of fishery data; or

''(F) the acquisition, construction, reconstruction, upgrading, or investment in shoreside fishery-related facilities or infrastructure in the United States for the purpose of promoting United States ownership of fishery-related facilities in the United States without contributing to overcapacity in the sector.''.

SEC. 210. REGIONAL ECOSYSTEM RESEARCH.

Section 406 (16 U.S.C. 1882) is amended by adding at the end the following:

''(f) REGIONAL ECOSYSTEM RESEARCH.—

''(1) STUDY.—Within 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary, in consultation with the Councils, shall undertake and complete a study on the state of the science for advancing the concepts and integration of ecosystem considerations in regional fishery management. The study should build upon the recommendations of the advisory panel and include—

''(A) recommendations for scientific data, information and technology requirements for understanding ecosystem processes, and methods for integrating such information from a variety of federal, state, and regional sources;

''(B) recommendations for processes for incorporating broad stake holder participation;

''(C) recommendations for processes to account for effects of environmental variation on fish stocks and fisheries; and

''(D) a description of existing and developing council efforts to implement ecosystem approaches, including lessons learned by the councils.

''(2) AGENCY TECHNICAL ADVICE AND ASSISTANCE, REGIONAL PILOT PROGRAMS.—The Secretary is authorized to provide necessary technical advice and assistance, including grants, to the Councils for the development and design of regional pilot programs that build upon the recommendations of the advisory panel and, when completed, the study.''.

SEC. 211. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

Title IV (16 U.S.C. 1881 et seq.) is amended by adding at the end the following:

''SEC. 408. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

''(a) IN GENERAL.—The Secretary, in consultation with appropriate regional fishery management councils and in coordination with other federal agencies and educational institutions, shall establish a program—

''(1) to identify existing research on, and known locations of, deep sea corals and submit such information to the appropriate Councils;

''(2) to locate and map locations of deep sea corals and submit such information to the Councils;

''(3) to monitor activity in locations where deep sea corals are known or likely to occur, based on best scientific information available, including through underwater or remote sensing technologies and submit such information to the appropriate Councils;

''(4) to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods;

''(5) to develop technologies or methods designed to assist fishing industry participants in reducing interactions between fishing gear and deep sea corals; and

''(6) to prioritize program activities in areas where deep sea corals are known to occur, and in areas where scientific modeling or other methods predict deep sea corals are likely to be present.

''(b) REPORTING.—Beginning 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify and monitor, and the Councils to protect, deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.''.

SEC. 212. IMPACT OF TURTLE EXCLUDER DEVICES ON SHRIMPING.

(a) IN GENERAL.—The Undersecretary of Commerce for Oceans and Atmosphere shall execute an agreement with the National Academy of Sciences to conduct, jointly, a multi-year, comprehensive in-water study designed—

(1) to measure accurately the efforts and effects of shrimp fishery efforts to utilize turtle excluder devices;

(2) to analyze the impact of those efforts on sea turtle mortality, including interaction between turtles and shrimp trawlers in the inshore, nearshore, and offshore waters of the Gulf of Mexico and similar geographical locations in the waters of the Southeastern United States; and

(3) to evaluate innovative technologies to increase shrimp retention in turtle excluder devices while ensuring the protection of endangered and threatened sea turtles.

(b) OBSERVERS.—In conducting the study, the Undersecretary shall ensure that observers are placed onboard commercial shrimp fishing vessels where appropriate or necessary.

(c) INTERIM REPORTS.—During the course of the study and until a final report is submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, the National Academy of Sciences shall transmit interim reports to the Committees biannually containing a summary of preliminary findings and conclusions from the study.

SEC. 213. HURRICANE EFFECTS ON SHRIMP AND OYSTER FISHERIES AND HABITATS.

(a) FISHERIES REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on—

(1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas;

(2) shrimp fishing vessels in those States; and

(3) the oyster industry in those States.

(b) HABITAT REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.

(c) HABITAT RESTORATION.—The Secretary shall carry out activities to restore fishery habitats, including the shrimp and oyster habitats in Louisiana and Mississippi.

TITLE III—OTHER FISHERIES STATUTES

SEC. 301. AMENDMENTS TO NORTHERN PACIFIC HALIBUT ACT.

(a) CIVIL PENALTIES.—Section 8(a) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f(a)) is amended—

(1) by striking ''$25,000'' and inserting ''$200,000'';

(2) by striking ''violation, the degree of culpability, and history of prior offenses, ability to pay,'' in the fifth sentence and inserting ''violator, the degree of culpability, any history of prior offenses,''; and

(3) by adding at the end the following: ''In assessing such penalty, the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay

if the information is provided to the Secretary at least 30 days prior to an administrative hearing.''.

(b) PERMIT SANCTIONS.—Section 8 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f) is amended by adding at the end the following:

''(e) REVOCATION OR SUSPENSION OF PERMIT.—

''(1) IN GENERAL.—The Secretary may take any action described in paragraph (2) in any case in which—

''(A) a vessel has been used in the commission of any act prohibited under section 7;

''(B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of section 7; or

''(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue.

''(2) PERMIT-RELATED ACTIONS.—Under the circumstances described in paragraph (1) the Secretary may—

''(A) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

''(B) suspend such permit for a period of time considered by the Secretary to be appropriate;

''(C) deny such permit; or

''(D) impose additional conditions and restrictions on any permit issued to or applied for by such vessel or person under this Act and, with respect to any foreign fishing vessel, on the approved application of the foreign nation involved and on any permit issued under that application.

''(3) FACTORS TO BE CONSIDERED.—In imposing a sanction under this subsection, the Secretary shall take into account—

''(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

''(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

''(4) TRANSFERS OF OWNERSHIP.—Transfer of ownership of a vessel, a permit, or any interest in a permit, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, permit, or interest in a permit, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel, permit, or interest at the time of the transfer.

''(5) REINSTATEMENT.—In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty, criminal fine, or any amount in settlement of a civil forfeiture, the Secretary shall reinstate the permit upon payment of the penalty, fine, or settlement amount and interest thereon at the prevailing rate.

''(6) HEARING.—No sanction shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed either in conjunction with a civil penalty proceeding under this section or otherwise.

''(7) PERMIT DEFINED.—In this subsection, the term 'permit' means any license, certificate, approval, registration, charter, membership, exemption, or other form of permission issued by the Commission or the Secretary, and includes any quota share or other transferable quota issued by the Secretary.''.

(c) CRIMINAL PENALTIES.—Section 9(b) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773g(b)) is amended—

(1) by striking ''$50,000'' and inserting ''$200,000''; and

(2) by striking ''$100,000,'' and inserting ''$400,000,''.

SEC. 302. REAUTHORIZATION OF OTHER FISHERIES ACTS.

(a) ATLANTIC STRIPED BASS CONSERVATION ACT.—Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 5156(a)) is amended to read as follows:

''(a) AUTHORIZATION.—For each of fiscal years 2006, 2007, 2008, 2009, and 2010, there are authorized to be appropriated to carry out this Act—

''(1) $1,000,000 to the Secretary of Commerce; and

''(2) $250,000 to the Secretary of the Interior.''.

(b) YUKON RIVER SALMON ACT OF 2000.—Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking ''$4,000,000 for each of fiscal years 2004 through 2008,'' and inserting ''$4,000,000 for each of fiscal years 2006 through 2010,''.

(c) SHARK FINNING PROHIBITION ACT.—Section 10 of the Shark Finning Prohibition Act (16 U.S.C. 1822 note) is amended by striking ''fiscal years 2001 through 2005'' and inserting ''fiscal years 2006 through 2010''.

(d) PACIFIC SALMON TREATY ACT.—

(1) TRANSFER OF SECTION TO ACT.—The text of section 623 of title VI of H.R. 3421 (113 Stat. 1501A–56), as introduced on November 17, 1999, and enacted into law by section 1000(a)(1) of the Act of November 29, 1999 (Public Law 106–113)—

(A) is transferred to the Pacific Salmon Treaty Act (16 U.S.C. 3631 et seq.) and inserted after section 15; and

(B) amended—

(i) by striking ''SEC. 623.''; and

(ii) inserting before ''(a) NORTHERN FUND AND SOUTHERN FUND.—'' the following:

''SEC. 16. NORTHERN AND SOUTHERN FUNDS; TREATY IMPLEMENTATION; ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.''.

(2) TECHNICAL CORRECTION.—The amendment made by the Department of Commerce and Related Agencies Appropriations Act, 2005 under the heading ''PACIFIC COASTAL SALMON RECOVERY'' (118 Stat. 2881), to section 628(2)(A) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 is deemed to have been made to section 623(d)(2)(A) of title VI of H.R. 3421 (113 Stat. 1501A–56), as introduced on November 17, 1999, enacted into law by section 1000(a)(1) of the Act of November 29, 1999 (Public Law 106–113) instead of to such section 628(2)(A), as of the date of enactment of the Department of Commerce and Related Agencies Appropriations Act, 2005.

(3) REAUTHORIZATION.—Section 16(d)(2)(A) of the Pacific Salmon Treaty Act, as transferred by subsection (a), is amended—

(1) by inserting ''sustainable salmon fisheries,'' after ''enhancement,''; and

(2) by inserting ''2006, 2007, 2008, and 2009,'' after ''2005,''.

(e) STATE AUTHORITY FOR DUNGENESS CRAB FISHERY MANAGEMENT.—Section 203 of Public Law 105–384 (16 U.S.C. 1856 note) is amended—

(1) by striking ''September 30, 2006.'' in subsection (i) and inserting ''September 30, 2016.'';

(2) by striking ''health'' in subsection (j) and inserting ''status''; and

(3) by striking ''California.'' in subsection (j) and inserting ''California, including—

''(1) stock status and trends throughout its range;

''(2) a description of applicable research and scientific review processes used to determine stock status and trends; and

''(3) measures implemented or planned that are designed to prevent or end overfishing in the fishery.''.

TITLE IV—INTERNATIONAL

SEC. 401. INTERNATIONAL MONITORING AND COMPLIANCE.

Title II (16 U.S.C. 1821 et seq.) is amended by adding at the end the following:

''SEC. 207. INTERNATIONAL MONITORING AND COMPLIANCE.

''(a) IN GENERAL.—The Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and to implement the requirements of this title.

''(b) SPECIFIC AUTHORITIES.—In carrying out subsection (a), the Secretary may—

''(1) share information on harvesting and processing capacity and illegal, unreported and unregulated fishing on the high seas, in areas covered by international fishery management agreements, and by vessels of other nations within the United States exclusive economic zone, with relevant law enforcement organizations of foreign nations and relevant international organizations;

''(2) further develop real time information sharing capabilities, particularly on harvesting and processing capacity and illegal, unreported and unregulated fishing;

''(3) participate in global and regional efforts to build an international network for monitoring, control, and surveillance of high seas fishing and fishing under regional or global agreements;

''(4) support efforts to create an international registry or database of fishing vessels, including by building on or enhancing registries developed by international fishery management organizations;

''(5) enhance enforcement capabilities through the application of commercial or governmental remote sensing technology to locate or identify vessels engaged in illegal, unreported, or unregulated fishing on the high seas, including encroachments into the exclusive economic zone by fishing vessels of other nations;

''(6) provide technical or other assistance to developing countries to improve their monitoring, control, and surveillance capabilities; and

''(7) support coordinated international efforts to ensure that all large-scale fishing vessels operating on the high seas are required by their flag State to be fitted with vessel monitoring systems no later than December 31, 2008, or earlier if so decided by the relevant flag State or any relevant international fishery management organization.''.

SEC. 402. FINDING WITH RESPECT TO ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

Section 2(a) (16 U.S.C. 1801(a)), as amended by section 3 of this Act, is further amended by adding at the end the following:

''(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.''.

SEC. 403. ACTION TO END ILLEGAL, UNREPORTED, OR UNREGULATED FISHING AND REDUCE BYCATCH OF PROTECTED MARINE SPECIES.

(a) IN GENERAL.—Title VI of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.), is amended by adding at the end the following:

''SEC. 607. BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.

''The Secretary, in consultation with the Secretary of State, shall provide to Congress, by not later than 2 years after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, and every 2 years thereafter, a report that includes—

''(1) the state of knowledge on the status of international living marine resources, including a list of all fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management or conservation of living marine resources;

''(2) a list of nations whose vessels have been identified under sections 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to section 609 or 610;

''(3) a description of efforts taken by nations on those lists to comply with the provisions of sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the United States to implement those sections and to improve international compliance;

''(4) progress at the international level, pursuant to section 608, to strengthen the efforts of international fishery management organizations to end illegal, unreported, or unregulated fishing; and

''(5) a plan of action for ensuring the conclusion and entry into force of international measures comparable to those of the United States to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.

''SEC. 608. ACTION TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.

''The Secretary, in consultation with the Secretary of State, and in cooperation with relevant fishery management councils, shall take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks under their jurisdiction. These actions shall include—

''(1) urging international fishery management organizations to which the United States is a member—

''(A) to incorporate multilateral sanctions against member or nonmember governments whose vessels engage in illegal, unreported, or unregulated fishing;

''(B) to seek adoption of lists that identify fishing vessels engaged in illegal, unreported, or unregulated fishing, including authorized (green) and unauthorized (red) vessel lists, that can be shared among all members and other international fishery management organizations;

''(C) to seek international adoption of a centralized vessel monitoring system with an independent secretariat in order to monitor and document capacity in fleets of all nations involved in fishing in areas under the an international fishery management organization's jurisdiction;

''(D) to increase use of observers and technologies needed to monitor compliance with conservation and management measures established by the organization, including vessel monitoring systems and automatic identification systems; and

''(E) to seek adoption of greater port state controls in all nations, particularly those nations whose vessels engage in illegal, unreported, or unregulated fishing;

''(2) urging international fishery management organizations to which the United States is a member, as well as all members of those organizations, to adopt and expand the use of market-related measures to combat illegal, unreported, or unregulated fishing, including—

''(A) import prohibitions, landing restrictions, or other market-based measures needed to enforce compliance with international fishery management organization measures, such as quotas and catch limits;

''(B) import restrictions or other market-based measures to prevent the trade or importation of fish caught by vessels identified multilaterally as engaging in illegal, unreported, or unregulated fishing; and

''(C) catch documentation and certification schemes to improve tracking and identification of catch of vessels engaged in illegal, unreported, or unregulated fishing, including advance transmission of catch documents to ports of entry; and

''(3) urging other nations at bilateral, regional, and international levels, including the Convention on International Trade in Endangered Species of Fauna and Flora and the World Trade Organization to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources harvested by vessels engaged in illegal, unreported, or unregulated fishing from being traded or imported into their nation or territories.

''SEC. 609. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

''(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if—

''(1) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in illegal, unreported, or unregulated fishing; and

''(2) the relevant international fishery management organization has failed to implement effective measures to end the illegal unreported, or unregulated fishing activity by vessels of that nation or the nation is not a party to, or does not maintain cooperating status with, such organization, or where no international fishery management organization exists.

''(b) NOTIFICATION.—An identification under subsection (a) or section 610(a) is deemed to be an identification under section 101(b)(1)(A) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)(1)(A)), and the Secretary shall notify the President and that nation of such identification.

''(c) CONSULTATION.—No later than 60 days after submitting a report to Congress under section 607, the Secretary, in consultation with the Secretary of State, shall—

''(1) notify nations listed in the report of the requirements of this section;

''(2) initiate consultations for the purpose of encouraging such nations to take the appropriate corrective action with respect to the offending activities of their fishing vessels identified in the report; and

''(3) notify any relevant international fishery management organization of the actions taken by the United States under this section.

''(d) IUU CERTIFICATION PROCEDURE.—

''(1) CERTIFICATION.—The Secretary shall establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of any nation listed by the Secretary under subsection (a), for determining if that government has taken appropriate corrective action with respect to the offending activities of its fishing vessels identified in the report under section 607. The Secretary shall determine, on the basis of the procedure, and certify to the Congress no later than 90 days after the date on which the Secretary promulgates a final rule containing the procedure, and biennially thereafter in the report under section 607—

''(A) whether the government of each nation identified under subsection (b) has provided documentary evidence that it has taken corrective action with respect to the offending activities of its fishing vessels identified in the report; or

''(B) whether the relevant international fishery management organization has implemented measures that are effective in ending the illegal, unreported, or unregulated fishing activity by vessels of that nation.

''(2) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that—

''(A) the vessel has not engaged in illegal, unreported, or unregulated fishing under an international fishery management agreement to which the United States is a party; or

''(B) the vessel is not identified by an international fishery management organization as participating in illegal, unreported, or unregulated fishing activities.

''(3) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

''(e) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.—

''(1) IN GENERAL.—In this Act the term 'illegal, unreported, or unregulated fishing' has the meaning established under paragraph (2).

''(2) SECRETARY TO DEFINE TERM WITHIN LEGISLATIVE GUIDELINES.—Within 3 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act.

''(3) GUIDELINES.—The Secretary shall include in the definition, at a minimum—

''(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements;

''(B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and

''(C) fishing activity, including bottom trawling, that have adverse impacts on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2006 through 2012 such sums as are necessary to carry out this section.

''SEC. 610. EQUIVALENT CONSERVATION MEASURES.

''(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if—

''(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in fishing activities or practices beyond the exclusive economic zone that result in bycatch of a protected living marine resource;

''(2) the relevant international organization for the conservation and protection of such species or the relevant international or regional fishery organization has failed to implement effective measures to end or reduce the impacts of the fishing practices of the nation's vessels on such species, or the nation is not a party to, or does not maintain cooperating status with, such organization; and

''(3) the nation has not adopted a regulatory program governing such fishing practices and associated bycatch of protected living marine resources that are comparable to those of the United States, taking into account different conditions.

''(b) CONSULTATION AND NEGOTIATION.—The Secretary, acting through the Secretary of State, shall—

''(1) notify, as soon as possible, other nations whose vessels engage in fishing activities or practices described in subsection (a), about the requirements of this section and this Act;

''(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged

in, fishing activities or practices described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species;

''(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate international fishery management bodies; and

''(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.

''(c) CONSERVATION CERTIFICATION PROCEDURE.—

''(1) CERTIFICATION.—The Secretary shall determine, on the basis of a procedure consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of any nation identified by the Secretary under subsection (a). The Secretary shall certify to the Congress by January 31, 2007, and annually thereafter whether the government of each harvesting nation—

''(A) has provided documentary evidence of the adoption of a regulatory program governing the conservation of the protected living marine resource, including measures to ensure maximum probability for survival after release, that is comparable to that of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

''(B) has established a management plan containing requirements that will assist in gathering species-specific data to support international stock assessments and conservation enforcement efforts for protected living marine resources.

''(2) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

''(A) are comparable to those of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

''(B) include the gathering of species specific data that can be used to support international and regional stock assessments and conservation efforts for protected living marine resources.

''(3) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

''(d) INTERNATIONAL COOPERATION AND ASSISTANCE.—To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary shall—

''(1) provide appropriate assistance to nations identified by the Secretary under subsection (a) and international organizations of which those nations are members to assist those nations in qualifying for certification under subsection (c);

''(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

''(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under subsection (c); and

''(4) provide assistance to those nations or organizations in designing and implementing appropriate fish harvesting plans.

''(e) PROTECTED LIVING MARINE RESOURCE DEFINED.—In this section the term 'protected living marine resource'—

''(1) means non-target fish, sea turtles, or marine mammals occurring in areas beyond United States jurisdiction that are protected under United States law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna; but

''(2) does not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2006 through 2012 such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENTS.—

(1) DENIAL OF PORT PRIVILEGES.—Section 101(b) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)) is amended by inserting ''or illegal, unreported, or unregulated fishing'' after ''fishing'' in paragraph (1)(A)(i), paragraph (1)(B), paragraph (2), and paragraph (4)(A)(i).

(2) DURATION OF DENIAL.—Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended by inserting ''or illegal, unreported , or unregulated fishing'' after ''fishing''.

SEC. 404. MONITORING OF PACIFIC INSULAR AREA FISHERIES.

(a) WAIVER AUTHORITY.—Section 201(h)(2)(B) (16 U.S.C. 1821(h)(2)(B)) is amended by striking ''that is at least equal in effectiveness to the program established by the Secretary;'' and inserting ''or other monitoring program that the Secretary, in consultation with the Western Pacific Management Council, determines is adequate to monitor harvest, bycatch, and compliance with the laws of the United States by vessels fishing under the agreement;''.

(b) MARINE CONSERVATION PLANS.—Section 204(e)(4)(A)(i) (16 U.S.C. 1824(e)(4)(A)(i)) is amended to read as follows:

''(i) Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch, and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;''.

SEC. 405. REAUTHORIZATION OF ATLANTIC TUNAS CONVENTION ACT.

(a) IN GENERAL.—Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention—

''(1) $5,495,000 for fiscal year 2006;

''(2) $5,770,000 for each of fiscal years 2007 and 2008;

''(3) $6,058,000 for each of fiscal years 2009 and 2010; and

''(4) $6,631,000 for each of fiscal years 2011 and 2012.

''(b) ALLOCATION.—Of the amounts made available under subsection (a) for each fiscal year—

''(1) $160,000 are authorized for the advisory committee established under section 4 of this Act and the species working groups established under section 4A of this Act; and

''(2) $7,500,000 are authorized for research activities under this Act and section 3 of Public Law 96–339 (16 U.S.C. 971i), of which $3,000,000 shall be for the cooperative research program under section 3(b)(2)(H) of that section (16 U.S.C. 971i(b)(2)(H).''.

(b) ATLANTIC BILLFISH COOPERATIVE RESEARCH PROGRAM.—Section 3(b)(2) of Public Law 96–339 (16 U.S.C. 971i(b)(2)) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting after subparagraph (G) the following:

''(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and''.

SEC. 406. INTERNATIONAL OVERFISHING AND DOMESTIC EQUITY.

(a) REBUILDING OVERFISHED FISHERIES.—Section 304(e) (16 U.S.C. 1854(e)) is amended by adding at the end thereof the following:

''(8) The provisions of this paragraph shall apply in lieu of paragraphs (2) through (7) of this subsection to a fishery that the Secretary determines is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures to end overfishing under an international agreement to which the United States is a party. For such fisheries—

''(A) the Secretary, in cooperation with the Secretary of State, immediately take appropriate action at the international level to end the overfishing; and

''(B) within 1 year after the Secretary's determination, the appropriate Council, or Secretary, for fisheries under section 302(a)(3) shall—

''(i) develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock and, if developed by a Council, the Council shall submit such recommendations to the Secretary; and

''(ii) develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.''.

(b) HIGHLY MIGRATORY SPECIES TAGGING RESEARCH.—Section 304(g)(2) (16 U.S.C. 1854(g)(2)) is amended by striking ''(16 U.S.C. 971d)'' and inserting ''(16 U.S.C. 971d), or highly migratory species harvested in a commercial fishery managed by a Council under this Act or the Western and Central Pacific Fisheries Convention Implementation Act,''.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Western and Central Pacific Fisheries Convention Implementation Act''.

SEC. 502. DEFINITIONS.

In this title:

(1) 1982 CONVENTION.—The term ''1982 Convention'' means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) AGREEMENT.—The term ''Agreement'' means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

(3) COMMISSION.—The term ''Commission'' means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established in accordance with this Convention.

(4) CONVENTION AREA.—The term ''convention area'' means all waters of the Pacific Ocean bounded to the south and to the east by the following line:

From the south coast of Australia due south along the 141th meridian of east longitude to its intersection with the 55th parallel of south latitude; thence due east along the 55th parallel of south latitude to its intersection with the 150th meridian of east longitude; thence due south along the 150th meridian of east longitude to its intersection with the 60th parallel of south latitude; thence due east along the 60th parallel of south latitude to its intersection with the 130th meridian of west longitude; thence due north along the 130th meridian of west longitude to its intersection with the 4th parallel of south latitude; thence due west along the 4th parallel of south latitude to its intersection with the 150th meridian of west longitude; thence due north along the 150th meridian of west longitude.

(5) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983.

(6) FISHING.—The term ''fishing'' means:

(A) searching for, catching, taking, or harvesting fish.

(B) attempting to search for, catch, take, or harvest fish.

(C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish for any purpose.

(D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons.

(E) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (A) through (D), including transshipment.

(F) use of any other vessel, vehicle, aircraft, or hovercraft, for any activity described in subparagraphs (A) through (E) except for emergencies involving the health and safety of the crew or the safety of a vessel.

(7) FISHING VESSEL.—The term ''fishing vessel'' means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels, and any other vessel directly involved in such fishing operations.

(8) HIGHLY MIGRATORY FISH STOCKS.—The term ''highly migratory fish stocks'' means all fish stocks of the species listed in Annex 1 of the 1982 Convention occurring in the Convention Area, and such other species of fish as the Commission may determine.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(10) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(11) TRANSHIPMENT.—The term ''transshipment'' means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.

(12) WCPCF CONVENTION; WESTERN AND CENTRAL PACIFIC CONVENTION.—The terms ''WCPCF Convention'' and ''Western and Central Pacific Convention'' means the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, with Annexes, which was adopted at Honolulu, Hawaii, on September 5, 2000, by the Multilateral High Level Conference on the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

SEC. 503. APPOINTMENT OF UNITED STATES COMMISSIONERS.

(a) IN GENERAL.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the Western and Central Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, and one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council. The Commissioners shall be entitled to adopt such rules of procedures as they find necessary and to select a chairman from among members who are officers or employees of the United States Government.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to subsection (d), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(A) injury compensation under chapter 81 of title 5, United States Code;

(B) tort claims liability as provided under chapter 171 of title 28 United States Code;

(C) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(D) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(3) TRAVEL EXPENSES.—

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(d) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of—

(i) not less than 15 nor more than 20 individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the WCPFC Convention, providing, to the maximum extent practicable, an equitable balance among such groups;

(ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee or the chair's designee; and

(iii) officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees).

(B) TERMS AND PRIVILEGES.—Each member of the advisory committee appointed under subparagraph (A) shall serve for a term of 2 years and shall be eligible for reappointment. Members of the advisory committee may attend all public meetings of the Commission, Council, or any Panel and any other meetings to which they are invited by the Commission, Council, or any Panel. The advisory committee shall be invited to attend all non-executive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

(C) PROCEDURES.—The advisory committee established by subparagraph (A) shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the WCPFC Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures. A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion. and the advisory committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to advisory committees in a timely manner such administrative and technical support services as are necessary for their effective functioning.

(B) COMPENSATION; STATUS; EXPENSES.—Individuals appointed to serve as a member of an advisory committee—

(i) shall serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

(ii) shall not be considered Federal employees by reason of their service as members of an advisory committee, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(f) MEMORANDUM OF UNDERSTANDING.—For highly migratory species in the Pacific, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding with the Western Pacific, Pacific, and North Pacific Fishery Management Councils, that specifies the role of the relevant Council or Councils with respect to—

(1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)

SEC. 504. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary and the United States Commissioners, approve, disapprove, object to, or withdraw objections to bylaws and rules, or amendments thereof, adopted by the WCPFC Commission, and, with the concurrence of the Secretary to approve or disapprove the general annual program of the WCPFC Commission with respect to conservation and management measures and other measures proposed or adopted in accordance with the WCPFC Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1).

SEC. 505. RULEMAKING AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and the appropriate Regional Fishery Management Council, shall promulgate such regulations as may be necessary to carry out the United States international obligations under the WCPFC Convention and this title. The Secretary shall promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) ADDITIONS TO FISHERY REGIMES AND REGULATIONS.—The Secretary may promulgate regulations applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with, fishery conservation and management measures and regulations adopted under the WCPFC Convention.

SEC. 506. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title, including enforcement of any such regulations within the boundaries of any State bordering on the convention area;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(A) the administration and enforcement of this title; and

(B) the conduct of scientific, research, and other programs under this title;

(3) conduct fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the WCPFC Convention;

(4) collect, utilize, and disclose such information as may be necessary to implement the WCPFC Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(5) assess and collect fees to recover the costs of implementing and enforcing this title, policy and rulemaking activities, user information services, international activities under this title, and the costs to the United States of enforcing the WCPFC Convention, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this title; and

(6) issue permits to owners and operators of United States vessels to fish in the convention area seaward of the United States Exclusive Economic Zone.

(b) PROHIBITED ACTS.—It is unlawful for any person to violate any provision of this title or the regulations promulgated under this title.

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

SEC. 507. PENALTIES.

This title shall be enforced by the Secretary as if a violation of this title or of any regulation promulgated by the Commission under this title were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

SEC. 508. COOPERATION IN CARRYING OUT CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The United States Commissioners, through the Secretary of State and with the concurrence of the Secretary, institution, or organization concerned, may arrange for the cooperation of Federal agencies and of State and private institutions and organizations in carrying out responsibilities under the WCPFC Convention.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—All Federal agencies are authorized, upon the request of the Secretary of Commerce Commission, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention.

SEC. 509. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands to the same extent provided to the territories of other nations.

SEC. 510. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out this title and to pay the United States' contribution to the Commission under section 5 of part III of the WCPFC Convention.

TITLE VI—PACIFIC WHITING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Pacific Whiting Act of 2005''.

SEC. 602. DEFINITIONS.

In this title:

(1) ADVISORY PANEL.—The term ''advisory panel'' means the Advisory Panel on Pacific Hake/Whiting established by the Agreement.

(2) AGREEMENT.—The term ''Agreement'' means the Agreement between the Government of the United States and the Government of Canada on Pacific Hake/Whiting, signed at Seattle, Washington, on November 21, 2003.

(3) CATCH.—The term ''catch'' means all fishery removals from the offshore whiting resource, including landings, discards, and bycatch in other fisheries.

(4) JOINT MANAGEMENT COMMITTEE.—The term ''joint management committee'' means the joint management committee established by the Agreement.

(5) JOINT TECHNICAL COMMITTEE.—The term ''joint technical committee'' means the joint technical committee established by the Agreement.

(6) OFFSHORE WHITING RESOURCE.—The term ''offshore whiting resource'' means the transboundary stock of Merluccius productus that is located in the offshore waters of the United States and Canada except in Puget Sound and the Strait of Georgia.

(7) SCIENTIFIC REVIEW GROUP.—The term ''scientific review group'' means the scientific review group established by the Agreement.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) UNITED STATES SECTION.—The term ''United States Section'' means the United States representatives on the joint management committee.

SEC. 603. UNITED STATES REPRESENTATION ON JOINT MANAGEMENT COMMITTEE.

(a) REPRESENTATIVES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint 4 individuals to represent the United States as the United States Section on the joint management committee. In making the appointments, the Secretary shall select representatives from among individuals who are knowledgeable or experienced concerning the offshore whiting resource. Of these—

(A) 1 shall be an official of the National Oceanic and Atmospheric Administration;

(B) 1 shall be a member of the Pacific Fishery Management Council, appointed with consideration given to any recommendation provided by that Council;

(C) 1 shall be appointed from a list submitted by the treaty Indian tribes with treaty fishing rights to the offshore whiting resource; and

(D) 1 shall be appointed from the commercial sector of the whiting fishing industry concerned with the offshore whiting resource.

(2) TERM OF OFFICE.—Each representative appointed under paragraph (1) shall be appointed for a term not to exceed 4 years, except that, of the initial appointments, 2 representatives shall be appointed for terms of 2 years. Any individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term. A representative may be appointed for a term of less than 4 years if such term is necessary to ensure that the term of office of not more than 2 representatives will expire in any single year. An individual appointed to serve as a representative is eligible for reappointment.

(3) CHAIR.—Unless otherwise agreed by all of the 4 representatives, the chair shall rotate annually among the 4 members, with the order of rotation determined by lot at the first meeting.

(b) ALTERNATE REPRESENTATIVES.—The Secretary, in consultation with the Secretary of State, may designate alternate representatives of the United States to serve on the joint management committee. An alternative representative may exercise, at any meeting of the committee, all the powers and duties of a representative in the absence of a duly designated representative for whatever reason.

SEC. 604. UNITED STATES REPRESENTATION ON THE SCIENTIFIC REVIEW GROUP.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 scientific experts to serve on the scientific review group. An individual shall not be eligible to serve on the scientific review group while serving on the joint technical committee.

(b) TERM.—An individual appointed under subsection (a) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of a term of office of that individual's predecessor shall be appointed to serve for the remainder of that term.

(c) JOINT APPOINTMENTS.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, may appoint to the scientific review group, from a list of names provided by the advisory panel—

(1) up to 2 independent members of the scientific review group; and

(2) 2 public advisors.

SEC. 605. UNITED STATES REPRESENTATION ON JOINT TECHNICAL COMMITTEE.

(a) SCIENTIFIC EXPERTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint

at least 6 but not more than 12 individuals to serve as scientific experts on the joint technical committee, at least 1 of whom shall be an official of the National Oceanic and Atmospheric Administration.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

(b) INDEPENDENT MEMBER.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, shall appoint 1 independent member to the joint technical committee selected from a list of names provided by the advisory panel.

SEC. 606. UNITED STATES REPRESENTATION ON ADVISORY PANEL.

(a) IN GENERAL.—

(1) APPOINTMENT.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as members of the advisory panel, selected from among individuals who are—

(A) knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore whiting resource; and

(B) not employees of the United States.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

SEC. 607. RESPONSIBILITIES OF THE SECRETARY.

(a) IN GENERAL.—The Secretary is responsible for carrying out the Agreement and this title, including the authority, to be exercised in consultation with the Secretary of State, to accept or reject, on behalf of the United States, recommendations made by the joint management committee.

(b) REGULATIONS; COOPERATION WITH CANADIAN OFFICIALS.—In exercising responsibilities under this title, the Secretary—

(1) may promulgate such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this title; and

(2) with the concurrence of the Secretary of State, may cooperate with officials of the Canadian Government duly authorized to carry out the Agreement.

SEC. 608. RULEMAKING.

(a) APPLICATION WITH MAGNUSON-STEVENS ACT.—The Secretary shall establish the United States catch level for Pacific whiting according to the standards and procedures of the Agreement and this title rather than under the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), except to the extent necessary to address the rebuilding needs of other species. Except for establishing the catch level, all other aspects of Pacific whiting management shall be—

(1) subject to the Magnuson-Stevens Fishery Conservation and Management Act; and

(2) consistent with this title.

(b) JOINT MANAGEMENT COMMITTEE RECOMMENDATIONS.—For any year in which both parties to the Agreement approve recommendations made by the joint management committee with respect to the catch level, the Secretary shall implement the approved recommendations. Any regulation promulgated by the Secretary to implement any such recommendation shall apply, as necessary, to all persons and all vessels subject to the jurisdiction of the United States wherever located.

(c) YEARS WITH NO APPROVED CATCH RECOMMENDATIONS.—If the parties to the Agreement do not approve the joint management committee's recommendation with respect to the catch level for any year, the Secretary shall establish the total allowable catch for Pacific whiting for the United States catch. In establishing the total allowable catch under this subsection, the Secretary shall—

(1) take into account any recommendations from the Pacific Fishery Management Council, the joint management committee, the joint technical committee, the scientific review group, and the advisory panel;

(2) base the total allowable catch on the best scientific information available;

(3) use the default harvest rate set out in paragraph 1 of Article III of the Agreement unless the Secretary determines that the scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource; and

(4) establish the United State's share of the total allowable catch based on paragraph 2 of Article III of the Agreement and make any adjustments necessary under section 5 of Article II of the Agreement.

SEC. 609. ADMINISTRATIVE MATTERS.

(a) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(1) injury compensation under chapter 81 of title 5, United States Code;

(2) tort claims liability as provided under chapter 171 of title 28 United States Code;

(3) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(4) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual appointed under this title shall receive no compensation for the individual's service as a representative, alternate representative, scientific expert, or advisory panel member under this title.

(2) SCIENTIFIC REVIEW GROUP.—Notwithstanding paragraph (1), the Secretary may employ and fix the compensation of an individual appointed under section 604(a) to serve as a scientific expert on the scientific review group who is not employed by the United States Government, a State government, or an Indian tribal government in accordance with section 3109 of title 5, United States Code.

(c) TRAVEL EXPENSES.—Except as provided in subsection (d), the Secretary shall pay the necessary travel expenses of individuals appointed under this title in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(d) JOINT APPOINTEES.—With respect to the 2 independent members of the scientific review group and the 2 public advisors to the scientific review group jointly appointed under section 604(c), and the 1 independent member to the joint technical committee jointly appointed under section 605(b), the Secretary may pay up to 50 percent of—

(1) any compensation paid to such individuals; and

(2) the necessary travel expenses of such individuals.

SEC. 610. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this title; and

(3) collect, utilize, and disclose such information as may be necessary to implement the Agreement and this title, subject to sections 552 and 552a of title 5, United States Code.

(b) PROHIBITED ACTS.—It is unlawful for any person to violate any provision of this title or the regulations promulgated under this title.

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) PENALTIES.—This title shall be enforced by the Secretary as if a violation of this title or of any regulation promulgated by the Secretary under this title were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the obligations of the United States under the Agreement and this title.

CDQ PROGRAM

Mrs. MURRAY. Mr. Presdient, as part of the conference report on the Coast Guard and Maritime Transportation Act of 2006, which is expected to be passed by the Senate shortly, there is a provision in section 416 that amends section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)), which authorizes the Western Pacific Community Development Quota (CDQ) Program for fisheries of the Bering Sea and Aleutian Islands (BS/AI).

Mr. STEVENS. That is correct. Section 416 provides more specific authorities and direction concerning the operations and fishing allocations to and among CDQ groups, in accordance with the recommendations of a Blue Ribbon panel established by the Governor of Alaska.

Mrs. MURRAY. I am familiar with this program, which originated in the North Pacific Fishery Management Council in 1992, and I support its goals of providing economic opportunities for rural coastal communities in Western Alaska. It is my understanding that section 416 ensures the CDQ groups will continue to receive the same annual percentage allocations as they do now under existing Federal law, and that it would preserve existing treatment of such allocations—consisting of a directed fishing allowance if that is the current law, i.e., the BS/AI pollock fishery, or including both directed and non-target fishing in fisheries where that is the current practice. Is that correct, Senator STEVENS?

Mr. STEVENS. Yes, that is correct. Are you concerned about those provisions?

Mrs. MURRAY. No, my concerns relate to Section 416's amendment to

MSA section 305(i)(1)(B), which would increase CDQ group allocations for certain BS/AI groundfish fisheries, including Pacific cod, mackerel, and flatfish species, from 7.5 percent to 10 percent, and treat this allocation as a directed fishing allowance, which does not include incidental catch. All allocations in these fisheries, including the CDQ allocations, are currently-managed as total quotas, not as directed fishing allowances, which obliges all participants to keep both the directed and incidenteal catch within a ''hard cap.'' Did you intend to change the current manner in which the council sets CDQ allocations in these fisheries, from a hard cap allocation to a directed fishing allowance allocation?

Mr. STEVENS. Yes, we wanted to create the same approach for these groundfish fisheries that we created legislatively for pollock. However, these allocations would become effective only upon the establishment of a quota program, fishing cooperative, sector allocation or rationalization program in the fishery, and the intent is to ensure that management measures apply equally to both CDQ and non-CDQ groups. With respect to application of this section to the Pacific cod fishery, however, the new CDQ allocations under section 416 are not intended to take effect until full rationalization of that fishery, or January 1, 2009, whichever date is earlier.

Mrs. MURRAY. We are both justifiably proud of the success of the pollock cooperatives established under the American Fisheries Act, AFA, and particularly their low bycatch rates. However, it is my understanding from speaking with NOAA and council staff that making this directed fishing allowance in statute for the CDQ portion of these other BS/AI groundfish fisheries would deprive the council of its current authority to limit incidental catch associated with these allocations, although it would retain such authority for the non-CDQ allocations. I am concerned that this lack of authority could unintentionally promote increases in incidental catch for CDQ groups. In addition, any unconstrained growth in incidental catch under the legislatively directed fishing allowances could result in less available catch allowance for the non-CDQ groups subject to incidental catch controls, which seems contrary to your intent that each set of groups be subject to the same management controls.

While the pollock fishery has very low incidental catch rates, in 2005 its incidental catch was only 0.16 percent above the directed fishery allowance, the directed fisheries of the BS/AI, other than halibut, sablefish, pollock, and crab, have a relatively higher level of bycatch. The council has taken actions to limit and reduce the amount of incidental catch allowance to all directed fishery participants in order to reduce overall bycatch levels. Prohibiting the council from establishing an incidental catch allowance is antithetical to current public policy and resource management in the BS/AI. Moreover, it is not consistent with provisions included in the Senate's version of the Magnuson-Stevens Act reauthorization, S. 2012. I suggest Section 416 (MSA section 305(i)(1)(B), as amended) be modified to include this explicit authority.

Do you agree with me that the council should retain its ability to set incidental catch allowances for the CDQ groups in the fisheries affected by section 416's amendment to MSA section 305(i)(1)(B)?

Mr. STEVENS. Yes, I agree. We did not intend to eliminate any management authorities regarding incidental catch that are currently available to the Council.

Mrs. MURRAY. In view of our agreement on these points, do you agree to authorize the council and the Secretary to establish incidental catch limits for these fisheries without prohibiting the council from providing the CDQ program with an incidental catch allowance.

Mr. STEVENS. Yes, I would agree to that clarification to subparagraph (B). However, that change must also guarantee that any management measures will apply equally to both CDQ and non-CDQ portions of the fisheries affected by subparagraph (B). Do you agree?

Mrs. MURRAY. Yes, I do agree that we must ensure fair treatment of both groups in these fisheries, and would support including such language in these changes. Do I have your commitment that you will include these changes to Section 416 in the Coast Guard Conference Report before final passage in the Senate, or, if not procedurally possible, in another bill that will be enacted this year, including the final version of the Magnuson-Stevens Act reauthorization?

Mr. STEVENS. Yes. Do you give your consent for final passage of S. 2012 today?

Mrs. MURRAY. I fully support passage of S. 2012, your and Senator INOUYE's bill to reauthorize the Magnuson-Stevens Act, particularly in view of your commitment to make these changes to section 416 of the Coast Guard Conference Report. Senator INOUYE, are you in agreement with Senator STEVENS and me on these points?

Mr. INOUYE. Yes, I would be pleased to work with you and Chairman STEVENS on ensuring that the items you have agreed upon are enacted.

ECONOMIC AND SOCIAL IMPACT ANALYSIS

Mr. LOTT. Mr. President, I congratulate the chairman of the Senate Committee on Commerce, Science and Transportation on Senate passage of S. 2012, the Magnuson-Stevens Fisheries Conservation and Management Reauthorization Act of 2006. The chairman has worked very hard to gain the consensus necessary to pass this bill to reauthorize marine fisheries conservation and management programs. The Commerce Committee report on this bill provides a wealth of information concerning the bill's provisions. However, I would like to ask the chairman to clarify two provisions in the bill.

Mr. STEVENS. Mr. President, I thank the Senator from Mississippi for his kind words and I would be happy to respond to his questions.

Mr. LOTT. Mr. President, section 104(a) of S. 2012 would amend section 303(a) of the Magnuson-Stevens Fisheries Conservation and Management Act in several places to require the collection of certain economic information from fisheries participants and require that fisheries management plans and amendments analyze the economic and social impacts of such plans' or amendments' conservation and management measures on, and possible mitigation measures for, fisheries participants and fishing communities affected by these plans or amendments.

Is it the chairman's understanding that the committee intended, for the purposes of this provision, that only the economic impact of direct participants in the fishery that engage in fishing or fish processing be subject to this economic information collection and impact analysis? Does the chairman agree that attempting to consider such economic impacts on persons such as consumers of fish or suppliers of fishing sectors would add unwarranted complexity to this analysis and would detract from the proper focus on only those persons who have a direct economic stake in the fishery?

Mr. STEVENS. The Senator from Mississippi is correct. Regional Fishery Management Councils are tasked with analyzing a large amount of data in order to develop fisheries management plans and amendments. The committee intended that the economic and social impact analysis described in section 303(a) of the act, as amended by this bill, be limited to direct participants in the fishery that engage in fishing or fish processing, and not include persons such as consumers of fish or suppliers of fishing sectors.

Mr. LOTT. I thank the chairman for that response. Additionally, section 105 of the bill would amend section 303(b)(2) of the Act to provide additional direction on the authority of Regional Fishery Management Councils to close areas to fishing, or restrict fishing in areas of the waters under their jurisdiction. Is it the chairman's understanding that the committee intended, for the purpose of this provision, that any restriction or closure under this authority will be of the minimum size, and include the minimum restrictions on fishing, that are necessary to achieve the intended conservation and management benefits?

Mr. STEVENS. Mr. President, the Senator from Mississippi is correct on this matter as well. The committee intended that any restriction or closure

under this authority will be of the minimum size, and include the minimum restrictions on fishing that are necessary to achieve the intended conservation and management benefits.

Mr. LOTT. Mr. President, again, I thank the chairman for his clarification of these provisions of S. 2012. I also thank him for his years of work to improve the framework through which our Nation's marine fisheries are conserved and managed. I can think of no other Member of this body who more deserves to have his name included in the name of the law that governs marine fisheries conservation and management.

Mr. REED. I thank Senators STEVENS and INOUYE for including a report in Magnuson-Stevens Fishery Conservation and Management Reauthorization Act, S. 2012, to study council management coordination between the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council, MAFMC. This report speaks to an issue of great importance to Rhode Island fishermen. I would also like to thank Senator LAUTENBERG for working with me on developing this language.

In October 2005, I introduced the Rhode Island Fishermen's Fairness Act in order to address a serious flaw in our Nation's regional fisheries management system by adding Rhode Island to the MAFMC, which currently consists of representatives from New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina. The legislation would create two seats on the MAFMC for Rhode Island: one seat nominated by the Governor of Rhode Island and appointed by the Secretary of Commerce, and a second seat filled by Rhode Island's principal state official with marine fishery management responsibility. There is a precedent for this proposed legislation. In 1996, North Carolina's representatives in Congress succeeded in adding that State to the MAFMC through an amendment to the Sustainable Fisheries Act. Like Rhode Island, a significant proportion of North Carolina's landed fish species were managed by the MAFMC, yet the State had no vote on the council.

While I am disappointed that this reauthorization bill did not include my legislation, I believe that the report will provide useful information to the Senate that will support Rhode Island's participation as a voting member on the MAFMC based on the Magnuson-Stevens Act's National Standards and the economic value of MAFMC managed species to Rhode Island. The report will provide an opportunity for the Mid-Atlantic Fishery Management Council, in consultation with the New England Fishery Management Council, to: evaluate the role of council liaisons in the development and approval of management plans for fisheries in which Rhode Island has a demonstrated interest and significant landings; evaluate approaches developed by the councils to improve representation of non-member States in decision-making; and analyze characteristics that supported North Carolina's inclusion in the MAFMC and how those characteristics support Rhode Island's position.

The MAFMC manages the following 13 species, all of which are landed in Rhode Island: Illex squid, loligo squid, Atlantic mackerel, black sea bass, bluefish, butterfish, monkfish, scup, spiny dogfish, summer flounder, surfclam, ocean quahog, and tilefish. Rhode Island fishermen target a large proportion of species managed by MAFMC. These species make up a large proportion of landings within Rhode Island every year. Between 1995 and 2004, MAFMC species represented between 42 percent and 56 percent of all finfish landed in Rhode Island annually, for an average of 37 percent of total landings by weight. The economic value of these species to Rhode Island in 2004 totaled $72.8 million. Between 1995 and 2004, squid, Illex and loligo, was the number one marine species, based on economic value, landed in Rhode Island, with a value of $24.7 million in 2004. Because of these fisheries importance to Rhode Island, both in terms of the economic value and overall landings by weight, I believe the State deserves a vote in the management of these species on the MAFMC.

Again, I want to thank Senators STEVENS, INOUYE, and LAUTENBERG for their assistance in addressing Rhode Island's interest to become a voting member of the MAFMC. I look forward to working with my colleagues on this issue.

Mr. WARNER. I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

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

The amendment (No. 4310) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee-reported substitute, as amended, was agreed to.

The bill (S. 2012), as amended, was ordered to be engrossed for a third reading, read the third time and passed.

Mr. WARNER. Mr. President, I return to my original unanimous consent request.

The PRESIDING OFFICER. Is there objection to the Senator from Massachusetts being recognized for 30 minutes in morning business? Without objection, it is so ordered.

The Senator from Massachusetts.

RAISING THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I support the John Warner National Defense Authorization Act of fiscal year 2007, and I commend the impressive way in which the distinguished Senator from Virginia has led the Senate Armed Services Committee over these last 6 years. He has provided a consistently steady hand on the tiller in these troubled times, and the Senate's action in naming the bill is eminently well deserved.

In a time of conflict, our first and foremost responsibility is to provide for our troops in the field, and this bill provides for our soldiers, our sailors, marines, and airmen defending our great country in all parts of the world. We have improved on the administration's request for our service members. Our forces overseas are being stressed, and they bear the heavy burden of combat. Yet the administration would cut their end strength and reduce the value of the retirement health benefits they may well need to cope with the effect of the war.

The committee wisely chose not to follow this path. Instead, we maintained the end strength and benefits in addition to a 2.2-percent pay raise and larger targeted increases for midgrade, enlisted, and warrant officers. The bill also improves on the administration's request for future readiness. It authorizes substantial investments in key ships, aircraft, and Army transformation programs. It also ensures long-term value for the taxpayer by preserving competition in our vital aircraft engine and shipbuilding industries.

In addition, it calls for continued acquisition reforms to reduce fraud and waste in defense spending. Even more important, the bill invests in the protection of our personnel. It authorizes over a billion dollars in force protection equipment, including up-armored HMMWVs and body armor. And it also provides $2.1 billion for the joint improvised explosive device defeat fund to support a Manhattan project effort to deal with IEDs, the No. 1 threat to our forces in the field and to innocent Iraqis.

So this is a very worthy piece of legislation. It bears the name of one of our most honorable Members, the chairman of our committee, and I welcome the opportunity to support that.

I had intended this afternoon to offer an increase in the minimum wage as an amendment to the Defense authorization bill. I think it is a fair question to ask, does this really make sense on a Defense authorization bill? I respond to that that so many of those brave men and women are fighting in Afghanistan or Iraq or fighting for the values this Nation represents, and one of the values this Nation represents is fairness and decency to hard-working American workers. Fairness and decency for hard-working American workers means they are going to be paid a fair, just wage. That is why I think it is consistent with this legislation. I know we are going to have important debates and discussions on other parts of the Defense authorization bill, but we welcome the opportunity to raise this issue. It is not a new issue, it is a familiar issue. It doesn't take a great deal of time, although a number of our

colleagues wish to be heard on it because it is an issue we have debated and discussed going back to the 1930s. The Members of this body are extremely familiar with it as a public policy issue in question and can express an informed judgment about it in virtually short order.

For generations, Americans have believed that if they worked hard and played by the rules, they could achieve the American dream. They believed they could be better off than their parents or could join the middle class. They could earn more each year, provide safety and security for their families, and save for their retirement. But today, more and more Americans are losing faith in that dream as prices for everyday necessities, such as gasoline and housing and health care, skyrocket. Too many hard-working people are living on the edge—just one serious illness, one pink slip away from bankruptcy.

For minimum wage workers, the American dream is even further from reality. Minimum wage workers are men and women of dignity. They care for their children and for young children in daycare centers. They care for senior citizens in nursing homes. They check out groceries in the supermarket. They clean our office buildings. But the minimum wage they receive no longer covers their bills. A minimum wage worker who works 40 hours a week, 52 weeks a year, earns just $10,700. That is almost $6,000 below the poverty line for a family of three.

At these wages, no matter how hard they work, minimum wage workers are forced to make impossible choices between paying the rent and buying groceries, paying the heating bills or buying clothes. They cannot afford health care. They cannot earn enough to pay for adequate housing for their families anywhere in the country. Minimum wage workers' daily fear is poverty, hunger, and homelessness. Our Republican colleagues continue to turn a blind eye to the struggles of working families in this country, particularly the hard-working people who work for the very lowest wages.

It has been almost 10 years since Congress raised the minimum wage. Time and again, many have called on the Senate to increase the minimum wage. Yet, time and again, Republican colleagues refuse to give working people the raise they deserve, even though we grant annual pay increases to Senators. What could be more hypocritical?

Fortunately, the American people understand what the Republican leadership does not, and that is nobody who works hard for a living should have to live in poverty. That is why the American people overwhelming support an increase in the minimum wage. Year after year, as the GOP Congress keeps refusing to help minimum wage workers, the American people are rising up. They are marching in the streets and praying in churches and synagogues. They are also taking their battles to the ballot box and telling us overwhelmingly that a minimum wage increase is long overdue.

This amendment that I am offering with a number of my colleagues will raise the minimum wage to $7.25 an hour in 3 steps over the next 2 years—70 cents now, 60 cents a year from now, and 60 more cents 2 years from now. This increase will directly raise the pay of more than 6.5 million workers, indirectly benefitting more than 8 million more.

Contrary to public perception, these workers are not teenagers looking for their first job for pocket change. Eighty percent of those who benefit are adult workers, more than a third the sole breadwinners of their families. Raising the minimum wage is something I believe is enormously important, and the time to do it is now.

I want to review for the Senate for a few minutes a brief history of where we are in terms of the minimum wage. It started in 1938. We see the Presidents listed here. They represent Republican Presidents, as well as Democratic Presidents, who have supported an increase in the minimum wage, going back to 1938. Franklin Roosevelt, three different steps; Harry Truman; Dwight Eisenhower, a Republican; John Kennedy saw an increase; Lyndon Johnson; Richard Nixon; George Bush; and William Clinton.

The history of the minimum wage up to the last few years has basically been a bipartisan effort. Yet we have not been able to get a bipartisan effort to increase the minimum wage over the period of the last 9 years. What has happened to those who are on the lowest rung of the economic ladder? As I mentioned, these are men and women of dignity.

At the start of this debate, we have to understand who the minimum wage workers are. They are men and women of dignity. These are tough, difficult jobs, but they try to do them well, and they take great pride in their jobs. They work as assistants to teachers, in nursing homes looking after the elderly, cleaning out the great buildings of American commerce, and they are maids in various buildings all across this Nation. They are men and women of dignity.

I thought we had sort of an agreement in this body, with Republicans and Democrats alike, that if you have a job, you ought to have a job that gets you out of poverty, not one that keeps you in poverty. Currently, the minimum wage keeps you in poverty; it doesn't get you out of it. I thought we could all agree that we want to get people who work hard and play by the rules out of poverty and have their work be rewarding. I thought that would be something at least Republicans and Democrats could agree on. But we have not been able to get that agreement, Mr. President.

What we have seen over the period since 2000 to 2004 is the number of Americans now living in poverty—those lowest income people have increased by 5.4 million of our fellow American citizens. Well over a million of those are children who are living in poverty in the United States. The principal reason for that is because we have not seen an increase in the minimum wage, which is something we can do that can make a major difference in the reduction of poverty for these people who are working hard.

Now, this chart shows what the poverty line is. Look where the minimum wage is in the 1960s, right at the poverty line. In the late sixties, it was even above the poverty line. It would have been close to $19,000 a year in terms of real purchasing power. Then in the 1970s and through the 1970s up until 1980, we kept the minimum wage at the Federal poverty level. Then we have seen the decline in the purchasing power of the minimum wage now to be less than $5,888. It was up to $19,000 at one time, but is now down to $5,888. You see, Mr. President, if you look at this chart, the 1990 figure—just above it—that was when we raised the minimum wage. And again, in 1997, we saw an increase in the minimum wage. That is when we see those red indicators go up. That shows how far we have seen a decline in the minimum wage. The real minimum wage declined 20 percent in the 9 years of Republican opposition. It is not just the fact that the figures have been frozen, it is the fact that its purchasing power has declined significantly.

Look at this, Mr. President. This shows the dramatic reduction down 20 percent in the purchasing power of what we have passed previously. We are not only not increasing the value of the minimum wage in terms of purchasing power, which has declined; now we see in our proposal, effectively over a 2-year period, we raise it to $7.25. We know that we will hear from some that we cannot raise that to $7.25 because of the dramatic impact, adverse impact, it would have on the American economy. It is interesting that this fall in the No. 2 economy in Europe, which is Great Britain, it will be $9.80 an hour. In another leading economy in Western Europe, which happens to be Ireland, it is $9.60 an hour. They have robust economic growth in their economy.

Listen to their chancellor, Gordon Brown, talk about the difference the increase in the minimum wage has made. The number of people they brought out of poverty is 2½ million people, and a million and a half people they brought out of poverty in Great Britain. We have the possibility of making a modest difference with this. This is a modest increase to $7.25.

I put this chart up because it is a clear indication about what is happening out in the workforce with American workers. They are working longer and harder. More than 39 million Americans, which is 28 percent of the workforce, work more than 40 hours a week. Nearly one in five workers works more than 48 hours a week.

More than 7.6 million Americans are working two or more jobs, and 334,000 of them hold two full-time jobs. So American workers' hours have increased more than in any other industrialized nation.

American workers are working longer and harder and getting less pay, Mr. President. We have seen an explosion in terms of productivity, but that is not being passed down to the workers at the lower rung, although it was done at other times by Republicans and Democrats. So what do we say? Are we saying the minimum wage workers are slackers, or that these workers are not working the full time? Are we saying they are not showing up for work? Absolutely not. We see from these statistics that American workers—and particularly the workers at the lower income—are working longer and harder than any workforce in any other industrialized nation in the world.

These are the figures from the OECD in 2004. You see that Americans have increased more than any other industrialized country. Many countries have actually gone down. Canada has gone up, from 16.8 percent since 1970 to 2002, and America is up 20 percent. This is what we have.

So what are we talking about? We are talking about an issue that primarily affects women because nearly 60 percent of workers affected by a minimum wage increase are women. So this is primarily a women's issue. Better than half of all of those women have children. So this is also a children's issue. This is a children's issue and a women's issue.

We hear a great deal about family values in this Chamber. This is a family value—how that child is going to grow up, whether that worker will be treated with respect and dignity, whether that mother or father is going to be able to spend time with that child. That is all reflected in whether we are going to get the increase in the minimum wage. This is also a civil rights issue because so many of those who earn the minimum wage are men and women of color. So it is a women's issue, a children's issue, and civil rights issue.

Mr. President, this $4,400 means that would be the cumulative value of that over the period of a year—2 years of childcare—at a time that this body is cutting back on childcare, and the waiting lists in our States are becoming extensive.

We know now this would help a family with childcare, with a full tuition for a community college degree, a year and a half of heat and electricity, more than a year of groceries, and more than 8 months of rent. This is not insignificant. It may be to Members of this body, but it is not insignificant to those people who are out there working hard.

What I believe is the most difficult point for Americans to understand is that from the time we raised the minimum wage last in 1997 to 2006, Members of Congress have increased their salary by $31,600, but we have refused to increase the minimum wage by 5 cents. Maybe someone can explain that. We have increased our salaries by $31,600, and we haven't increased the minimum wage 5 cents. That is not right, that is not fair, that is wrong, and we have an opportunity to change it.

At other times when we have talked about the minimum wage and the impact it has had on the total wages that have been paid in this country, many have said: If you increase the minimum wage, it is going to add to the problems of inflation. We see that the increase in the total amount of minimum wage we include in this is less than one-quarter of 1 percent of total wages that are paid. So it is incidental to that.

If we look back over the increases of the minimum wage in the 1990s, it had virtually no impact in terms of employment. Employment actually increased, and unemployment was reduced during that period of time. If we look at the various polls that have been taken even with small business, they say they don't believe they are adversely impacted by an increase in the minimum wage.

I submit that we are prepared to move ahead and increase the minimum wage as I open these remarks. I want to retain a few minutes for my friend from New Mexico. We sent our fighting men and women to Afghanistan and Iraq to fight for the values of fairness, decency, and justice, and we are talking about economic justice in this instance. If we are talking about trying to maintain our commitment to the kind of values for which they are fighting—economic justice, economic fairness is certainly one of them—then this issue about increasing the minimum wage is about as basic and fundamental in terms of economic justice as any issue we will have before the Senate.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator controls an additional 10 minutes.

Mr. KENNEDY. I yield such time as the Senator from New Mexico uses.

Mr. BINGAMAN. Mr. President, I thank my colleague for bringing this amendment to the Senate for consideration. I understand he is not offering it at this moment but will at a later point. I wish to speak briefly about some of the points he has made and make a few others.

There is a philosophical argument which has raged around the world for a long time about whether it is appropriate to have a minimum wage. I am certain that when this Congress decided in 1938 that the United States should have a minimum wage, there was a substantial amount of debate on that philosophical issue. So I concede that to start with.

They are having a similar debate in Mexico today. They have a Presidential election coming up in Mexico in a couple of weeks. One of the issues in Mexico is whether they should raise the minimum wage. The minimum wage in Mexico is $4.50 a day. The question is, Should we have a minimum wage and, if so, should it be a minimum wage that actually helps people to stay out of poverty or to work their way out of poverty? That is the issue which the Senator from Massachusetts is raising for consideration today.

I believe very strongly that we should have a minimum wage. I believe very strongly that we should change that minimum wage as necessary to keep up with the cost of living and with the poverty rate, as we have determined it, so that people who do work full time for a minimum wage can stay above the poverty line. That would be the ideal.

In fact, when we look at the chart that was referred to by the Senator from Massachusetts, which I think is an excellent chart, it points out that beginning about 1980, the minimum wage began to drop precipitously relative to the Federal poverty line. It remains very low and is declining even further today because of the refusal of this Congress and this administration to take action to deal with it.

I fear, while very few today would argue that we should have no minimum wage, in fact, that is where we are headed with the policy this administration has adopted. We are continuing to resist efforts to change the minimum wage. The minimum wage is becoming less and less a support for the low-paid workers of this country, and clearly we are way behind in trying to deal with this issue.

There is one other issue which I wish to particularly call to my colleagues' attention, and that is the question of whether or not, if there should be a minimum wage, should it be set at the national level or should it be set at the State level or the local level? In fact, we made a decision in 1938 to have a minimum wage set at the national level. Now since the Federal Government has refused in the last 9 years to take any action to moderate or adjust that minimum wage, more and more communities, more and more States are acting to fill that vacuum, and that is what we are seeing all over my State.

Let me point out that in my State in 2003, the Santa Fe City Council passed the highest minimum wage increase in the country. In January of 2004, the minimum wage increased to $8.50 per hour. In January of this year, the minimum wage went to $9.50 per hour. It is scheduled to go to $10.50 per hour in 2008 in the city limits of Santa Fe, NM. According to the mayor of Santa Fe, approximately 9,000 families received a raise because of that city ordinance that changed the minimum wage. Believe it or not, the Santa Fe economy did not crumble. In fact, according to a University of New Mexico study that was released last year, job growth in Santa Fe was 3.5 percent the first year

that the $8.50 wage was in effect. It was ahead of the 2.1-percent growth in jobs for our State as a whole. Overall, employment increased in each quarter after the living wage went into effect, and it has been especially strong for hotels and restaurants, which have the most low-wage jobs.

Mr. KENNEDY. Will the Senator yield?

Mr. BINGAMAN. Yes, I will be glad to yield.

Mr. KENNEDY. Mr. President, there have been a number of cities, including Boston, across this country that have adopted a living wage. Of course, as the Senator knows, there have been a number of States even in the most recent times—North Carolina, Arkansas, the most recent—that have increased the minimum wage. I am wondering whether the Senator from New Mexico found out in Santa Fe, with an increase in the living wage, what we found out in Baltimore, for example, and that was, first of all, there is much lower turnover by workers in the community, and therefore there is much less training that is necessary for the municipality when they get new workers. There is a much higher degree of attendance, fewer people who are dropping out of the labor market, productivity has increased, and in all we have seen in so many living-wage communities that the concerns which have been expressed by the opposition have melted away because what has happened is the workforce that has remained has become more loyal, more productive, higher morale, and less willing to move or change jobs, better and continued training for their job, and the output for those workers has been a significant improvement. I wonder if the Senator has some general impressions with regard to his own observations and results.

Mr. BINGAMAN. Mr. President, I do think my strong impression is there have been many of the positive benefits the Senator cited that we have realized in Santa Fe and other communities in my State where there has been an increase in the minimum wage.

One other I would mention is that the number of families in need of temporary assistance has declined significantly since we moved to a higher minimum wage in Santa Fe, and that has been another benefit to the community.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. BINGAMAN. Yes, I will be glad to yield.

Mr. KENNEDY. What we have seen is if the employers are not paying the minimum wage, then the workers are eligible for a variety of different Federal programs that are paid for by the general taxpayers; while if they pay the minimum wage or a living wage—and the living wage is more in correspondence to the poverty wage—then these workers are no longer eligible for the range of social programs that are available and there is less of a burden on working Americans. In other words, we find that many of the companies that are paying low wages are actually being subsidized by the taxpayers with either food assistance or additional housing or additional benefits for which they otherwise would not be eligible. This has been estimated to be in the billions of dollars.

The Senator makes a very good point that this is just an example about how many of these employers are being subsidized by the taxpayers by keeping low wages so their workers are eligible for other governmental programs, while if they are paid a decent wage, they wouldn't be eligible, and that would relieve the burden on the American taxpayers.

Mr. BINGAMAN. Mr. President, I agree entirely with what the Senator from Massachusetts has said. In fact, the governmental assistance programs that are required and that are in place do not have to do the job of filling in the gap between this poverty line and the minimum wage as we have allowed it to exist. So there is a serious issue here.

I wish to mention one other aspect of this issue.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has used 30 minutes. The Senator's time has expired.

The Senator from Virginia.

Mr. WARNER. Mr. President, first, I ask unanimous consent that I may be allowed to speak in morning business not to exceed 5 minutes.

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

Mr. WARNER. Mr. President, for the information of all Senators, we have yet to bring up the Defense authorization bill. The leadership is continuing to work out, hopefully, an accommodation for the initiative of the Senator from Massachusetts on the very important amendment on minimum wage. So I wish to inform colleagues that hopefully this will be procedurally worked out, such as we can bring the bill up and then proceed on the bill. But in the meantime, we remain in morning business, and if there is additional time the Senator from Massachusetts would like or the distinguished Senator from New Mexico—and I see the Senator from Kentucky—I will be perfectly willing to try to accommodate Senators.

Might I inquire of the Senator from Kentucky the subject on which he would like to speak?

Mr. BUNNING. It is on the nomination of the Federal Reserve vice-chairmanship.

Mr. KENNEDY. Mr. President, could the Senator from New Mexico just be given a final few minutes to wind up, and then I have no objection to proceeding with the nomination.

Mr. WARNER. Fine. Yes. Thank you very much, Mr. President. I ask unanimous consent that another 10 minutes be allocated to Senator KENNEDY under his jurisdiction.

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

Mr. KENNEDY. I yield to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleagues. I thank the chairman of the committee, Senator WARNER. Let me just make one additional point and then yield the remainder of the time to Senator KENNEDY to conclude the argument.

The other point is I find the positions of many of the employers who have come in to see me and talk to me about this issue of minimum wage has changed very dramatically over the last year or two. For a long period of time, I found that the owners of hotels and restaurants and other businesses in my State would come to town each year and lobby me against an increase in the minimum wage, believing that increasing the minimum wage would make it more difficult for them to compete. The truth is, now the local communities such as the community of Santa Fe, the community of Albuquerque, and other local communities around the country have begun to change the minimum wage and to essentially take action where the Federal Government has failed to take action. I am finding that these same employers are now coming in and saying: Would you please adjust the Federal minimum wage? Would you please take what is the normal course and keep the Federal minimum wage at a reasonable level so that we do not have every community in the country feeling under pressure to pass an ordinance on the subject? I think that is a reasonable position for them to take.

So those same businesses that used to lobby me against increasing the minimum wage are now lobbying me in favor of increasing the minimum wage because they believe very strongly that this is a national issue, that we ought to have a national minimum wage, it ought to be reasonable, and it ought to be adjusted as the cost of living goes up and as the Federal poverty line requires.

Mr. President, I urge my colleagues to support this amendment when it actually gets offered. I thank my colleague for allowing me to speak on this issue.

Mr. KENNEDY. Mr. President, I will just speak briefly and then yield to the Senator from Kentucky.

Just a point I want to underline, and that is the impact of a low minimum wage on children—on children. America's children are more likely to live in poverty than Americans in any other group. Nearly one in five children live in poverty. The poverty rate for children in the United States is substantially higher, often two or three times higher, than that of most of the other major western industrial nations. Sweden's child poverty rate is a fifth of America's. Poland's child poverty rate is half of America's. African-American and Latino children are more likely to live in poverty than White children.

One-third of African-American children live below the poverty line, as do nearly one-third of Latino children. We must give these children a boost in life by ensuring that their hard-working parents receive a living wage. Raising the minimum wage will help raise these families out of poverty, making a difference in the lives of their children. Increasing the minimum wage will help nearly 7.5 million children whose parents would receive a raise, and over 3 million kids have parents who would get an immediate raise.

Reducing child poverty is one of the best investments that Americans can make in our Nation's future. Fewer children in poverty will mean more children entering school ready to learn, more successful schools and fewer dropouts, better child health, and less strain on hospitals and public health systems, less strain on our juvenile justice system, and less child hunger and malnutrition and other important advances. It is long past time to raise the minimum wage. No child in this country should have to live in poverty.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I understand from the distinguished Senator from Massachusetts that this concludes for this period of time his comments on the minimum wage. I would simply ask at this time unanimous consent that those Senators desiring to have statements on the minimum wage amendment printed in the RECORD appear following Senator KENNEDY's colloquy with his colleagues.

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

Mr. WARNER. We will, of course, I say to my good friend, in due course comment and provide a response to, first, your request on procedure, and, second, to the substance of this very important amendment. So I thank you for the cooperation that you have shown this morning.

Mr. KENNEDY. I thank the Senator.

EXECUTIVE SESSION

NOMINATION OF DONALD KOHN TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 711, Donald Kohn; provided further that Senator BUNNING be recognized to speak for up to 15 minutes; following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination, with no further intervening action or debate.

Finally, I ask unanimous consent following the vote, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I simply would say, it says ''Senate resume legislative session.'' It should be: The Senate will resume the session of morning business. We wouldn't return to legislation right away.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for consideration of Executive Calendar No. 711, which the clerk will report.

The assistant legislative clerk read the nomination of Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized for 15 minutes.

Mr. BUNNING. Thank you, Mr. President. I will not require 15 minutes, but I do have some things to say about the nominee. I just want to speak for a few minutes to explain why I am going to vote no on the nomination of Donald Kohn to be Vice Chairman of the Board of Governors of the Federal Reserve.

I am going to vote against Dr. Kohn because I do not think he has been an independent voice at the Fed. Since he joined the Fed in 2002 as a member, he has agreed with all of the interest rate decisions that Chairman Bernanke and former Chairman Greenspan advanced. And because of recent statements, some as recently as Friday, I am convinced he is not going to speak up against yet another decision to hike interest rates when the Fed open market committee meets at the end of this month.

Interest rate and inflation fears caused by statements from the Fed members have put our stock markets into free fall. Ever since the last Fed hike, stock values have been plummeting. A lot of value has been destroyed. Even counting a few good days last week, most of the major indexes are, at best, flat for 2006, despite a great runup in the first 4 months of the year. Individual investors and pension funds have lost billions of dollars, investors' confidence is shaken, and for what? Inflation data is at worst mixed. I certainly do not believe it is out of control. Oil and commodity prices have fallen significantly lately. Consumer spending is still strong.

Former Fed Chairman Greenspan said recently that the economy has been able to handle the high gasoline prices. And even Chairman Bernanke admitted last week that the signs of inflation have weakened.

But the Fed keeps raising interest rates, and its members keep talking like another rate increase is coming, even after the June meeting. Inflation indicators talked about by Fed members look at what has been, not what is coming. And interest rate increases take time to impact the economy. But the Fed has not taken a break in raising rates for over 2 years—2 years. The Fed has a bad record of overshooting, and I am afraid they will overshoot this time if they have not already done so.

We all know that interest rate hikes will slow the economy. I just hope that it won't kill it. We need the Fed to stop the madness. I am not convinced that Dr. Kohn will be a voice to stop the madness sooner rather than later. Because I am not convinced Dr. Kohn will be the right voice at the Fed or an independent voice as Vice Chairman, I will vote no.

So, Mr. President, I ask unanimous consent that when the vote occurs on Dr. Kohn's nomination, the RECORD reflect that I voted no.

I yield the floor.

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

Under the previous order, the vote now occurs on the nomination. The question is, Will the Senate advise and consent to the nomination of Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System?

The nomination was confirmed.

Mr. WARNER. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. WARNER. Mr. President, unless there are other Members seeking recognition, I know our distinguished colleague from New Mexico wishes to speak, and we will continue in morning business with Senators speaking up to 10 minutes each.

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

The Senate will be in a period of morning business with Senators allowed to speak for up to 10 minutes each.

The Senator from New Mexico is recognized.

GUANTANAMO PRISONERS

Mr. BINGAMAN. Mr. President, when it is appropriate, I would like to offer an amendment to the Defense authorization bill, and I have provided that amendment to the chairman of the committee and to the ranking member. I would like, obviously, to get a vote on that at whatever time is convenient to them and the orderly processing of that legislation. I am told that right now is not the right time, and that I

should go ahead and speak as in morning business and explain the amendment, which I am glad to do.

This is amendment No. 4317. It has been filed. It is at the desk. I would just explain to people this is an amendment that would propose to expedite the processing of individuals who are being held in Guantanamo.

Let me take a brief moment and describe more specifically what the amendment does. With respect to individuals currently held at Guantanamo, the amendment would require that the Government charge, repatriate, or release those prisoners within 180 days of the enactment of this legislation; that is, the completion of the signing by the President of the Defense authorization bill. However, if for any reason the Government has not charged or repatriated or released the individuals within that timeframe provided in the amendment, then the Department of Defense would be required to provide a report regarding why they have not done so to the appropriate committees of the Congress, and this report could be submitted in classified form, if necessary, or in unclassified form.

Nothing in the amendment would require the Department of Defense to release any individual who is a threat to the security of the United States. Also, to make it perfectly clear, this amendment does not state that the Guantanamo facility would be closed within 180 days. The amendment merely provides that within that period, which I believe to be a reasonable timeframe, the United States will make a determination regarding what it intends to do with the individuals currently being held there. For example, if an individual is charged and tried before a military tribunal, there is nothing in the amendment that prevents the Government from continuing to detain that person at Guantanamo, either while they are awaiting trial or after they are sentenced, if a sentence is imposed and they are found guilty. My amendment is simply aimed at moving this process along, not at closing the facility.

The amendment also provides the Government with flexibility regarding the appropriate venue if it decides to bring charges against an individual. The Government could file charges in a United States district court, in a military tribunal, or in an international criminal tribunal. On June 9, President Bush stated that he believes that those held at Guantanamo ''ought to be tried in courts here in the United States.''

Several days later, on June 14, he said that the best way to ''handle these types of people is through our military courts.''

Frankly, whether they are tried in our military courts or in domestic courts is not of great consequence, as long as the trial is conducted in accordance with due process. What is important is that the individuals whom we believe have committed a crime are brought to justice and those who are not a threat to this Nation are released. This is one of the fundamental premises of our traditional notion of justice, and it is time that we restore our adherence to this important principle.

Serious questions have been raised with respect to the military commissions that are currently being used in the few cases where individuals have been charged. In fact, the Supreme Court is expected to rule within the next week or so regarding the legality of such commissions. However, the amendment that I am offering does not favor any one venue over any other venue, should the United States decide to try an individual. The amendment simply states that a person may be charged in a ''military tribunal.'' This could include court martial proceedings under the Uniform Code of Military Justice or military commissions.

The amendment does not provide the Government with any new authority, nor does it restrict the ability of the Government to bring charges in an appropriate military tribunal. Regardless of what the Supreme Court rules in the Hamdan case, the amendment still maintains flexibility with regard to such decisions.

Some may assert that under the laws of war there is no requirement that a person be charged with a crime and that individuals can be held until the end of hostilities. While I understand this argument, we have not applied traditional laws of war with respect to these people. Neither have we applied traditional notions of domestic criminal law.

Over the last several years the administration has been adamant that it would not apply the requirements of the Geneva Convention to these prisoners and that Federal courts have no role in providing judicial oversight of the detention of these individuals. The fact is that the administration has made up the rules that apply to these persons as they have gone along.

In addition, as the President likes to say, we are fighting an unconventional war of an indefinite duration. The threat of terrorism is not going to be resolved with some formal peace treaty. It is and will remain for some time one of the most significant challenges that you or our Nation will face.

It is time that we begin to close the legal black hole that has existed with respect to these individuals and begin to deal with them within some recognized legal framework. As the President stated on June 14 of this year, ''We better have a plan to deal with them in our courts.'' I agree with that. The amendment I am offering would help expedite this process and would ensure that the United States has such a plan. It would also reassert congressional oversight of the process.

Under the amendment I am offering, the Government could also send an individual back to his home country, so long as there are not substantial grounds to believe that the individual would be subjected to torture or, if appropriate, the Government could release the individual to a third party country. Nothing in my amendment biases what is done with these individuals. As I have said, the decision of whether a person is charged or repatriated or released is in the discretion of the Government and would be made in a manner consistent with our national security.

Some may argue that the 180 days provided under the amendment is not enough time to make such a determination. First, let's remember that many of the people we are talking about have been at Guantanamo for over 4 years. It is my understanding that no new prisoners have been sent to Guantanamo for over 21 months. Every person held at Guantanamo has already gone before a Combatant Status Review Tribunal to determine whether they are so-called enemy combatants.

As part of this process, the Department of Defense presents the evidence that it believes provides a basis for the continued detention of the individual. All of the prisoners have been interrogated repeatedly and the intelligence regarding their alleged wrongdoing has been thoroughly vetted. As such, the 6 months provided under this amendment is more than sufficient time to make a decision of what to do with these individuals. There has been plenty of time to gather the information necessary to make a determination of whether or not they should be tried for committing a crime or whether they should be sent to their home country or whether they should be released if they are not in fact a threat to the United States. But, as I mentioned before, if the Government is unable to comply or chooses not to comply, it is simply required at that point—the Secretary of Defense is required—to provide the relevant congressional committees with information regarding why this deadline was not met.

These are not earth-shattering proposals that are contained in my amendment. These are all options on which the President has said that he is moving forward. President Bush has stated on several occasions recently that he would like to close Guantanamo and that the individuals being held there should be tried in a court and repatriated or released.

This last May, while on a trip to Germany, the President said, ''I would like to close the camp and put the prisoners on trial.'' He has reiterated this position twice this month. He has also stated that the Government is in the process of repatriating certain individuals. According to the Department of Defense, there are about 120 prisoners who have been determined to be eligible for transfer or release.

Unfortunately, despite the statements that progress is being made in processing these individuals, the facts are clear. There are currently approximately 460 prisoners that remain in a

state of indefinite imprisonment with little prospect of either being held accountable for their actions or being allowed to prove their innocence. Since the United States began sending people to Guantanamo in 2002, only 10 individuals have ever been formally charged with any wrongdoing.

From a diplomatic standpoint, the continued indefinite detention of individuals at Guantanamo has damaged our own country. As President Bush said on June 14:

> No question, Guantanamo sends a signal to some of our friends—provides an excuse, for example, to say the United States is not upholding the values that they are trying to encourage other countries to adhere to.

The President is right. I strongly believe that the prolonged indefinite imprisonment of persons without charges is inconsistent with the traditions and values of the United States and that it will continue to cause difficulty in our relations with other nations, including the allies that we rely upon in confronting the threat of terrorism. Frankly, it is embarrassing that when our leaders travel the world they have to constantly respond to questions about why the United States is indefinitely imprisoning people and whether it is engaging in interrogation methods that amount to torture.

Where the United States was once a champion of due process and an advocate for the humane treatment of prisoners, we are now subjected to almost universal criticism throughout the world community over our violation of these principles. Our handling of these individuals has not only resulted in serious doubts by our allies about whether we are a nation that respects the rule of law, but they have also given the terrorists around the world an opportunity to use this resentment to advance their goals.

In July 2003, almost 3 years ago and over a year and a half after the first person was sent to Guantanamo, I introduced a similar amendment to the Defense Appropriations bill that would have required the Secretary of Defense to simply report to Congress regarding the status of individuals held at Guantanamo and whether it intended to charge or repatriate or release such individuals.

The amendment was aimed at encouraging the Department of Defense to make decisions as to what it intended to do with the individuals and to provide for basic congressional oversight. Opponents of the measure argued that even a report on the administration's intentions placed unwarranted pressure on the administration to make decisions and that additional time was needed to investigate those individuals and to exploit useful intelligence. Since that time, these persons have been interrogated, have been investigated at length, and any useful intelligence information has been gathered.

Once again, I anticipate there will be those who say that we need to wait, we need to do nothing, we need to let the process work itself out in the courts or within whatever timeframe the executive branch believes is proper. As Senators, I believe our responsibility is not to sit back and watch as another several years roll by. The time to act is now. Reasserting congressional oversight of this process is long overdue.

We have been holding people at Guantanamo for over 4½ years. The time has come to begin to close this chapter in our Nation's history. It is time for the Senate to provide a clear message that the United States takes seriously its obligation to uphold the rule of law.

I have no doubt that we will look back at the Guantanamo experience as an aberration, as a mistaken endeavor that has taken us away from our historic commitment to the rule of law and respect for basic human rights. However, I also believe that we are at a transition period. We have before us an opportunity to change course. I hope my colleagues will support this important measure when I do offer it as an amendment to the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for his cooperation on the procedure this afternoon. This is a very significant and important amendment. In due course we will have comments from our side with regard to the amendment. I am certain the distinguished ranking member and I will work out a timely schedule for you to bring it up again, take such time as you need for further debate, be followed by a debate on this side and then a vote, because it certainly is one that deserves the attention of the Senate.

Mr. President, I see my distinguished ranking member here. We are in morning business, I say to my colleague.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me commend the Senator from New Mexico for his amendment. It is a very significant amendment. It is carefully worked out. It is very much worthy of the Senate's consideration.

I know we are in morning business. I simply want at this point to inform the body that an amendment which I have now filed on behalf of myself, Senator JACK REED, Senators FEINSTEIN and SALAZAR, is now at the desk. Its number is 4320. Its purpose is to state the sense of Congress on the United States policy on Iraq.

I am not going to speak on the amendment at this time.

Mr. WARNER. Why don't you go ahead and speak on it?

Mr. LEVIN. No, I would rather save my remarks for a time when it relates more to the issue at hand, when we call up this amendment. I thank my good friend from Virginia for that suggestion, but I think I would rather, at the time I call up the amendment, make the remarks.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in his usual courtesy, the Senator from Michigan handed me, a few moments ago, this amendment. I glanced over it. It is, indeed, I think, a very serious-minded approach. I am not sure at this point in time I am ready to say that I concur in all provisions. But it is reminiscent of the initiative taken last year by the distinguished Senator from Michigan when he put in an amendment with regard to the situation in Iraq. I recall very well having taken that amendment and reworked it in some several ways, and eventually the Senate adopted that amendment. So I will, accordingly, give it very serious consideration, and at an appropriate time I look forward to engaging him in debate on this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me again thank my good friend from Virginia. I, too, indeed, remember that debate last year on that amendment. The Senator from Virginia made a very constructive contribution to the debate. The final outcome was not the original amendment that I filed, but what remained of the amendment was significant and I think had an impact on the policy of this country. I commended him then and I commend him now for that effort on his part. I look forward to a discussion about this amendment, No. 4320.

Mr. WARNER. Mr. President, I thank my colleague. I notice in this amendment, though, language quite similar to what we had last year in one provision on this amendment.

At this time, unless the Senator from New Mexico desires to further address the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

The Senator from Alaska is recognized.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2005

Mr. STEVENS. Mr. President, the Senate just passed critical legislation to ensure the productivity and sustainability of our Nation's fishery resources. S. 2012, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, is the product of over a year and a half of discussions, hearings, drafts, revisions, and compromise.

My good friend and cochairman of the Commerce Committee, Senator INOUYE, worked closely with me on drafting this bill to manage and regulate the fisheries in the United States

Exclusive Economic Zone. The bill is cosponsored by Senators LOTT, HUTCHISON, SNOWE, SMITH, VITTER, KERRY, BOXER, LAUTENBERG, BILL NELSON, CANTWELL, and PRYOR.

In a speech last week, President Bush urged the Congress to pass legislation to reauthorize the Magnuson-Stevens Act. The Senate has now acted and I will work closely with the House to get our bills resolved in conference and get this important legislation to the President for his signature.

The Magnuson-Stevens Fishery Conservation and Management Act of 2005 implements many of the recommendations from the U.S. Commission on Ocean Policy, the first such Congressionally authorized commission to review our Nation's ocean policies and laws in over 35 years. The recommendations of the commission were important to the development of this Act. The intent of this legislation is to authorize these recommendations and to build on some of the sound fishery management principals we passed in the Sustainable Fisheries Act in 1996, the last time we reauthorized the Act.

Specifically, 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 legislation establishes a council training program designed to prepare members on the numerous legal, scientific, economic, and conflict of interests requirements that apply to the fishery management process. In addition, to address concerns over the transparency of the regional council process, the bill provides for additional financial disclosure requirements for council members and clarifies the Act's conflict of interest and recusal requirements.

The bill mandates the use of annual catch limits that shall not be exceeded to prevent overfishing and preserve the sustainable harvest of fishery resources in all 8 regional council jurisdictions. The President mentioned in his speech last week that overfishing must end. The bill the Senate passed today will achieve this goal by requiring every fishery management plan contain an annual catch limit be set at or below optimum yield—this will provide accountability in our fisheries and ensure that harvests do not exceed a level that provides for the continued productivity of the fishery resource.

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 Limited Access Privileges Programs for the harvesting of fish. Limited access privilege programs, called LAPPs for short, include individual fishing quota, and are expanded to allow for allocation of harvesting privileges under these programs to fishing communities or regional fishery associations, which can take into account impacts on shoreside interests in a rationalized fishery. In addition, there is a 5-year administrative review to ensure future quota programs are meeting the goals of the program and the conservation and management requirements of the act.

An important objective of the bill the Senate passed today is to provide a more uniform and consistent process for fishery management.

The bill requires a revision and updating of agency procedures for fishery management compliance with the national Environmental Policy Act, known as NEPA. This would allow for the development of one content process for councils to consider the substantive requirements of NEPA under the timelines provided in the Magnuson-Stevens Act when developing fishery management plans, plan amendments, and regulations. The regional councils, the administration, and to a lesser extent the U.S. Commission on Ocean Policy, all recommended the need for addressing the inconsistencies between the two acts and resolving timelines or process issues such that councils are not spending all their time and funding on developing litigation proof Environmental Impact Statements and Environmental Assessments under NEPA.

This legislation will strengthen the role of science in council decision making, another important recommendation of the U.S. Commission on Ocean Policy, through a number of provisions. It specifies that the role of the Scientific and Statistical Committees SSCs is to provide their councils with ongoing scientific advice needed for management decisions, which may include recommendations on acceptable biological catch or optimum yield, annual catch limits, or other mortality limits. The SSCs are expected to advise the councils on a variety of other issues, including stock status and health, bycatch, habitat status, and socio-economic impacts.

Improvements for data collection and better management are important enhancements to the overall effectiveness of the Magnuson-Stevens Act. The bill the Senate passed today 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. It provides a mechanism for improving data relating to recreational fisheries by establishing a new national program for the registration of marine recreational fishermen who fish in Federal waters. And it directs the Secretary, in cooperation with the councils, to create a regionally based Bycatch Reduction Engineering Program to develop technological devices and engineering techniques for minimizing bycatch, bycatch mortality, and post-release mortality.

Finally, it is important to note the Magnuson-Stevens Act has worked well and provided for the effective conservation and management of U.S. fishery resources. For instance, the fisheries managed by the North Pacific Council, which both the U.S. Commission on Ocean Policy and the Pew Oceans Commission lauded as the example for proper fisheries management, does not have an overfished stock or endangered species of fish. It consistently sets an optimum yield far below the acceptable biological catch and as a result the fisheries in its jurisdiction have remained sustainable and productive. Our goal here is to improve the act and allow for continued sustainability of the resource for generations to come.

Unfortunately, management internationally and especially on the high-seas is lacking. Illegal, unreported, and unregulated fishing, IUU, as well as expanding industrial foreign fishing fleets and high bycatch levels, are threats to sustainable fisheries worldwide. Ultimately, these types of unsustainable and destructive fishing practices on the high seas threaten the good management that does take place in U.S. waters.

The bill the Senate has passed today strengthens U.S. leadership in international conservation and management by requiring the Secretary of Commerce to establish an international compliance and monitoring program, provide reports to Congress on progress in reducing IUU fishing, promote international cooperation, and strengthen the ability of regional fishery management organizations to combat IUU and other harmful fishing practices. In addition, the legislation allows for 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 enjoyed very much the bipartisan spirit that has defined this legislation and in particular working closely with my Commerce Committee co-chairman Senator INOUYE to produce such important legislation to ensure the conservation and management of our Nation's fishery resources.

I end by congratulating all for the bipartisan spirit which defines this legislation, and in particular my close working relationship with Senator INOUYE to produce this important legislation and for the action of Senator MURRAY. She and I entered into an agreement for comments. I congratulate her for her work with me on this important legislation to ensure the conservation and management of our fisheries resources, and I thank the managers of the bill.

Mr. WARNER. Mr. President, I am advised the distinguished majority leader will momentarily come to the floor for purposes of stating the proposal we have with regard to the matters Senator KENNEDY addressed earlier. Until such time occurs, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. The clerk will please report the pending business.

The legislative clerk read as follows:

A bill (S. 2766) to authorize preparations for fiscal year 2007 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.

Pending:

McCain amendment No. 4241, to name the act after John Warner, a Senator from Virginia.

Nelson (FL)/Menendez amendment No. 4265, to express the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

McConnell amendment No. 4272, to commend the Iraqi Government for affirming its positions of no amnesty for terrorists who have attacked U.S. forces.

Dorgan amendment No. 4292, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Mr. KENNEDY. Mr. President, I ask unanimous consent to lay aside the pending amendments.

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

AMENDMENT NO. 4322

Mr. KENNEDY. I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 4322.

Mr. KENNEDY. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage)

At the appropriate place, insert the following:

SEC. ___. INCREASE IN THE MINIMUM WAGE.

(a) FEDERAL MINIMUM WAGE.—

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

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

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007;

''(B) $6.55 an hour, beginning 12 months after that 60th day; and

''(C) $7.25 an hour, beginning 24 months after that 60th day;''.

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

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

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

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

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

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

AMENDMENT NO. 4323 TO AMENDMENT NO. 4322

Mr. FRIST. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 4323 to amendment No. 4322.

Mr. FRIST. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions)

At the end of the amendment add the following:

SEC. ___. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

''Sec.

''2431. Transportation of minors in circumvention of certain laws relating to abortion.

''§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

''(b) EXCEPTIONS.—

''(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

''(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

''117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431''.

Mr. FRIST. Mr. President, a lot of discussion has been going on in the Senate with regard to a shift that we are making that I don't entirely agree with. That is a shift off of the underlying bill—not literally off the bill but in terms of substance—addressing the issue of minimum wage that my colleague from Massachusetts has addressed.

Personally, as I have explained to my colleagues, I don't believe this is the appropriate bill on which to be addressing the minimum wage. We should be debating the war on terror and the progress that has been achieved in Iraq and the way we can further that success in the future.

We have agreed to set aside amendments so that the Senator from Massachusetts can offer an amendment on the minimum wage, and I seconddegreed that amendment with a child custody protection amendment.

Our discussions have led to the understanding that after we figure out how we are going to address both the minimum wage and child custody protection over the course of this afternoon or tonight or tomorrow, we will get around to having a vote on the minimum wage issue.

There has been some discussion whether we had to file cloture on the minimum wage or on child custody protection, but we agree that, after further discussion, we will figure out the most appropriate manner to bring to the floor and address these issues over the next—I am not sure how long it will take, but figure out exactly how long that is. I do encourage our Members to come to the floor and to continue debating the underlying bill as well, the Department of Defense authorization bill.

Again, I wish that neither one of these issues that we just offered were going to be debated on this particular bill, but I understand it is the right of each Senator to come forward and offer those two bills.

Again, I will turn to my colleague from Massachusetts to make a statement as to whether that is the general understanding of where we are.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the leader for his cooperation. As I understand what he is basically saying is that he will work out, I imagine with the Democratic leader, an appropriate time so at least the Senate will have an opportunity, before final passage of this legislation, that we will get a vote on my amendment or action on it related thereto. Am I right?

Mr. FRIST. That is correct.

Mr. KENNEDY. I thank the leader. Earlier in the day, I listened to the concerns of the leader about the appropriateness of my amendment on this legislation. I pointed out earlier, when I addressed the Senate, that I believe that our fighting men and women in Iraq, Afghanistan, and around the world are fighting for American values, and part of American values is economic fairness and economic justice, and part of economic fairness and economic justice is making sure we are going to treat American workers decently and fairly.

So I want to indicate both to the leader and, most particularly, to the chairman of the Armed Services Committee, we will work with him in every possible way to work out the appropriate timing on it so that other serious work of the committee can move ahead in a timely way.

I thank both leaders.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. The challenge with the Department of Defense authorization bill is really just this, what is playing out; that is, for us to address what is the issue, I believe, that is most important to the United States today. That is supporting our men and women who are fighting so bravely and gallantly for us right now in this war on terror.

Thus, I believe that a minimum wage amendment should not be debated on this particular bill, but it looks like it will be debated on this particular bill. In the colloquy that was just entertained, it is clear we will be debating it on the bill.

It was clear last week the other side did not really want to stay on this issue of debating Iraq, surrounding Iraq. And by offering this amendment, they made it clear they do want to shift debate off to an entirely different issue, an issue that does have a time and a place that is more appropriate for it to be addressed. At that time, we should be debating the overall economy and the impact that it would have on small business and on jobs in this country.

We need to also have that debate on how to maintain, to continue the strong economic growth that we are seeing in this country today because of President Bush's strong progrowth economic policies which have created 5.3 million jobs in the last 3 years. We have unemployment that is down to 4.7 percent, which is lower than the average of the 1990s and 1980s and 1970s.

In order to keep the economy growing, we need to continue to debate how to open new markets, how to reduce the burden on our economy of taxation and regulation, how we make education more affordable, how we tackle health care costs—all of which are very important issues.

Again, I prefer not to debate all those issues on this important bill, the Department of Defense authorization bill. We need to look, at some point, at the issues surrounding our overall economy, a progrowth package, and look at the issues surrounding the minimum wage, but to do it in isolation on a totally unrelated bill I don't think is the way to go.

On this bill, I do believe America can do better.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, what is the matter before the Senate at this time?

The PRESIDING OFFICER. The seconddegree amendment of the Senator from Tennessee, Mr. FRIST, to the amendment from the Senator from Massachusetts.

Mr. REID. We are on the Defense bill, then?

The PRESIDING OFFICER. That is correct, until 4 o'clock.

Mr. REID. Mr. President, at an appropriate time I will lay down an amendment. Right now I will just speak on it for a few minutes.

(The remarks of Mr. REID pertaining to the introduction of S. 3536 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. President, the hour of 4 o'clock will be here in a couple minutes, and I have a few more minutes to speak. I ask unanimous consent that I be allowed to finish my statement using leader time, and that the 4 o'clock time for consideration of the judicial nomination be extended for probably less than 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

Mr. REID. Mr. President, I extend my appreciation to the distinguished Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I had stepped off the floor for a minute. You are going to introduce your legislation as an amendment to the authorization bill.

Mr. REID. Yes, but I will do it at a subsequent time.

Mr. WARNER. I appreciate that cooperation.

Mr. REID. I want to talk to Senator LEVIN and the chairman before offering it.

Mr. WARNER. I thank my colleague.

I believe we should proceed under the standing order.

EXECUTIVE SESSION

NOMINATION OF SANDRA SEGAL IKUTA TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate will proceed to executive session for consideration of Executive Calendar No. 699, which the clerk will report.

The legislative clerk read the nomination of Sandra Segal Ikuta, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 5 p.m. shall be equally divided between the Senator from Pennsylvania, Mr. SPECTER, and the Senator from

Vermont, Mr. LEAHY, or their designees.

Mr. WARNER. Mr. President, it is my understanding that at 5 o'clock we will have the vote; is that correct?

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senate will vote at 5 p.m. on the nomination.

Mr. WARNER. Upon the conclusion of that vote, would the Chair advise, are there any orders with regard to the business to be conducted then by the Senate?

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. WARNER. On the authorization bill for the Armed Forces?

The PRESIDING OFFICER. The authorization bill is the pending legislative business, so the answer is yes.

Mr. WARNER. I thank the Chair. It is my understanding two Senators, both of whom are members of the Armed Services Committee, the senior Senator from Georgia and the Senator from Rhode Island, desire to address the Senate. I want it clearly understood, we do not wish to have additional amendments filed. I will have to work this out in the interim period. I will do my best to accommodate these Senators without amendments being filed to the bill at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WARNER. Momentarily, I will ask that the quorum call be reinstated, but I ask unanimous consent that the time be allocated equally between both sides on the pending nomination.

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

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, I have sought recognition to speak on the nomination of Ms. Sandra Segal Ikuta to be a judge for the U.S. Court of Appeals for the Ninth Circuit. Ms. Ikuta was nominated by President Bush to be a judge for the Ninth Circuit on February 8, 2006. Her hearing was held on May 2, 2006. Thanks to the cooperation of the distinguished ranking member, Senator LEAHY, and all members of the committee, we processed her through on May 25, 2006, and she is now ready for a confirmation vote by the Senate.

Ms. Ikuta has an extraordinary record. She received a bachelor's degree from the University of California, Phi Beta Kappa, a master's degree from Columbia University School of Journalism, and a law degree from the University of California. She clerked for Judge Kozinski of the Ninth Circuit. Ms. Ikuta then clerked for U.S. Supreme Court Justice Sandra Day O'Connor. Following her Supreme Court clerkship, she went to work for O'Melveny & Myers as an associate, becoming a partner in 1997. She specialized in environmental law, including serving as co-chair of the firm's environmental practice group.

She then entered public service as Deputy Secretary and General Counsel to the California Resources Agency in Governor Schwarznegger's administration. She has written extensively in the field of environmental law, served as chair of the environmental section of the Los Angeles County Bar in 2001 and 2002, and she received a unanimous ''well qualified'' rating from the American Bar Association. I urge my colleagues to confirm her.

Mr. President, before yielding to my distinguished colleague, let me again thank him for all of his cooperation, and we will soon celebrate a year and a half of very productive, very cooperative, very collegial work on the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Pennsylvania. He and I have been friends since the day we were both prosecutors, and I think that has helped in running that committee.

Today the Senate will confirm another lifetime appointment to our Federal courts. Sandra Segal Ikuta, who has been nominated to a seat on the Court of Appeals for the Ninth Circuit, has the support of her home-state Senators, Senator FEINSTEIN and Senator BOXER. Her nomination was reported unanimously by the Judiciary Committee last month as we expedited consideration through the committee.

I am pleased that the Republican leadership has scheduled debate and consideration of this nomination and am glad that the Republican leadership is this month taking notice of the fact that we can cooperate on swift consideration and confirmation of consensus nominations. Working together, we confirmed 5 judges in 1 week earlier this month. All of them could have been confirmed last month if the Republican leadership had chosen to make progress instead of picking a fight on a controversial nomination. I look forward to working with the Republican leadership to schedule debate and consideration of Andrew Guilford, who has been nominated to the United States District Court for the Central District of California.

I, again, commend the Republican Senate leadership for wisely passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith. The Republican leadership is right to have avoided an unnecessarily divisive debate over these nominations that were reported on a party-line vote.

During the 17 months I was Chairman of the Judiciary Committee and the Senate was under Democratic control, we confirmed 100 of President Bush's nominees. After today, in the last 17 months under Republican control, the Senate will have confirmed 44. With this nomination, the Senate has confirmed 22 judicial nominations this year and equaled its total for all of last year.

Judicial vacancies continue to hover just under the 50 mark, but more than half of these vacancies have no nominee. I urge the White House to work with Senators from both parties to select nominees who can be expeditiously considered and confirmed like Ms. Ikuta.

I am particularly pleased that they have chosen to turn to the nomination of Ms. Ikuta who, like Judge Milan Smith, is a nominee to the Ninth Circuit. Ms. Ikuta is a consensus nominee who can be easily confirmed. Unfortunately, the same cannot be said about another pending Ninth Circuit nominee, Norman Randy Smith. In nominating Judge Smith of Idaho for a lifetime appointment to the Ninth Circuit, President Bush broke with the longstanding precedent of replacing each circuit court vacancy with a nominee from the same State, taking away a California seat on the Ninth Circuit. Senators FEINSTEIN and BOXER expressed their strong opposition to this nomination in a January 30, 2006, letter to Chairman SPECTER.

I have urged President Bush to resolve this impasse by doing the right thing and nominating Judge Smith not for a California seat but for the vacancy created by the retirement of Judge Thomas G. Nelson from Idaho. Regrettably, he has not done so.

In their letter to Chairman SPECTER, Senators FEINSTEIN and BOXER expressed their concerns that the confirmation of Judge Smith to the Ninth Circuit would transfer a judgeship from California to Idaho, violating historical precedent. Judge Smith has been nominated to fill the seat last occupied by Judge Stephen Trott, an appointee of President Ronald Reagan from California, whose retirement in 2004 created this vacancy. Judge Trott was from California, where he had practiced for much of his career prior to becoming a judge. In fact, he was nominated to fill the seat of another Californian, Judge Joseph Sneed. At the time of his nomination, while he worked at the Department of Justice in Washington, the Senators from California were consulted and it was understood to be a California seat.

While an agreement can sometimes be worked out among Senators and the White House to proceed with someone from another State within the circuit

first, so long as the subsequent nomination comes from the first State, I do not know of any precedent for shifting a circuit seat based on a judge's personal decision to change his or her personal residence. If that were to become the rule, I expect that Vermont might well benefit from judges initially named as from New York or Connecticut recognizing the beauty and lifestyle that Vermont has to offer and moving to the Green Mountain State. But that is not the rule and has never been the rule. Instead, we have worked out circuit court allocations among the States based on tradition and history.

Of course this White House has attempted to steal a seat before, when it attempted to replace a Maryland Fourth Circuit judge with someone from Virginia. That attempt was unsuccessful. That was the ill-fated nomination of Claude Allen, a White House insider who has since resigned his high-ranking position and been arrested on charges of retail theft.

I am sensitive that every State within a circuit should have at least one judge come from that State. I supported legislation to ensure that and to afford Hawaii a seat on the Ninth Circuit. I will defend Idaho's right to a seat on the Ninth Circuit, just as I defend Vermont's right to a seat on the Second Circuit. However, Judge Smith was not nominated to Idaho's seat. If the President would take my suggestion and renominate him to that Idaho vacancy, that would resolve this problem.

Judge Ikuta will occupy a California seat on the Ninth Circuit previously held by Judge James R. Browning. Judge Browning was an extraordinary jurist for whom the Ninth Circuit's building in San Francisco was recently named. She has a great tradition to uphold an I wish her well. I congratulate her and her family on her confirmation.

While I am pleased that the Senate will today confirm Ms. Ikuta to the Ninth Circuit, I note that President Bush has yet to nominate a single Asian-Pacific American candidate to any of the dozens of vacancies that have arisen on our federal circuit courts. Indeed, President Bush has nominated only one Asian-American candidate out of the hundreds of Federal judicial nominees he has named overall. There are many, many qualified Asian-American attorneys and judges. There is no quota or requirement that the Federal bench be diverse, but it is surprising that given the nominations he has had the opportunity to make, which are approaching 300, I can remember only a single Asian-Pacific American judicial nominee, and not one Asian-Pacific American appellate nominee. This lack of diversity in nominees is quite a contrast with the record of President Clinton, who appointed several Asian-Pacific nominees to the district and appellate courts. President Clinton appointed Judge Denny Chinn, Judge George H. King, Judge Anthony W. Ishii, and Judge Susan Oki Mollway to Federal district courts in New York, California and Hawaii, and who elevated Judge A. Wallace Tashima to the United States Court of Appeals for the Ninth Circuit. The current President is more interested in naming White House insiders and ideologues. In fact, he has nominated more people associated with the Federalist Society than African-American, Hispanic, and Asian-Pacific American nominees combined.

With the retirement of Judge Tashima from the Ninth Circuit, there are no Asian-American circuit court judges. Despite the opportunity presented with two Supreme Court vacancies in the past year to make the Nation's highest court better reflect America's diversity, the President has made the Supreme Court less diverse, failing even to fill the seat of the Court's first female Justice, Sandra Day O'Connor, with a qualified woman. Of course he was forced by the extreme faction of his own party to withdraw his nomination of his friend and counsel Harriet Miers before she even had a hearing.

President Clinton sought to add diversity to the Federal bench. This President is more focused on guaranteed results and making sure certain circuits will be stocked with those who tilt the courts to the right and rule in his favor.

Mr. President, if I have remaining time, I yield it back.

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the hour of 5 p.m. having arrived, the Senate will proceed to vote on the nomination.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Sandra Segal Ikuta, of California, to be United States Circuit Judge for the Ninth Circuit?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Montana (Mr. BURNS), the Senator from Louisiana (Mr. VITTER), the Senator from South Carolina (Mr. DEMINT), the Senator from Wyoming (Mr. ENZI), the Senator from Mississippi (Mr. LOTT), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''yea.''

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that if present and voting, the Senator from Washington Ms. (CANTWELL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. KERRY) would each vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 0, as follows:

[Rollcall Vote No. 175 Ex.]

YEAS—81

Akaka	Dodd	McConnell
Alexander	Dole	Mikulski
Allard	Domenici	Murray
Allen	Dorgan	Nelson (FL)
Baucus	Ensign	Nelson (NE)
Bayh	Feingold	Obama
Bennett	Feinstein	Pryor
Bingaman	Frist	Reed
Bond	Graham	Reid
Boxer	Grassley	Roberts
Bunning	Gregg	Salazar
Burr	Hagel	Sarbanes
Byrd	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Isakson	Snowe
Coburn	Kennedy	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeWine	Lugar	Wyden

NOT VOTING—19

Biden	Inouye	Menendez
Brownback	Jeffords	Murkowski
Burns	Johnson	Rockefeller
Cantwell	Kerry	Santorum
DeMint	Lott	Vitter
Durbin	Martinez	
Enzi	McCain	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Idaho.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

REPORT ON TRIP TO THE NETHERLANDS AND FRANCE

Mr. SPECTER. Mr. President, in the 2 minutes I have left, I would like to comment very briefly on a trip made by the Veterans' Affairs Committee to oversee World War I and World War II cemeteries in the Netherlands and France. The chairman of the committee, the distinguished Senator from Idaho, Mr. CRAIG, organized the trip, with Senator BURR, Senator ISAKSON, and myself.

Let me say to you that it was inspirational to visit the cemeteries—I had never done that before—to see so many marble crosses and marble stars of David. It was especially poignant for me because my father fought in World War I. He left Russia at the age of 18 in 1911 to escape the tyranny. The Czar wanted to send him to Siberia. He wanted to go to Kansas. It was a close call. I say that jokingly. He was proud to serve in the U.S. Army as a Doughboy. It took all of 30 days for him to be inducted, until he was shipped overseas, really, with a big bull's eye on his back as cannon fodder by all means.

When I was growing up, he would regale my brother, my two sisters, and me with World War I songs, such as ''It's A Long Way To Tipperary.'' I recall his singing the song about the bugler in the famous World War I song, ''Oh, How I Hate To Get Up In The Morning.'' It said that if given a chance, he would have shot the bugler. And my father liked to sing that song. He got up early a lot of mornings.

Fighting in the Argonne Forest, he was wounded in action by shrapnel fire. He carried shrapnel in his legs until the day he died. Had the shrapnel hit him a little higher, Harry Specter might have been in one of those cemeteries and he wouldn't have been my father.

It was quite an inspirational trip.

I ask unanimous consent that my written statement be printed in the RECORD.

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

I have sought recognition to comment on a trip by the Senate Veterans' Affairs Committee to the Netherlands and France from May 26th through June 1st to conduct congressional oversight on World War I and World War II cemeteries in those countries. The trip was organized by the Committee Chairman, Senator LARRY CRAIG (R–ID) and with Senators RICHARD BURR (R–NC) and JOHNNY ISAKSON (R–GA) and myself in attendance. The itinerary included the following cemeteries: Aines-Marne American Cemetery, France; Ardennes American Cemetery, Belgium; Henri-Chapelle American Cemetery, Belgium; Netherlands American Cemetery, The Netherlands; Normandy American Cemetery, France, and Suresnes American Cemetery, France.

It was a sobering and thought provoking trip to see so many marble Crosses and marble Stars of David in symmetrical rows. We know the history of those two wars with so many casualties but until you actually see the tombstones it is an abstraction.

We found all of the cemeteries to be meticulously maintained. The grass was manicured, the foliage was magnificent and the unique shrines at each cemetery were very impressive. From the point of view of congressional oversight, the Senate delegation was unanimous in concluding that the American Battle Monuments Commission has done a superb job in maintaining the cemeteries.

On May 28th we attended a particularly impressive cemetery at the Netherlands American Cemetery with dozens of wreaths being laid in honor of the fallen veterans. At the Suresnes American Cemetery in Paris, the memorial recounted the statistics of the 126,000 U.S. soldiers who were killed in World War I and the 407,300 U.S. soldiers killed in World War II.

On a personal level, I was especially touched by the graves of World War I veterans because my father, Harry Specter, fought in that War. He came to the United States at the age of 18 in 1911 to escape the Czar's tyranny. The Czar wanted to send him to Siberia. He wanted to go to Kansas. I jokingly say it was a close call.

My father was inducted on May 6, 1918 at Fairbury, Nebraska and shipped out of the United States for France thirty days later. His discharge papers bear the notation: ''Character: Excellent''.

The reality was that he, like so many others, was sent to France as cannon fodder—with really a big bull's-eye painted on his back. He patriotically brushed off that off and was proud to serve in the Army of his adopted country. He talked jokingly that frequently all they had to eat was ''jam sandwiches'' which meant two pieces of bread jammed together. He talked about climbing a tree in France to pick fruit for himself and his buddies. That is what his family had done in the village of Batchkurina in the heart of the Ukraine about 160 miles southwest of Kiev. He commented that he was never required to fire his rifle at the German enemy.

When I was growing up, he would regale my brother, two sisters and me with World War I songs such as ''It's a Long Way to Tipperary.'' I recall his singing about the bugler on the famous World War I song ''Oh How I Hate to Get Up in the Morning.'' Fighting in the Argonne Forest, he was wounded in action by shrapnel fire. He carried shrapnel in his legs until the day he died. Had the shrapnel hit him a little higher, Harry Specter might have lain in one of the cemeteries and he wouldn't have been my father.

The U.S. Ambassador to France, Craig R. Stapleton, invited the delegation to dinner on May 31st, attended by French officials and embassy personnel. During the course of the evening, Ambassador Stapleton spoke about a relative, Flem Stapleton, the son of his grandfather's first cousin Benjamin Franklin Stapleton. He recounted finding his relative's name on the roster of World War I veterans killed in action which prompted him to do some research. He found that Flem Stapleton was killed in action in his first battle at the age of twenty. When Ambassador Stapleton recounted the story, tears came to his eyes and he was unable to continue for a few moments.

When I was asked to speak a few moments later, I said Ambassador Stapleton had really captured and articulated the emotion which I felt on seeing the Crosses and Stars of David.

The visits to the cemeteries gave me new meaning for patriotism and the great contributions which our servicemen and women have made to the security of our nation and the freedom we all enjoy.

THE CONTINUING SERVICE OF SENATOR ROBERT C. BYRD

Mr. LEAHY. Mr. President, the Senate has just marked another milestone with the extraordinary service of the senior Senator from West Virginia. I consider him a mentor and a friend. I have had the privilege of serving with Senator BYRD on the Judiciary Committee and I currently serve with him on the Appropriations Committee. I know firsthand his work as the Senate majority leader, the Senate Democratic leader, and as our President pro tempore.

He understands the role of the Senate and the need for it to act as a check and a balance on the President. In recent years, he has been discovered by a new generation of Americans as a true Senator.

By his work and his example he teaches each of us every day what the Senate should be and must be if the constitutional design of the Founders is to serve and preserve our rights and liberties.

One of the great privileges of serving in the Senate is to serve with the senior Senator from West Virginia. One of the great pleasures is to hear him speak on this floor. His continuing contributions to the Senate and the Nation are too numerous to recount but I would like to mention one of the many outstanding moments.

Senator BYRD has preserved the Constitution from numerous assaults. He takes seriously the Senate oath to ''support and defend'' the Constitution. He has protected it from a number of ill-conceived and politically-motivated amendments, including the so-called balanced budget amendment and the line-item veto. The last time the Senate considered amending the Constitution to cut back on our individual liberties and limit the first amendment, that guarantee in the Bill of Rights of our freedom of religion and speech, it was in no small way thanks to Senator BYRD that the Constitution and the rights of Americans were preserved.

On March 29, 2000, he gave an extraordinary speech. I was a manager on the matter and was fortunate to be present. I noted at the time that ''periodically, we hear greatness in speeches,'' and observed that this was a case where the Senate had heard greatness. It is a speech that students of the Constitution and of constitutional history should study.

In the days ahead, we will again be challenged to amend our Bill of Rights for the first time in over 200 years. I can think of no one I would rather stand with and fight for the Constitution than the senior Senator from West Virginia. Every day he walks on the floor of this Senate carrying the Constitution because he knows that the liberties of the American people are not to be sacrificed for passing political favor. He is a fierce advocate for the Nation, the Constitution, the Senate, but first and foremost, for the people of the State of West Virginia whom he represents so ably.

I have said that I sit in the white hair row. It is a row that I picked. Because of my seniority, I can sit just about anywhere I want, but I sit in this row to sit near Senator BYRD.

Senator BYRD is a Senator's Senator, but he is also a Senator who respects and preserves the Constitution. We are supposed to be the conscience of the Nation. There is only 100 of us to represent 219 million Americans. Thank goodness one of those 100 is ROBERT C. BYRD of West Virginia.

COMMONSENSE CONSUMPTION ACT OF 2005, S. 908

Mr. LEAHY. Mr. President, I would note that regrettably, we have on the Senate's calendar legislation designed to limit the rights of consumers, the so-called Commonsense Consumption Act of 2005, as bad public policy.

It defies common sense to give entire industries blanket immunity from potential harm they impose on Americans. The incentives involved in litigation are one of the few remaining measures leading to real corporate responsibility, not to mention accountability. The handful of lawsuits that would have been barred by this legislation actually resulted in settlements providing for more nutritious food in our schools, more accurate labeling for consumers, and the removal of harmful trans fats from some of the foods we eat. A blanket ban on such measures will lead to more serious problems such as increases in heart disease and diabetes and other chronic conditions that are taxing this Nation's health system.

There are many problems with the sweeping language of this legislation. It would dismiss existing State and Federal cases, as well as preempt future cases. Sponsors of the bill claim that it would not prevent false advertising claims but the language in the bill does not guarantee this result. It prevents suits against manufacturers, marketers, distributors, advertisers or sellers of specific products but the exception for false advertising only applies to manufacturers and sellers. Why should advertisers and sellers be excluded from this exception? They are just as likely to deceive consumers as manufacturers and sellers. Also, the legal standard will be heightened so that consumers would be required to prove intentional violation of Federal or State statutes, rather than simply having to prove violations of government regulations on advertising and food safety. Why would we want to give immunity to companies that violate safety regulations? And why should the injured consumer be required to prove a corporation's intent if it can be proved that the corporation violated the law? We all know how impossible it is to prove ''corporate intent'' without the extraordinary help of a whistleblower. And we all know that were it not for citizens' lawsuits, we may never have learned of the harm that big tobacco companies knowingly caused to so many, for so long, while denying so much of what they knew. Time and again, the legal system has been more effective than government watchdog agencies in prying loose consumer information like that, which we otherwise might never see.

This legislation does not create any alternative method for keeping a check on corporate misconduct that has a detrimental effect on the health of all Americans. If this bill passes, American consumers will only be left with the thin hope that suddenly the Bush-Cheney administration will begin true regulation of corporations on behalf of American consumers.

If we are serious about trying to address the national health epidemic that is related to obesity, then we should be considering legislation to clarify food labeling so consumers can make informed choices. How about legislation requiring nutritious food in our schools? How about listening to the scientific and health community about the needless dangers of trans fats in our food? How about ending cuts in education that lead to the cancellation of physical education and health courses?

Consideration of this corporate immunity legislation would be especially ill-timed in light of the numerous pressing issues that face this Nation today. The Senate's time would be better spent debating stem cell research, or the life saving technologies that would make Americans' lives better. We should also be moving forward with comprehensive immigration reform, reauthorizing the Voting Rights Act, and addressing the horrific genocide in Darfur. This bill also yet to be subject to committee consideration. If the Judiciary Committee had considered this legislation, I am confident we would have amended the sweeping language of this blanket immunity bill.

This legislation favors the interests of corporations over the health of our children and the health of their parents. This is not the fix that is needed. Let us direct our energies towards making American health care better by finding cures to diseases, making it easier for consumers to make informed choices, getting more Americans insured and investing in health care prevention.

BIRTHDAY WISHES TO DAW AUNG SAN SUU KYI

Mr. MCCONNELL. As with all supporters of freedom and democracy in the, world, I rise today to extend birthday wishes to Daw Aung San Suu Kyi, the Nobel Laureate who remains under house arrest in Burma.

Much like her previous several birthdays, Suu Kyi's birthday today almost certainly will not be a happy one. The ''gift'' given to Suu Kyi by the ruling State Peace and Development Council, SPDC, a few weeks ago was the news that it was again extending her detention.

Under the autocratic rule of the SPDC, drug trafficking, disease and human rights violations are rampant and pose growing problems to the region as a whole. The SPDC adheres to policies that seek only to consolidate its own power, and the ruined lives of the Burmese people are the result. Indeed, there is little reason for celebration in Burma today.

The plight of Suu Kyi symbolizes the plight of her countrymen. Moreover, her commitment to freedom and justice through peaceful political change has created a legacy that will endure long after the SPDC's reign is no more.

The best gift the free world can give Suu Kyi is to remain steadfast in support of freedom in Burma today. She can count on my support.

Mr. President, I ask unanimous consent that an op-ed in today's Wall Street Journal by Under Secretary of State Paula Dobriansky be printed in the RECORD.

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

[From the Wall Street Journal, June 19, 2006]

''PRESS FOR CHANGE IN BURMA''

(By Paula J. Dobrainsky)

Today marks the 61st birthday of Aung San Suu Kyi, the elected leader of Burma's National League for Democracy. It is the third consecutive birthday that she has spent under detention—and a stark reminder that not only she, but 50 million fellow Burmese are living without basic freedoms and human rights. Absent change, Burma is likely to continue a dangerous decline that threatens the welfare of its people and its neighbors alike.

Only by unconditionally releasing Ms. Suu Kyi and all other political prisoners, restoring a democratic form of government, and observing international standards of human rights can Burma's regime bring stability, prosperity and peace to its country—and international respect to its leaders. Toward that end, we are seeking a United Nations Security Council resolution that underscores the aforementioned goals, which were communicated by U.N. Undersecretary General for Political Affairs Ibrahim Gambari to senior Burmese officials during his visit to the country last month. The U.S. is committed to working with the U.N. Security Council, U.N. Secretary General Kofi Annan, regional institutions and governments to press for genuine national reconciliation in Burma.

The threat to the Burmese people from their own leaders is clear: In only the last few months, attacks against ethnic minorities have displaced thousands. Military units abuse their power regularly and commit egregious human rights abuses with impunity, including rape, forced labor, murder and torture. The regime's continued economic mismanagement and corruption have led to a widespread failure of the banking system and rampant inflation, which increases the daily hardships of the Burmese people. Making matters worse, the military's restrictions on U.N. and nongovernmental organizations have hampered the ability of relief organizations to deliver assistance to Burma's most vulnerable populations.

Infectious diseases like HIV/AIDS, tuberculosis and avian flu are best controlled by responsible governments with transparent public health systems that cooperate closely with international institutions. Yet even as the Burmese regime spends considerable

sums to finish relocating its capital, malnutrition is rising and thousands are dying from treatable diseases like malaria and tuberculosis. This tragic failure calls into question the Burmese junta's willingness and ability to protect and improve the well-being of its people.

Burma's people are not alone in facing the consequences of their government's actions: the country's deterioration poses a real danger to its neighbors and—in today's interconnected world—even to those far away. The drug trade and trafficking in persons are rampant; both flow across porous borders and spread corruption, political instability and disease.

America will persist in its strategy to increase international pressure on Burma by working with individual governments and regional organizations, such as the European Union, to seek to return the country to its people through a transparent, inclusive political process. The U.S. administration will continue to impose economic sanctions on the Burmese government, while insisting upon the unconditional release of Ms. Suu Kyi and other political prisoners; an end to attacks on civilians and other human rights violations; and a real dialogue leading to peace, democracy and national reconciliation.

In Asia, the U.S. will continue to collaborate with Burma's neighbors, including members of the Association of Southeast Asian Nations, who have a particular interest in seeing Burma's decline reversed. Asean leaders have already publicly called for the release of political prisoners and for the resumption of a national dialogue with all political stakeholders. On June 3, Indonesian Foreign Minister Hasan Wirayuda stated that ''the junta [can] not deflect criticism of the Nobel peace laureate's detention by saying it was an internal matter. The truth is no country can claim that human rights abuses are its own internal affairs.''

Finally, the U.S. will work in the U.N. to press for change in Burma. We are pleased that the U.N.'s Economic and Social Council will discuss Burma's forced labor practices in its July session. The U.S. will continue to pursue a U.N. Security Council resolution. As U.S. Secretary of State Condoleezza Rice has said, America stands with the people of Burma, and we have not forgotten their dream of democracy.

The economic, political and public health situation in Burma has deteriorated to the point where the regime's combination of repression and its unwillingness—or inability—to meet its own citizens' needs pose a threat to the peace, security and stability of the region. We must all act together to help the Burmese people win the freedom and prosperity they deserve.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. DURBIN. Mr. President, on vote No. 175, I was necessarily absent due to a weather delay with my plane from New York (Delta 1959). Had I been present for that vote, I would have voted to confirm the nomination of Sandra Segal Ikuta to be U.S. Circuit Judge for the Ninth Circuit.●

TRIBUTE TO SENATOR BOB DOLE

Mr. INHOFE. Mr. President, I rise today to pay tribute to Senator Bob Dole, a person who is often thought of as one of the most prominent political figures of our time. Perhaps former Secretary of State Colin Powell described Senator Dole best when he said he is, ''A plain-spoken man of strength, maturity and integrity.''

This ''plain-spoken'' man from Oklahoma's neighboring State of Kansas is legendary for his brave sacrifice to our great country in World War II. In the war, he was a platoon leader in the distinguished Tenth Mountain Division in Italy. He was awarded two Purple Hearts and a Bronze Star after being seriously injured in battle, but his service and sacrifice did not end there. After a long, determined road to recovery, a renewed faith in God, and loving support from family and friends, he began his political career.

After earning his law degree, Senator Dole served in the Kansas Legislature from 1951 to 1953. He came to Washington to serve in the House of Representatives in 1960. He was then elected to the Senate in 1968. His leadership skills gained swift recognition as he became chairman of the National Republican Committee in 1971 and Senate majority leader in 1984.

After Republicans lost control of the Senate in 1986, Senator Dole continued serving his party as Senate minority leader. In this capacity, he became known for his ''watch-dog'' tactics fighting against Democrat tax-and-spend, big-government policies. Thanks to his help in exposing the unrestrained behavior of the Democrats, the American people voted to put Republicans back in control of both Houses of Congress in 1994. After this overwhelming victory, Senator Dole was once again voted to the post of majority leader, making him the longest serving Senate leader in the history of the Republican Party.

I was privileged to serve with Bob Dole in this body from 1994 to 1996 and work on different issues with him. I supported him in 1996 when he was fighting tax increases and other excessive governmental policies.

After leaving the Senate to run for an unsuccessful Presidential bid in 1996, Senator Dole continued his public service by becoming chairman of the National World War II Memorial to erect a memorial on The National Mall to honor the sacrifice of the brave men and woman who served in the largest and deadliest war in history. He also served as cochair of the Families of Freedom Scholarship Fund to assist the educational needs of the families of victims of the September 11 attacks.

Through media appearances, speeches, two best-selling books, ''Great Presidential Wit, I Wish I Was In The Book'' and ''Great Political Wit, Laughing (Almost) All the Way to the White House,'' and his personal World War II memoirs, ''One Soldier's Story,'' Senator Dole continues to leave a legacy of the values and principles that have made this great country what it is today.

Bob Dole is a man of character and integrity, and I am proud to honor him with this deserving tribute today.

MARRIAGE PROTECTION AMENDMENT

Mr. SCHUMER. Mr. President, I rise to speak about the Marriage Protection Amendment. This poorly conceived, divisive proposal does not belong in the U.S. Constitution. To me, the Constitution is a sacred document, one that protects rights and preserves liberties, and we should not amend it lightly. Never once has our Constitution been amended to deny rights to a group of Americans. And we should not do it now.

This divisive and unnecessary amendment—which failed overwhelmingly when last brought before the Senate—would undermine rights like civil unions now enjoyed by people in many States throughout the Nation. This amendment would override State laws that grant fundamental protections such as hospital visitation rights, inheritance rights, and health care benefits.

Unfortunately, the White House and some Members of Congress think it is more important to attempt to divide our Nation over an amendment that they know has no chance of passing than to actually govern. The timing of this marriage debate and vote—just months before a heated midterm election—proves that this amendment is a political ploy to distract the American people from the issues that the President and his party are failing to address, like skyrocketing oil prices, the war in Iraq, and the lack of affordable prescription drugs.

Therefore, Mr. President, I join a broad range of opponents to the amendment, including former Republican Representative Bob Barr, various clergy groups, and countless voters in my State and across the country in opposing this amendment.

ADDITIONAL STATEMENTS

TRIBUTE TO JAMES REID

● Mr. TALENT. Mr. President, today I wish to recognize James Reid of St. Charles, MI, who earned the distinct honor of reaching the rank of Eagle Scout. James has earned such an honor through his outstanding dedication to his community and his commitment to citizenship.

James's rise to the rank of Eagle Scout is an achievement that is truly worthy of recognition. With this achievement, he joins a prestigious group of individuals, including U.S. Presidents, Members of Congress, astronauts, entertainers, businessmen, and clergymen.

James's dedication to community is evident in and around the St. Charles area. At a young age, he brought his community together through the fundraising and construction of the flagpole that now completes the city's monument to Lewis and Clark. In addition, he serves as an advocate for the homeless, working countless hours building

houses throughout the St. Louis metropolitan area. In recognition of his dedication, James earned the President's Gold Volunteer Service Award. As for many Eagle Scouts, this honor is merely the beginning of success, and I wish him the best of luck in his future endeavors.

The honor of achieving the rank of Eagle Scout is truly a momentous occasion for James Reid and his family and has come as a result of his diligence and hard work. I thank James for representing St. Charles and the State of Missouri in such an exemplary manner.●

TRIBUTE TO JOHNNY WILSON

● Mr. KENNEDY. Mr. President, today I take a moment to honor the extraordinary accomplishments of a young citizen from Massachusetts, 10-year-old Johnny Wilson. Last October, Johnny set a world record as the youngest person ever to swim from Alcatraz Island to Aquatic Park in San Francisco, a distance of 1.4 miles. It was an impressive accomplishment in and of itself, but Johnny's swim had far greater meaning and purpose than setting a record. For every quarter mile he swam, Johnny collected pledges for disaster relief for the victims of Hurricane Katrina, and his swim produced over $150,000.

Johnny first got the idea from a family friend, Rick Murray, an Iron Man triathlete, who suggested the idea after noticing Johnny's strength as a swimmer and offered to be his coach. Johnny spent over a year in training, swimming 10 miles a week in pools during the school year and in the ocean near Hyannis Port during the summer. In addition, he spent 3 months training in the cold water of the San Francisco Bay to further prepare for the conditions of his swim.

Johnny first got the idea to use his swimming ability to raise funds last September, when his school began to emphasize efforts to aid the victims of Katrina. He and seven of his classmates rallied the local community, calling all the families they knew and asking for pledges for every quarter mile of the swim that Johnny would complete. By the day of the swim, these efforts had already yielded over $30,000 in donations.

The swim began before sunrise at 6 a.m. last October 10. The large waves, freezing water, and the fact that he was the only child attempting the swim did not deter Johnny from diving in the water that morning. Flanked 10 feet on either side by adult safety swimmers and kayaks in case of an emergency, Johnny swam into Aquatic Park Cove 1 hour 6 minutes later to the cheers of his family, teacher, and classmates. Halfway through the swim, he stopped to warm his numbed limbs, but when asked if wanted to stop swimming, he said no and continued on his way. His commitment to himself and to the Katrina victims he wanted to help enabled him to deal with the long, cold waters to reach his goal.

The media attention to Johnny's swim and its admirable purpose increased his fundraising ability. Word of his mission spread in over 600 broadcasts in 20 countries and led to appearances on the ''Today Show'', ''Oprah'' and ''CNN.'' The additional publicity helped raise $20,000 more for Johnny's cause, as people throughout the country and around the world were touched by the strength of his spirit and heart demonstrated by this remarkable young man. In the end, Johnny was able to make an amazing contribution of $51,000 to the Hurricane Katrina victims' fund of the Red Cross.

Able and caring young people like Johnny inspire a new sense of hope for the Nation's future. He demonstrated the difference that one committed person can make in bringing people together to touch the lives of others. I commend Johnny Wilson for his impressive achievement, his caring heart, and his wonderful contribution to the lives of those devastated by Hurricane Katrina. He represents the best of our country, and I wish him well in the years ahead.●

PLANKINTON, SOUTH DAKOTA, TO CELEBRATE 125 YEARS

● Mr. THUNE. Mr. President, today I recognize Plankinton, SD. The town of Plankinton will celebrate the 125th anniversary of its founding this year.

The county seat of Aurora County, Plankinton officially became a town in 1881. Plankinton is well known for being South Dakota's No. 1 hunting and fishing destination. Plankinton has much to be proud of, and I am sure the next 125 years will be even more productive and noteworthy.

I offer my congratulations to Plankinton on their anniversary, and I wish them continued prosperity in the years to come.●

VIVIAN, SOUTH DAKOTA, CELEBRATES 100 YEARS

● Mr. THUNE. Mr. President, today I recognize Vivian, SD, which is celebrating its centennial this year.

Located in Lyman County, Vivian was founded during an extension of the Chicago, Milwaukee, and St. Paul Railroad rail lines in 1906 and was named after the wife of one of their officials. Vivian is a welcoming community that reflects the values and principles that we as Americans hold dear.

I offer my congratulations to Vivian on their anniversary, and I wish them continued prosperity in the years to come.●

MT. VERNON, SOUTH DAKOTA, CELEBRATES ITS 125TH ANNIVERSARY

● Mr. THUNE. Mr. President, today I recognize Mt. Vernon, SD. The town of Mt. Vernon will celebrate the 125th anniversary of its founding this year.

Located in Davison County, Mt. Vernon was originally named Arlandton and served as a shelter for pioneers on their way to Fort Thompson trail. The name was changed to Mt. Vernon with the arrival of the railroad in 1881.

I offer my congratulations to Mt. Vernon on their anniversary, and I wish them continued prosperity in the years to come.●

MOBRIDGE, SOUTH DAKOTA, CELEBRATES ITS 100TH ANNIVERSARY

● Mr. THUNE. Mr. President, today I recognize the 100th anniversary of the town of Mobridge and its citizens' dedication to the Main Street Revitalization Project.

Beginning as a parcel of private land, Mobridge was founded when GEN S. E. Olson, bridged the gap between the two banks of the Missouri River to provide the opportunity for a railway crossing. Although Mobridge began as a railroad town, it thrives today as community that continues to make industrial and economic progress while offering several scenic opportunities to enjoy hunting, fishing, and other outdoor activities.

It gives me great pleasure to rise with the town of Mobridge in celebration of their centennial festivities and hope that this ''Grand Crossing'' into the next 100 years will be as fruitful as the first.●

MILLER, SOUTH DAKOTA, CELEBRATES ITS 125TH ANNIVERSARY

● Mr. THUNE. Mr. President, today I rise to recognize the 125th anniversary celebration of Miller, SD.

Located in Hand County, the town of Miller was originally founded in 1881 by pioneer Henry Miller. Since its founding 125 years ago, the community of Miller has continued to serve as a strong example of South Dakota values and traditions.

I offer my congratulations to Miller on this milestone accomplishment and wish them continued prosperity in the years to come.●

IONA, SOUTH DAKOTA, CELEBRATES ITS 100TH ANNIVERSARY

● Mr. THUNE. Mr. President, today I recognize Iona, SD. The town of Iona will celebrate the 100th anniversary of its founding this year.

Located in Lyman County, Iona celebrates its centennial on the year the town cemetery was founded, 1906. Although Iona has never officially been incorporated, it is an example of the values and traditions found in communities throughout South Dakota.

I offer my congratulations to Iona on their centennial, and I wish them continued prosperity in the years to come.●

HOWARD, SOUTH DAKOTA, CELEBRATES ITS 125TH ANNIVERSARY

● Mr. THUNE. Mr. President, today I recognize Howard, SD. The town of

Howard will celebrate the 125th anniversary of its founding this year.

Located in Miner County, Howard was founded in 1881. Howard was South Dakota's first community to operate its own wind turbines, providing ''green energy'' to residential and commercial customers.

I offer my congratulations to Howard on their anniversary, and I wish them continued prosperity in the years to come.●

CRESBARD, SOUTH DAKOTA, TO CELEBRATE 100 YEARS

● Mr. THUNE. Mr. President, today I recognize Cresbard, SD. The town of Cresbard will celebrate the 100th anniversary of its founding this year.

Located in north central South Dakota, Cresbard, like many rural towns in South Dakota, has its roots in agriculture. Now, 100 years later, the town still relies on agriculture but has also expanded into a hunting destination in the fall. Cresbard continues to be a great example of what makes South Dakota such a great place to live and do business.

I offer my congratulations to Cresbard on their centennial, and I wish them continued prosperity in the years to come.●

CHELSEA, SOUTH DAKOTA, CELEBRATES 100 YEARS

● Mr. THUNE. Mr. President, today I recognize Chelsea, SD. The town of Chelsea will celebrate the 100th anniversary of its founding this year.

Located in Faulk County, Chelsea was founded as an agricultural town in 1906. Although 100 years has passed since its founding, the city remains a great example of what makes rural South Dakota a welcoming place to live and raise a family.

I offer my congratulations to Chelsea on their anniversary, and I wish them the best in the years to come.●

BRENTFORD, SOUTH DAKOTA, TO CELEBRATE 100 YEARS

● Mr. THUNE. Mr. President, today I recognize Brentford, SD. The town of Brentford will celebrate the 100th anniversary of its founding this year.

Located in Spink County, Brentford was the last town established in the county and has outlasted many of its neighbors. The town of Brentford has the unique distinction of being the only so-named town in the United States. I am confident that the Brentford community will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I offer my congratulations to Brentford on their anniversary, and I wish them continued prosperity in the years to come.●

BALTIC, SOUTH DAKOTA, TO CELEBRATE 125 YEARS

● Mr. THUNE. Mr. President, today I recognize Baltic, SD. The town of Baltic will celebrate the 125th anniversary of its founding this year.

Located in Minnehaha County, Baltic was founded in 1881 on the banks of the Big Sioux River. Baltic has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I offer my congratulations to Baltic on their anniversary, and I wish them continued prosperity in the years to come.●

100TH ANNIVERSARY OF STRATFORD, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize the city of Stratford which is celebrating its 100th anniversary.

Located in Brown County, Stratford was founded in 1906 as an agricultural community. Stratford is a welcoming community that reflects the values and principles that we as Americans hold dear.

It gives me great pleasure to rise with the citizens of Stratford to celebrate the 100th anniversary of their fine city.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTIFICATION OF THE ISSUANCE OF AN EXECUTIVE ORDER BLOCKING THE PROPERTY OF PERSONS IN CONNECTION WITH THE SITUATION IN BELARUS—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the ''order'') blocking the property of persons in connection with the situation in Belarus. In that order, I declared a national emergency with respect to the policies and actions of certain individuals in Belarus, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and circumstances involving Belarus, as described below. This action follows the issuance of Proclamation 8015 of May 12, 2006, ''Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions That Threaten the Transition to Democracy in Belarus,'' in which I determined that it is in the interest of the United States to suspend the entry into the United States of members of the government of Alyaksandr Lukashenka and others who formulate, implement, participate in, or benefit from policies or actions, including electoral fraud, human rights abuses, and corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus.

The United States, the European Union, and other allies and partners around the world have repeatedly expressed support for the democratic aspirations of the Belarusian people and condemned the Belarusian government's human rights abuses, assaults on democracy, and corruption. The Belarusian authorities have resorted to intense repression in an attempt to preserve their power, including the disappearances of four regime critics in 1999 and 2000, which the authorities have failed to investigate seriously despite credible information linking top government officials to these acts.

The undemocratic 2006 presidential election was only the latest example of the Belarusian government's disregard for the rights of its own citizens. Hundreds of civic and opposition activists were arrested—and many beaten—both before and after the vote for exercising their rights. The authorities forcibly dispersed peaceful post-election demonstrations. There is simply no place in a Europe whole and free for a regime of this kind.

The order also takes an important step in the fight against public corruption, which threatens important United States interests globally, including ensuring security and stability, the rule of law and core democratic values, advancing prosperity, and creating a level playing field for lawful business activities. As noted in Proclamation 8015, the persistent acts of corruption by Belarusian government officials in the performance of public functions has played a significant role in frustrating the Belarusian people's aspirations for democracy. This order authorizes the Secretary of the Treasury to block the assets of senior-level officials of the Government of Belarus, their family members, or those closely linked to such officials engaged in such corruption.

Thus, pursuant to IEEPA and the NEA, I have determined that these actions and circumstances constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and I have issued the order to deal with this threat.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State: to be responsible for, or to have participated in, actions or policies that undermine democratic processes or institutions in Belarus; to be responsible for, or to have participated in, human rights abuses related to political repression in Belarus; and to be a senior-level official, a family member of such official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for such blocking any person determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designate for such blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the order. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to remove any persons from the Annex to the order as circumstances warrant.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, was effective at 12:01 a.m. eastern daylight time on June 19, 2006.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 19, 2006*.

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on June 20, 2005 (70 FR 35507).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 19, 2006*.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3534. A bill to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7181. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to the Department of Transportation's Research and Innovative Technology Administration (RITA) in the Research and Development Account (69X1730); to the Committee on Appropriations.

EC–7182. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Navy, case number 05–04; to the Committee on Appropriations.

EC–7183. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 05–19; to the Committee on Appropriations.

EC–7184. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 05–16; to the Committee on Appropriations.

EC–7185. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act, Small and Disadvantaged Business Utilization Office (SADBU), case number 05–04; to the Committee on Appropriations.

EC–7186. A communication from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company's Balance Sheet as of December 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–7187. A communication from the Secretary of Health and Human Services, transmitting, pursuant to the Medical Device User Fee and Modernization Act (MDUFMA), the Department of Health and Human Service's Annual Performance Report; to the Committee on Homeland Security and Governmental Affairs.

EC–7188. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Services Office of Inspector General Semiannual Report for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7189. A communication from the Administrator, National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, NASA's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7190. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department of Housing and Urban Development's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7191. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Training—Reporting Requirements'' (RIN3206–AK46) received on June 12, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7192. A communication from the Chairman and the Vice Chairman, U.S.—China Economic and Security Review Commission, transmitting, pursuant to law, a report relative to the Commission's February 2–3, 2006

hearing on ''Major Internal Challenges Facing the Chinese Leadership''; to the Committee on Armed Services.

EC–7193. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Mentor-Protege Program annual report for fiscal year 2005; to the Committee on Armed Services.

EC–7194. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Department of Defense (DoD) Report to Congress on Recommendations in the National Research Council Assessment of DoD Basic Research''; to the Committee on Armed Services.

EC–7195. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Henry P. Osman, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7196. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General George P. Taylor, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7197. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Radio Frequency Identification'' ((RIN0750–AF31)(DFARS Case 2006–DO02)) received on June 7, 2006; to the Committee on Armed Services.

EC–7198. A communication from the Deputy Secretary, Department of Education, transmitting, pursuant to law, a report relative to the Government Accountability Office, the Department of Education, and the violation of the Antideficiency Act; to the Committee on Health, Education, Labor, and Pensions.

EC–7199. A communication from the Co-Chairs of the Science, Technology, Engineering, and Mathematics (STEM) Initiative, Business-Higher Education Forum, transmitting, a report entitled ''Securing America's Leadership in Science, Technology, Engineering, and Mathematics''; to the Committee on Health, Education, Labor, and Pensions.

EC–7200. A communication from the Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners'' (RIN1219–AB29) received on June 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7201. A communication from the Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's report on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–7202. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on June 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7203. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects—National Data and Statistical Center for the Spinal Cord Injury Model Systems and the National Data Statistical Center for the Traumatic Brain Injury Model Systems'' received on June 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1509. A bill to amend the Lacey Act Amendments of 1981 to add non-human primates to the definition of prohibited wildlife species (Rept. No. 109–263).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TALENT (for himself, Mr. MARTINEZ, Mr. ISAKSON, and Mr. CHAMBLISS):

S. 3535. A bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for himself, Mr. BIDEN, Mr. LEVIN, and Mr. DURBIN):

S. 3536. A bill to ensure oversight of intelligence on Iran, and for other purposes; to the Select Committee on Intelligence.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN:

S. Res. 515. A resolution expressing the sense of the Senate on the continued presence of United States troops in Iraq until at least 2009; to the Committee on Foreign Relations.

By Mr. OBAMA (for himself, Mr. FRIST, Mr. LEVIN, Mr. REID, and Mr. BROWNBACK):

S. Res. 516. A resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future; considered and agreed to.

ADDITIONAL COSPONSORS

S. 424

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 965

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 965, a bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1896

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1896, a bill to permit access to Federal crime information databases by educational agencies for certain purposes.

S. 1930

At the request of Mr. REID, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1930, a bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 2125

At the request of Mr. OBAMA, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2125, a bill to promote relief, security, and democracy in the Democratic Republic of the Congo.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2278

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2342

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2342, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. 2435

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2435, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2617

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2617, a bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes.

S. 3061

At the request of Mr. TALENT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3061, a bill to extend the patent term for the badge of the American Legion Women's Auxiliary, and for other purposes.

S. 3062

At the request of Mr. TALENT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3062, a bill to extend the patent term for the badge of the American Legion, and for other purposes.

S. 3063

At the request of Mr. TALENT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3063, a bill to extend the patent term for the badge of the Sons of the American Legion, and for other purposes.

S. 3069

At the request of Mr. DODD, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 3069, a bill to amend section 2306 of title 38, United States Code, to modify the furnishing of government markers for graves of veterans at private ceremonies, and for other purposes.

S. 3513

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3513, a bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the Lewis Clark expedition, and for other purposes.

S. 3521

At the request of Mr. GREGG, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 3521, a bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process.

S.J. RES. 38

At the request of Mr. MCCONNELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S.J. Res. 38, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 42

At the request of Mr. OBAMA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Con. Res. 42, a concurrent resolution recognizing the historical significance of the Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. RES. 383

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. Res. 383, a resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

S. RES. 405

At the request of Mr. HAGEL, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 405, a resolution designating August 16, 2006, as ''National Airborne Day''.

S. RES. 507

At the request of Mr. BIDEN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

AMENDMENT NO. 4256

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maine (Ms. COLLINS) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 4256 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 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. 4259

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. DORGAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 4259 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 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. 4261

At the request of Mr. CHAMBLISS, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Connecticut (Mr. DODD), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Mexico (Mr. DOMENICI), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maine (Ms. COLLINS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 4261 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 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. 4288

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4288 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 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. 4309

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4309 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 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 Mr. REID (for himself, Mr. BIDEN, Mr. LEVIN, and Mr. DURBIN):

S. 3536. A bill to ensure oversight of intelligence on Iran, and for other purposes; to the Select Committee on Intelligence.

Mr. REID. Mr. President, we live in a dangerous time, and that is an understatement. The threats to our freedom are many. They range from terrorist attacks such as those that hit our shores on 9/11 to rogue nations with nuclear ambitions such as North Korea and Iran.

It is important that we, as a country, address each of these threats. Recent history is rife with examples of what happens if we fail to do so. The threats don't go away; they only get worse.

This is a fact we can see in today's headlines about North Korea's new missile tests—they have not fired a missile since 1998; and from all reports we have been able to pick up on the news, they are now fueling another missile just prior to launch—and also in Iran, where efforts to halt the country's nuclear program have been delayed and complicated by the administration's, I believe, failures in Iraq.

This weekend, the Washington Post reported that top Bush administration officials ignored an offer from Iran in 2003, when American leverage in the region was at its height. The offer from Iran was to curtail its nuclear activities. This is very troubling.

Paul Pillar, the former head of Middle East analysis for the intelligence community, said that the U.S. position regarding Iran is ''inherently weaker now'' because of Iraq, and that ''there have been a lot of lost opportunities.'' One expert analyst said the administration's mismanagement ''strengthened the hands of those in Iran who believe the only way to compel the United States to talk or deal with Iran is not by sending peace offers but by being a nuisance.''

Today, I am introducing legislation which would improve Congress's oversight of the administration's efforts on Iran—the Iran Intelligence Oversight Act. The legislation will ensure that Congress is fully engaged in the Iran debate, and it will also push the Bush White House to develop and implement the right policy for dealing with Iran.

All of us are painfully aware of this Congress's unwillingness to hold this administration accountable for its mistakes and misjudgments. There has been virtually no oversight on anything.

I have said before that there has been a lack of a legislative branch of Government. The executive exists, the judicial branch exists, but the Founding Fathers' view to have three separate but equal branches of Government has not been in existence for the last 5½ years. The reason the President has not had to veto a single bill is he has gotten anything he wants from this Republican Congress.

The Senate Intelligence Committee has led the way in terms of stonewalling and rubber-stamping the Bush administration. Nearly 3 years into its investigation of the White House's politicization of Iraq intelligence, we still don't have a report.

Unfortunately, the committee record on Iran is not any better.

U.S. News and World Report had a quote earlier this spring from the committee's chairman, saying:

[W]e have not made the progress on our oversight of Iran intelligence, which is critical.

U.S. News further said the panel had done only piecemeal scrutiny of the spy agencies' work on Iran, quoting a Republican staffer as saying:

There is no organized committee staff effort to look at Iran right now. . . . It's all sort of on hold.

That is really too bad.

Perhaps Tehran will be kind enough to wait for them, but the Senate should not. The Senate must be engaged as we move our diplomacy forward with Iran. We must take seriously our responsibility to insist on a thorough review of the facts, a full debate of the threat, and full consultation as events move forward.

The legislation I am introducing today would put in place the rigorous oversight necessary to hold the administration accountable for its rhetoric and its all too frequent tendency to spin and distort the facts.

The act requires the administration to give Congress and the American people solid answers to three questions.

First, what is the judgment of the Government's professional intelligence analysts about the threat of Iran, and what tools are most likely to influence the Iranians to change their ways?

Second, what are the President's policy objectives with Iran, and what is his strategy for achieving these objectives?

Currently, we are only left to guess.

To the best of my knowledge, Congress has not yet been briefed on any of the key details of the deal offered to Iran a few weeks ago. The Iranians have been briefed, the Europeans have been briefed, the Russians have been briefed, the Chinese have been briefed—but not the U.S. Senate.

Congress needs to be in on the takeoff, not asked to board the plane for the crash landing.

Third, this legislation asks the question: What is the process for making sure that senior administration officials do not publicly mischaracterize the evidence and the challenge of Iran?

Much of what we heard from the administration in the run-up to Iraq about mushroom clouds, yellow cake, and aluminum tubes turned out to be overstated or based on intelligence that was known to be very, very suspect.

I am told that the most famous of the Vice President's speeches on Iraq—the August 2002 VFW speech that set the rush to war and dramatically overstated the threat from Iraq—was never even cleared by the intelligence community.

With my legislation in place, and with vigilance from Congress, we will be one step closer to ensuring this kind of misleading information does not happen regarding the threat posed by Iran.

I want to be clear: President Bush must take seriously the challenge of Iran, as I know he does, but the way to success will be a policy based on the facts. Under my legislation, the administration will be held accountable for anything less.

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

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

S. 3536

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 ''Iran Intelligence Oversight Act''.

SEC. 2. INTELLIGENCE ON IRAN.

(a) SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—

(1) SUBMITTAL REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) NOTICE REGARDING SUBMITTAL.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) ELEMENTS.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) ELEMENTS.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified, brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 515—EXPRESSING THE SENSE OF THE SENATE ON THE CONTINUED PRESENCE OF UNITED STATES TROOPS IN IRAQ UNTIL AT LEAST 2009

Mr. WYDEN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 515

Resolved, That it is the sense of the Senate that—

(1) the members of the Armed Forces deserve the enormous respect and support of the Senate and the American people for the sacrifices that they are making on behalf of our country; and

(2) the President's intention, as stated on March 21, 2006, that ''future Presidents'' will determine whether to keep members of the Armed Forces in Iraq undermines the preparedness of the United States military to respond to other crises and should not be supported.

SENATE RESOLUTION 516—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY AND EXPRESSING THE SENSE OF THE SENATE THAT HISTORY SHOULD BE REGARDED AS A MEANS FOR UNDERSTANDING THE PAST AND SOLVING THE CHALLENGES OF THE FUTURE

Mr. OBAMA (for himself, Mr. FRIST, Mr. LEVIN, Mr. REID, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 516

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as ''Juneteenth Independence Day'', as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4310. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 2012, 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.

SA 4311. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table.

SA 4312. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4313. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4314. Mr. ALLEN (for himself, Mr. CRAIG, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4315. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4316. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4317. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4318. Mrs. FEINSTEIN (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4319. Mr. PRYOR (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4320. Mr. LEVIN (for himself, Mr. REED, Mrs. FEINSTEIN, Mr. SALAZAR, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4321. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4322. Mr. KENNEDY proposed an amendment to the bill S. 2766, supra.

SA 4323. Mr. FRIST proposed an amendment to amendment SA 4322 proposed by Mr. KENNEDY to the bill S. 2766, supra.

SA 4324. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4325. Mr. BYRD (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4326. Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4327. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4328. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4329. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4330. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4331. Mr. TALENT (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4310. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 2012, 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; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Magnuson-Stevens Fishery Conservation and Management Act.
Sec. 3. Changes in findings and definitions.
Sec. 4. Highly migratory species.
Sec. 5. Total allowable level of foreign fishing.
Sec. 6. Western pacific sustainable fisheries fund.
Sec. 7. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Cumulative impacts.
Sec. 102. Caribbean Council jurisdiction.
Sec. 103. Regional fishery management councils.
Sec. 104. Fishery management plan requirements.
Sec. 105. Fishery management plan discretionary provisions.
Sec. 106. Limited access privilege programs.
Sec. 107. Environmental review process.
Sec. 108. Emergency regulations.
Sec. 109. Western Pacific community development.
Sec. 110. Western Alaska Community Development Quota Program.
Sec. 111. Secretarial action on state groundfish fishing.
Sec. 112. Joint enforcement agreements.
Sec. 113. Transition to sustainable fisheries.
Sec. 114. Regional coastal disaster assistance, transition, and recovery program.
Sec. 115. Fishery finance program hurricane assistance.
Sec. 116. Shrimp fisheries hurricane assistance program.
Sec. 117. Bycatch reduction engineering program.
Sec. 118. Community-based restoration program for fishery and coastal habitats.
Sec. 119. Prohibited acts.
Sec. 120. Enforcement.

TITLE II—INFORMATION AND RESEARCH

Sec. 201. Recreational fisheries information.
Sec. 202. Collection of information.
Sec. 203. Access to certain information.
Sec. 204. Cooperative research and management program.
Sec. 205. Herring study.
Sec. 206. Restoration study.
Sec. 207. Western Pacific fishery demonstration projects.
Sec. 208. Fisheries conservation and management fund.
Sec. 209. Use of fishery finance program and capital construction fund for sustainable purposes.
Sec. 210. Regional ecosystem research.
Sec. 211. Deep sea coral research and technology program.
Sec. 212. Impact of turtle excluder devices on shrimping.
Sec. 213. Hurricane effects on shrimp and oyster fisheries and habitats.
Sec. 214. Northwest Pacific fisheries conservation.
Sec. 215. New England groundfish fishery.
Sec. 216. Report on council management coordination.

TITLE III—OTHER FISHERIES STATUTES

Sec. 301. Amendments to Northern Pacific Halibut Act.
Sec. 302. Reauthorization of other fisheries acts.

TITLE IV—INTERNATIONAL

Sec. 401. International monitoring and compliance.
Sec. 402. Finding with respect to illegal, unreported, and unregulated fishing.
Sec. 403. Action to end illegal, unreported, or unregulated fishing and reduce bycatch of protected marine species.
Sec. 405. Reauthorization of Atlantic Tunas Convention Act.
Sec. 406. International overfishing and domestic equity.
Sec. 407. U.S. catch history.
Sec. 408. Secretarial representative for international fisheries.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Appointment of United States commissioners.
Sec. 504. Authority and responsibility of the Secretary of State.
Sec. 505. Rulemaking authority of the Secretary of Commerce.
Sec. 506. Enforcement.
Sec. 507. Prohibited acts.
Sec. 508. Cooperation in carrying out convention.
Sec. 509. Territorial participation.
Sec. 510. Exclusive economic zone notification.
Sec. 511. Authorization of appropriations.

TITLE VI—PACIFIC WHITING

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. United States representation on joint management committee.
Sec. 604. United States representation on the scientific review group.
Sec. 605. United States representation on joint technical committee.
Sec. 606. United States representation on advisory panel.
Sec. 607. Responsibilities of the Secretary.
Sec. 608. Rulemaking.
Sec. 609. Administrative Matters.
Sec. 610. Enforcement.
Sec. 611. Authorization of appropriations.

SEC. 2. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 3. CHANGES IN FINDINGS AND DEFINITIONS.

(a) ECOSYSTEMS.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

''(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.''.

(b) IN GENERAL.—Section 3 (16 U.S.C. 1802) is amended—

(1) by inserting after paragraph (6) the following:

''(6A) The term 'confidential information' means—

''(A) trade secrets; or

''(B) commercial or financial information the disclosure of which is likely to result in substantial harm to the competitive position of the person who submitted the information to the Secretary.'';

(2) by inserting after paragraph (13) the following:

''(13A) The term 'regional fishery association' means an association formed for the mutual benefit of members—

''(A) to meet social and economic needs in a region or subregion; and

''(B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.'';

(3) by inserting after paragraph (20) the following:

''(20A) The term 'import'—

''(A) means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

''(B) does not include any activity described in subparagraph (A) with respect to fish caught in the exclusive economic zone or by a vessel of the United States.'';

(4) by inserting after paragraph (23) the following:

''(23A) The term 'limited access privilege'—

''(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

''(B) includes an individual fishing quota; but

''(C) does not include community development quotas as described in section 305(i).

''(23B) The term 'limited access system' means a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation.''; and

(5) by inserting after paragraph (27) the following:

''(27A) The term 'observer information' means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary, or collected as part of a cooperative research initiative, including fish harvest or processing observations, fish sampling or weighing data, vessel logbook data, vessel or processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.''.

(c) REDESIGNATION.—Paragraphs (1) through (45) of section 3 (16 U.S.C. 1802), as amended by subsection (a), are redesignated as paragraphs (1) thorough (51), respectively.

(d) CONFORMING AMENDMENTS.—

(1) The following provisions of the Act are amended by striking ''an individual fishing quota'' and inserting ''a limited access privilege'':

(A) Section 402(b)(1)(D) (16 U.S.C. 1881a(b)(1)(D)).

(B) Section 407(a)(1)(D) and (c)(1) (16 U.S.C. 1883(a)(1)(D); (c)(1)).

(2) The following provisions of the Act are amended by striking ''individual fishing quota'' and inserting ''limited access privilege'':

(A) Section 304(c)(3) (16 U.S.C. 1854(c)(3)).

(B) Section 304(d)(2)(A)(i) (16 U.S.C. 1854(d)(2)(A)(i)).

(C) Section 407(c)(2)(B) (16 U.S.C. 1883(c)(2)(B)).

(3) Section 305(h)(1) (16 U.S.C. 1855(h)(1)) is amended by striking ''individual fishing quotas,'' and inserting ''limited access privileges,''.

SEC. 4. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) TRADITIONAL PARTICIPATION.—In managing any fisheries under an international fisheries agreement to which the United States is a party, the appropriate Council or Secretary shall take into account the traditional participation in the fishery, relative to other nations, by fishermen of the United States on fishing vessels of the United States.

''(c) PROMOTION OF STOCK MANAGEMENT.—If a relevant international fisheries organization does not have a process for developing a formal plan to rebuild a depleted stock, an overfished stock, or a stock that is approaching a condition of being overfished, the provisions of this Act in this regard shall be communicated to and promoted by the United States in the international or regional fisheries organization.''.

SEC. 5. TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.

Section 201(d) (16 U.S.C. 1821(d)) is amended—

(1) by striking ''shall be'' and inserting ''is'';

(2) by striking ''will not'' and inserting ''cannot, or will not,'';

(3) by inserting after ''Act.'' the following: ''Allocations of the total allowable level of foreign fishing are discretionary, except that the total allowable level shall be zero for fisheries determined by the Secretary to have adequate or excess harvest capacity.''

SEC. 6. WESTERN PACIFIC SUSTAINABLE FISHERIES FUND.

Section 204(e) (16 U.S.C. 1824(e)(7)) is amended—

(1) by inserting ''and any funds or contributions received in support of conservation and management objectives under a marine conservation plan'' after ''agreement'' in paragraph (7); and

(2) by inserting after ''paragraph (4).'' in paragraph (8) the following: ''In the case of violations by foreign vessels occurring within the exclusive economic zones off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands, amounts received by the Secretary attributable to fines and penalties imposed under this Act, shall be deposited into the Western Pacific Sustainable Fisheries Fund established under paragraph (7) of this subsection.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended to read as follows:

''SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary to carry out the provisions of this Act—

''(1) $328,004,000 for fiscal year 2006;

''(2) $337,844,000 for fiscal year 2007;

''(3) $347,684,000 for fiscal year 2008;

''(4) $357,524,000 for fiscal year 2009;

''(5) $367,364,000 for fiscal year 2010;

''(6) $377,204,000 for fiscal year 2011; and

''(7) $387,044,000 for fiscal year 2012.''.

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. CUMULATIVE IMPACTS.

(a) NATIONAL STANDARDS.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended by inserting ''by utilizing economic and social data that meet the requirements of paragraph (2),'' after ''fishing communities''.

(b) CONTENTS OF PLANS.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking ''describe the likely effects, if any, of the conservation and management measures on—'' and inserting ''analyze the likely effects, if any, including the cumulative economic and social impacts, of the conservation and management measures on, and possible mitigation measures for—''.

SEC. 102. CARIBBEAN COUNCIL JURISDICTION.

Section 302(a)(1)(D) (16 U.S.C. 1852(a)(1)(D)) is amended by inserting ''and of commonwealths, territories, and possessions of the United States in the Caribbean Sea'' after ''seaward of such States''.

SEC. 103. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) TRIBAL ALTERNATE ON PACIFIC COUNCIL.—Section 302(b)(5) (16 U.S.C. 1852(b)(5)) is amended by adding at the end thereof the following:

''(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.''.

(b) SCIENTIFIC AND STATISTICAL COMMITTEES.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by striking so much of subsection (g) as precedes paragraph (2) and inserting the following:

''(g) COMMITTEES AND ADVISORY PANELS.—

''(1)(A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

''(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch or maximum sustainable yield, and reports on stock status and health, bycatch, habitat status, socioeconomic impacts of management measures, and sustainability of fishing practices.

''(C) Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts with strong scientific or technical credentials and experience.

''(D) The Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106–554—Appendix C; 114 Stat. 2763A-153).

''(E) In addition to the provisions of section 302(f)(7), the Secretary may pay a stipend to members of the scientific and statistical committees or advisory panels who are not employed by the Federal government or a State marine fisheries agency.'';

(2) by striking ''other'' in paragraph (2); and

(3) by resetting the left margin of paragraphs (2) through (5) 2 ems from the left.

(c) COUNCIL FUNCTIONS.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking ''authority, and'' in paragraph (5) and inserting ''authority;'';

(2) by redesignating paragraph (6) as paragraph (7); and

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

''(6) develop annual catch limits for each of its managed fisheries after considering the recommendations of its scientific and statistical committee or the peer review process established under subsection (g); and''.

(d) REGULAR AND EMERGENCY MEETINGS.—Section 302(i)(2)(C) (16 U.S.C. 1852(i)(2)(C)) is amended by striking ''published in local newspapers in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery) and such notice may be given by such other means as will result in wide publicity.'' and inserting ''provided by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient.''.

(e) CLOSED MEETINGS.—Section 302(i)(3)(B) (16 U.S.C. 1852(i)(3)(B)) is amended by striking ''notify local newspapers in the major fishing ports within its region (and in other major, affected fishing ports,'' and inserting ''provide notice by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery),''.

(f) TRAINING.—Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

''(k) COUNCIL TRAINING PROGRAM.—

''(1) TRAINING COURSE.—Within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members. The course may cover a variety of topics relevant to matters before the Councils, including—

''(A) fishery science and basic stock assessment methods;

''(B) fishery management techniques, data needs, and Council procedures;

''(C) social science and fishery economics;

''(D) tribal treaty rights and native customs, access, and other rights related to Western Pacific indigenous communities;

''(E) legal requirements of this Act, including conflict of interest and disclosure provisions of this section and related policies;

''(F) other relevant legal and regulatory requirements, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

''(G) public process for development of fishery management plans; and

''(H) other topics suggested by the Council.

''(2) MEMBER TRAINING.—The training course shall be available to both new and existing Council members, and may be made available to committee or advisory panel members as resources allow.

''(l) COUNCIL COORDINATION COMMITTEE.—The Councils may establish a Council coordination committee consisting of the chairs, vice chairs, and executive directors of each of the 8 Councils described in subsection (a)(1), or other Council members or staff, in order to discuss issues of relevance to all Councils, including issues related to the implementation of this Act.''.

(g) PROCEDURAL MATTERS.—Section 302(i) (16 U.S.C. 1852(i)) is amended—

(1) by striking ''to the Councils or to the scientific and statistical committees or advisory panels established under subsection (g).'' in paragraph (1) and inserting ''to the Councils, the Council coordination committee established under subsection (l), or to the scientific and statistical committees or other committees or advisory panels established under subsection (g).'';

(2) by striking ''of a Council, and of the scientific and statistical committee and advisory panels established under subsection (g):'' in paragraph (2) and inserting ''of a Council, of the Council coordination committee established under subsection (l), and of the scientific and statistical committees or other committees or advisory panels established under subsection (g):''; and

(3) by inserting ''the Council Coordination Committee established under subsection (l),'' in paragraph (3)(A) after ''Council,''; and

(4) by inserting ''other committees,'' in paragraph (3)(A) after ''committee,''.

(h) CONFLICTS OF INTEREST.—Section 302(j) (16 U.S.C. 1852(j)) is amended—

(1) by inserting ''lobbying, advocacy,'' after ''processing,'' in paragraph (2);

(2) by striking ''jurisdiction.'' in paragraph (2) and inserting ''jurisdiction, or with respect to an individual or organization with a financial interest in such activity.'';

(3) by striking subparagraph (B) of paragraph (5) and inserting the following:

''(B) be kept on file by the Council and made available on the Internet and for public inspection at the Council offices during reasonable hours; and''; and

(4) by adding at the end the following:

''(9) On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection.''.

(i) GULF OF MEXICO FISHERIES MANAGEMENT COUNCIL.—Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D)(i) The Secretary shall appoint to the Gulf of Mexico Fisheries Management Council—

''(I) 5 representatives of the commercial fishing sector;

''(II) 5 representatives of the recreational fishing or charter fishing sectors; and

''(III) 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

''(ii) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

''(I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and

''(II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

''(iii) Notwithstanding the requirements of 302(b)(2)(C), if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (ii), the Secretary shall—

''(I) publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and

''(II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.

''(iv) For purposes of clause (ii), an individual who owns or operates a fish farm outside of the Unites States shall not be considered to be a representative of the commercial fishing sector.

''(v) The requirements of subparagraph (D) shall expire at the end of fiscal year 2012.''.

(j) REPORT AND RECOMMENDATIONS ON GULF COUNCIL AMENDMENT.—

(1) IN GENERAL.—Before August, 2011, the Secretary of Commerce, in consultation with the Gulf of Mexico Fisheries Management Council, shall analyze the impact of the amendment made by subsection (i) and determine whether section 302(b)(2)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)(2)(D)) has resulted in a fair and balanced apportionment of the active participants in the commercial and recreational fisheries under the jurisdiction of the Council.

(2) REPORT.—By no later than August, 2011, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources setting forth the Secretary's findings and determination, including any recommendations for legislative or other changes that may be necessary to achieve such a fair and balanced apportionment, including whether to renew the authority.

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

(a) IN GENERAL.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) striking ''and charter fishing'' in paragraph (5) and inserting ''charter fishing, and fish processing'';

(2) by inserting ''economic information necessary to meet the requirements of this Act,'' in paragraph (5) after ''number of hauls,'';

(3) by striking ''fishery'' the first place it appears in paragraph (13) and inserting ''fishery, including its economic impact,'';

(4) by striking ''and'' after the semicolon in paragraph (13);

(5) by striking ''allocate'' in paragraph (14) and inserting ''allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,'';

(6) by striking ''fishery.'' in paragraph (14) and inserting ''fishery;''; and

(7) by adding at the end the following:

''(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that optimum yield is not exceeded in the fishery; and

''(16) establish a mechanism under which harvests exceeding the specified annual catch limit (including the specified annual catch limit for a sector) shall be deducted in the following fishing year, or the next action in a multiyear specification that establishes or adjusts annual catch limits (including those specified for that sector), and which may use the type of adjustment measures already relied on in the plan, unless sufficient information on the harvest level cannot be obtained in that timeframe, but the deduction shall occur not later than 3 fishing years after the close of the fishing year in which the overage occurs.''.

(b) EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.—The amendment made by subsection (a)(7)—

(1) shall take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing.

SEC. 105. FISHERY MANAGEMENT PLAN DISCRETIONARY PROVISIONS.

Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by inserting ''(A)'' after ''(2)'' in paragraph (2);

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

''(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

''(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

''(i) is based on the best scientific information available;

''(ii) includes criteria to assess the conservation benefit of the closed area;

''(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

''(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;'';

(3) by striking ''fishery;'' in paragraph (5) and inserting ''fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;'';

(4) by striking paragraph (6) and inserting the following:

''(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

''(A) present participation in the fishery;

''(B) historical fishing practices in, and dependence on, the fishery;

''(C) the economics of the fishery;

''(D) the capability of fishing vessels used in the fishery to engage in other fisheries;

''(E) the cultural and social framework relevant to the fishery and any affected fishing communities;

''(F) the fair and equitable distribution of access privileges in the fishery; and

''(G) any other relevant considerations;'';

(5) by striking ''(other than economic data)'' in paragraph (7);

(6) by striking ''and'' after the semicolon in paragraph (11); and

(7) by redesignating paragraph (12) as paragraph (14) and inserting after paragraph (11) the following:

''(12) establish a process for complying with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) pursuant to section 304(h) of this Act;

''(13) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and''.

SEC. 106. LIMITED ACCESS PRIVILEGE PROGRAMS.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended—

(1) by striking section 303(d); and

(2) by inserting after section 303 the following:

''SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

''(a) IN GENERAL.—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

''(b) NO CREATION OF RIGHT, TITLE, OR INTEREST.—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

''(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

''(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation for failure to comply with the terms of the plan or if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

''(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

''(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

''(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

''(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

''(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

''(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding; and

''(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

''(C) promote—

''(i) fishing safety; and

''(ii) fishery conservation and management;

''(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privlege;

''(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

''(F) specify the goals of the program;

''(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the establishment of the program and every 5 years thereafter;

''(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

''(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

''(J) provide for the establishment by the Secretary, in consultation with the Department of Justice and the Federal Trade Commission, for an information collection and review process to provide any additional information needed by the Department of Justice and the Federal Trade Commission to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

''(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

''(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

''(A) the fishery has historically processed the fish outside of the United States; and

''(B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

''(3) FISHING COMMUNITIES.—

''(A) IN GENERAL.—

''(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

''(I) be located within the management area of the relevant Council;

''(II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

''(III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and

''(IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of fishing communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

''(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan.

''(B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—

''(i) traditional fishing or processing practices in, and dependence on, the fishery;

''(ii) the cultural and social framework relevant to the fishery;

''(iii) economic barriers to access to fishery;

''(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

''(v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and

''(vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

''(4) REGIONAL FISHERY ASSOCIATIONS.—

''(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

''(i) be located within the management area of the relevant Council;

''(ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

''(iii) be a voluntary association with established by-laws and operating procedures;

''(iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;

''(v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is members contribute; and

''(vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

''(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

''(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

''(i) traditional fishing or processing practices in, and dependence on, the fishery;

''(ii) the cultural and social framework relevant to the fishery;

''(iii) economic barriers to access to fishery;

''(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

''(v) the administrative and fiduciary soundness of the association; and

''(vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

''(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

''(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

''(i) current and historical harvests;

''(ii) employment in the harvesting and processing sectors;

''(iii) investments in, and dependence upon, the fishery; and

''(iv) the current and historical participation of fishing communities;

''(B) to the extent practicable, consider the basic cultural and social framework of the fishery, especially through—

''(i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and

''(ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

''(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

''(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

''(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and

''(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

''(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

''(6) PROGRAM INITIATION.—

''(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

''(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

''(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

''(D) NEW ENGLAND AND GULF REFERENDUM.—

''(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than ⅔ of those voting in a referendum among eligible permit holders with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

''(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

''(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

''(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

''(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

''(A) establish a policy on the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

''(B) establish criteria for the approval and monitoring of transfers (including sales and leases) of limited access privileges.

''(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

''(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

''(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council may consider, and provide for, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

''(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

''(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

''(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

''(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

''(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

''(f) LIMITED DURATION.—In establishing a limited access privilege program after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may establish—

''(1) a set term after which any initial or subsequent allocation of a limited access privilege shall expire;

''(2) different set terms within a fishery if the Council determines that variation of terms will further management goals; and

''(3) a mechanism under which participants in and entrants to the program may acquire or reacquire allocations.

''(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

''(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)), to issue obligations that aid in financing—

''(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

''(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

''(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

''(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

''(i) TRANSITION RULE.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation placed on a Council agenda for final action, submitted by a Council to the Secretary, or approved by the Secretary or by Congressional action, within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

''(1) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

''(2) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program approval; and

''(3) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.''.

(b) FEES.—Section 304(d)(2)(A) (16 U.S.C. 1854(d)(2)(A)) is amended by striking ''management and enforcement'' and inserting ''management, data collection, and enforcement''.

(c) INVESTMENT IN UNITED STATES SEAFOOD PROCESSING FACILITIES.—The Secretary of Commerce shall work with the Small Business Administration and other Federal agencies to develop financial and other mechanisms to encourage United States investment in seafood processing facilities in the United States for fisheries that lack capacity needed to process fish harvested by United States vessels in compliance with the Magnuson—Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(d) CONFORMING AMENDMENT.—Section 304(d)(2)(C)(i) (16 U.S.C. 1854(d)(2)(C)(i)) is amended by striking ''section 305(h)(5)(B)'' and all that follows and inserting ''section 305(h)(5)(B).''.

(e) APPLICATION WITH AMERICAN FISHERIES ACT.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a), shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

SEC. 107. ENVIRONMENTAL REVIEW PROCESS.

Section 304 (16 U.S.C. 1854) is amended by adding at the end the following:

''(i) ENVIRONMENTAL REVIEW PROCESS.—

''(1) PROCEDURES.—The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). The procedures shall—

''(A) conform to the time lines for review and approval of fishery management plans and plan amendments under this section; and

''(B) integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

''(2) USAGE.—The updated agency procedures promulgated in accordance with this section used by the Councils or the Secretary shall be the sole environmental impact assessment procedure for fishery management plans, amendments, regulations, or other actions taken or approved pursuant to this Act.

''(3) SCHEDULE FOR PROMULGATION OF FINAL PROCEDURES.—The Secretary shall—

''(A) propose revised procedures within 12 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006;

''(B) provide 90 days for public review and comments; and

''(C) promulgate final procedures no later than 18 months after the date of enactment of that Act.

''(4) PUBLIC PARTICIPATION.—The Secretary is authorized and directed, in cooperation with the Council on Environmental Quality and the Councils, to involve the affected public in the development of revised procedures, including workshops or other appropriate means of public involvement.''.

SEC. 108. EMERGENCY REGULATIONS.

(a) LENGTHENING OF SECOND EMERGENCY PERIOD.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is amended by striking ''180 days,'' the second time it appears and inserting ''186 days,''.

(b) TECHNICAL AMENDMENT.—Section 305(c)(3)(D) (16 U.S.C. 1855(c)(3)(D)) is amended by inserting ''or interim measures'' after ''emergency regulations''.

SEC. 109. WESTERN PACIFIC COMMUNITY DEVELOPMENT.

Section 305 (16 U.S.C. 1855) is amended by adding at the end thereof the following:

''(j) WESTERN PACIFIC REGIONAL MARINE EDUCATION AND TRAINING.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program for regionally-based marine education and training programs in the Western Pacific to foster understanding, practical use of knowledge (including native Hawaiian and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific Regional Fishery Management Council, regional educational institutions, and local Western Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians and other underrepresented groups in the region.

''(2) PROGRAM COMPONENTS.—The program shall—

''(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management, marine science, marine technology, and maritime operations;

''(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

''(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii and the Western Pacific;

''(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western and Central Pacific;

''(E) develop means by which local and traditional knowledge (including Pacific islander and Native Hawaiian knowledge) can enhance science-based management of fishery resources of the region; and

''(F) develop partnerships with other Western Pacific Island agencies, academic institutions, and other entities to meet the purposes of this section.''.

SEC. 110. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

Section 305(i)(1) (16 U.S.C. 1855(i)(1)) is amended—

(1) by striking ''To'' in subparagraph (B) and inserting ''Except as provided in subparagraph (E), to''; and

(2) by adding at the end the following:

''(E) A community shall be eligible to participate in the western Alaska community development quota program under subparagraph (A) if the community was—

''(i) listed in table 7 to part 679 of title 50, Code of Federal Regulations, as in effect on January 1, 2004; or

''(ii) approved by the National Marine Fisheries Service on April 19, 1999.''.

SEC. 111. SECRETARIAL ACTION ON STATE GROUNDFISH FISHING.

Section 305 (16 U.S.C. 1855), as amended by section 109, is further amended by adding at the end thereof the following:

''(k) MULTISPECIES GROUNDFISH.—Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary of Commerce shall determine

whether fishing in State waters without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan. If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency pursuant to section 306(b).''.

SEC. 112. JOINT ENFORCEMENT AGREEMENTS.

(a) IN GENERAL.—Section 311 (16 U.S.C. 1861) is amended—

(1) by striking ''and'' after the semicolon in subsection (b)(1)(A)(iv);

(2) by inserting ''and'' after the semicolon in subsection (b)(1)(A)(v);

(3) by inserting after clause (v) of subsection (b)(1)(A) the following:

''(vi) access, directly or indirectly, for enforcement purposes any data or information required to be provided under this title or regulations under this title, including data from Global Maritime Distress and Safety Systems, vessel monitoring systems, or any similar system, subject to the confidentiality provisions of section 402;'';

(4) by redesignating subsection (h) as subsection (j); and

(5) by inserting after subsection (g) the following:

''(h) JOINT ENFORCEMENT AGREEMENTS.—

''(1) IN GENERAL.—The Governor of an eligible State may apply to the Secretary for execution of a joint enforcement agreement with the Secretary that will authorize the deputization and funding of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary. Upon receiving an application meeting the requirements of this subsection, the Secretary may enter into a joint enforcement agreement with the requesting State.

''(2) ELIGIBLE STATE.—A State is eligible to participate in the cooperative enforcement agreements under this section if it is in, or bordering on, the Atlantic Ocean (including the Caribbean Sea), the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

''(3) REQUIREMENTS.—Joint enforcement agreements executed under paragraph (1)—

''(A) shall be consistent with the purposes and intent of this section to the extent applicable to the regulated activities;

''(B) may include specifications for joint management responsibilities as provided by the first section of Public Law 91–412 (15 U.S.C. 1525); and

''(C) shall provide for confidentiality of data and information submitted to the State under section 402.

''(4) ALLOCATION OF FUNDS.—The Secretary shall include in each joint enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be fairly distributed among all eligible States participating in cooperative enforcement agreements under this subsection, based upon consideration of Federal marine enforcement needs, the specific marine conservation enforcement needs of each participating eligible State, and the capacity of the State to undertake the marine enforcement mission and assist with enforcement needs. The agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.

''(i) IMPROVED DATA SHARING.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, as soon as practicable but no later than 21 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall implement data-sharing measures to make any data required to be provided by this Act from Global Maritime Distress and Safety Systems, vessel monitoring systems, or similar systems—

''(A) directly accessible by State enforcement officers authorized under subsection (a) of this section; and

''(B) available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.

''(2) AGREEMENT REQUIRED.—The Secretary shall promptly enter into an agreement with a State under section 402(b)(1)(B) of this Act if—

''(A) the Attorney General or highest ranking legal officer of the State provides a written opinion or certification that State law allows the State to maintain the confidentiality of information required by Federal law to be kept confidential; or

''(B) the Secretary is provided other reasonable assurance that the State can and will protect the identity or business of any person to which such information relates.''.

(b) REPORT ON USING GMDSS FOR FISHERY PURPOSES.—Within 15 months after the date of enactment of this Act, the National Marine Fisheries Service and the United States Coast Guard shall transmit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources containing—

(1) a cost-to-benefit analysis of the feasibility, value, and cost of using the Global Maritime Distress and Safety Systems, vessel monitoring systems, or similar systems for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system;

(2) an examination of the cumulative impact of existing requirements for commercial vessels;

(3) an examination of whether the Global Maritime Distress and Safety Systems or similar requirements would overlap existing requirements or render them redundant;

(4) an examination of how data integration from such systems could be addressed;

(5) an examination of how to maximize the data-sharing opportunities between relevant State and Federal agencies and provide specific information on how to develop these opportunities, including the provision of direct access to the Global Maritime Distress and Safety Systems or similar system data to State enforcement officers, while considering the need to maintain or provide an appropriate level of individual vessel confidentiality where practicable; and

(6) an assessment of how the Global Maritime Distress and Safety Systems or similar systems could be developed, purchased, and distributed to regulated vessels.

SEC. 113. TRANSITION TO SUSTAINABLE FISHERIES.

(a) IN GENERAL.—Section 312 (16 U.S.C. 1861a) is amended—

(1) by striking ''measures;'' in subsection (a)(1)(B) and inserting ''measures, including regulatory restrictions (including those imposed as a result of judicial action) imposed to protect human health or the marine environment;'';

(2) by striking ''1996, 1997, 1998, and 1999.'' in subsection (a)(4) and inserting ''2006 through 2012.'';

(3) by striking ''or the Governor of a State for fisheries under State authority, may conduct a fishing'' in subsection (b)(1) and inserting ''the Governor of a State for fisheries under State authority, or a majority of permit holders in the fishery, may conduct a voluntary fishing'';

(4) by inserting ''practicable'' after ''entrants,'' in subsection (b)(1)(B)((i);

(5) by striking ''cost-effective and'' in subsection (b)(1)C) and inserting ''cost-effective and, in the instance of a program involving an industry fee system, prospectively'';

(6) by striking subparagraph (A) of subsection (b)(2) and inserting the following:

''(A) the owner of a fishing vessel, if the permit authorizing the participation of the vessel in the fishery is surrendered for permanent revocation and the vessel owner and permit holder relinquish any claim associated with the vessel or permit that could qualify such owner or holder for any present or future limited access system permit in the fishery for which the program is established and such vessel is (i) scrapped, or (ii) through the Secretary of the department in which the Coast Guard is operating, subjected to title restrictions (including loss of the vessel's fisheries endorsement) that permanently prohibit and effectively prevent its use in fishing in federal or state waters, or fishing on the high seas or in the waters of a foreign nation; or'';

(7) by striking ''The Secretary shall consult, as appropriate, with Councils,'' in subsection (b)(4) and inserting ''The harvester proponents of each program and the Secretary shall consult, as appropriate and practicable, with Councils,'';

(8) by striking ''Secretary, at the request of the appropriate Council,'' in subsection (d)(1)(A) and inserting ''Secretary'';

(9) by striking ''Secretary, in consultation with the Council,'' in subsection (d)(1)(A) and inserting ''Secretary'';

(10) by striking ''a two-thirds majority of the participants voting.'' in subsection (d)(1)(B) and inserting ''at least a majority of the permit holders in the fishery, or 50 percent of the permitted allocation of the fishery, who participated in the fishery.'';

(11) by striking ''establish;'' in subsection (d)(2)((C) and inserting ''establish, unless the Secretary determines that such fees should be collected from the seller;'' and

(12) striking subsection (e) and inserting the following:

''(e) IMPLEMENTATION PLAN.—

''(1) FRAMEWORK REGULATIONS.—The Secretary shall propose and adopt framework regulations applicable to the implementation of all programs under this section.

''(2) PROGRAM REGULATIONS.—The Secretary shall implement each program under this section by promulgating regulations that, together with the framework regulations, establish each program and control its implementation.

''(3) HARVESTER PROPONENTS' IMPLEMENTATION PLAN.—The Secretary may not propose implementation regulations for a program to be paid for by an industry fee system until the harvester proponents of the program provide to the Secretary a proposed implementation plan that, among other matters—

''(A) proposes the types and numbers of vessels or permits that are eligible to participate in the program and the manner in which the program shall proceed, taking into account—

''(i) the requirements of this section;

''(ii) the requirements of the framework regulations;

''(iii) the characteristics of the fishery;

''(iv) the requirements of the applicable fishery management plan and any amendment that such plan may require to support the proposed program;

''(v) the general needs and desires of harvesters in the fishery;

''(vi) the need to minimize program costs; and

''(vii) other matters, including the manner in which such proponents propose to fund the program to ensure its cost effectiveness, as well as any relevant factors demonstrating the potential for, or necessary to obtain, the support and general cooperation of a substantial number of affected harvesters in the fishery (or portion of the fishery) for which the program is intended; and

''(B) proposes procedures for program participation (such as submission of owner bids under an auction system or fair market-value assessment), including any terms and conditions for participation, that the harvester proponents deem to be reasonably necessary to meet the program's proposed objectives.

''(4) PARTICIPATION CONTRACTS.—The Secretary shall contract with each person participating in a program, and each such contract shall, in addition to including such other matters as the Secretary deems necessary and appropriate to effectively implement each program (including penalties for contract non-performance) be consistent with the framework and implementing regulations and all other applicable law.

''(5) REDUCTION AUCTIONS.—Each program not involving fair market assessment shall involve a reduction auction that scores the reduction price of each bid offer by the data relevant to each bidder under an appropriate fisheries productivity factor. If the Secretary accepts bids, the Secretary shall accept responsive bids in the rank order of their bid scores, starting with the bid whose reduction price is the lowest percentage of the productivity factor, and successively accepting each additional responsive bid in rank order until either there are no more responsive bids or acceptance of the next bid would cause the total value of bids accepted to exceed the amount of funds available for the program.

''(6) BID INVITATIONS.—Each program shall proceed by the Secretary issuing invitations to bid setting out the terms and conditions for participation consistent with the framework and implementing regulations. Each bid that the Secretary receives in response to the invitation to bid shall constitute an irrevocable offer from the bidder.''.

(b) TECHNICAL AMENDMENT.—Sections 116, 203, 204, 205, and 206 of the Sustainable Fisheries Act are deemed to have added sections 312, 402, 403, 404, and 405, respectively to the Act as of the date of enactment of the Sustainable Fisheries Act.

SEC. 114. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

''SEC. 315. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

''(a) IN GENERAL.—When there is a catastrophic regional fishery disaster the Secretary may, upon the request of, and in consultation with, the Governors of affected States, establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by the disaster.

''(b) PROGRAM COMPONENTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the program shall provide funds or other economic assistance to affected entities, or to governmental entities for disbursement to affected entities, for—

''(A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure;

''(B) financial assistance and job training assistance for fishermen who wish to remain in a fishery in the region that may be temporarily closed as a result of environmental or other effects associated with the disaster;

''(C) funding, pursuant to the requirements of section 312(b), to fishermen who are willing to scrap a fishing vessel and permanently surrender permits for fisheries named on that vessel; and

''(D) any other activities authorized under section 312(a) of this Act or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).

''(2) JOB TRAINING.—Any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.

''(3) STATE PARTICIPATION OBLIGATION.—The participation by a State in the program shall be conditioned upon a commitment by the appropriate State entity to ensure that the relevant State fishery meets the requirements of section 312(b) of this Act to ensure excess capacity does not re-enter the fishery.

''(4) NO MATCHING REQUIRED.—The Secretary may waive the matching requirements of section 312 of this Act, section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107), and any other provision of law under which the Federal share of the cost of any activity is limited to less than 100 percent if the Secretary determines that—

''(A) no reasonable means are available through which applicants can meet the matching requirement; and

''(B) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the matching requirement.

''(5) NET REVENUE LIMIT INAPPLICABLE.—Section 308(d)(3) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(d)(3)) shall not apply to assistance under this section.

''(c) REGIONAL IMPACT EVALUATION.—Within 2 months after a catastrophic regional fishery disaster the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region's fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of foreign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.

''(d) CATASTROPHIC REGIONAL FISHERY DISASTER DEFINED.—In this section the term 'catastrophic regional fishery disaster' means a natural disaster, including a hurricane or tsunami, or a regulatory closure (including regulatory closures resulting from judicial action) to protect human health or the marine environment, that—

''(1) results in economic losses to coastal or fishing communities;

''(2) affects more than 1 State or a major fishery managed by a Council or interstate fishery commission; and

''(3) is determined by the Secretary to be a commercial fishery failure under section 312(a) of this Act or a fishery resource disaster or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).''.

(b) SALMON PLAN AND STUDY.—

(1) RECOVERY PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public.

(2) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on—

(A) the actions taken under the recovery plan and other law relating to recovery of Klamath River Coho salmon, and how those actions are specifically contributing to its recovery;

(B) the progress made on the restoration of salmon spawning habitat, including water conditions as they relate to salmon health and recovery, with emphasis on the Klamath River and its tributaries below Iron Gate Dam;

(C) the status of other Klamath River anadromous fish populations, particularly Chinook salmon; and

(D) the actions taken by the Secretary to address the calendar year 2003 National Research Council recommendations regarding monitoring and research on Klamath River Basin salmon stocks.

(c) OREGON AND CALIFORNIA SALMON FISHERY.—Federally recognized Indian tribes and small businesses, including fishermen, fish processors, and related businesses serving the fishing industry, adversely affected by Federal closures and fishing restrictions in the Oregon and California 2006 fall Chinook salmon fishery are eligible to receive direct assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)). The Secretary may use no more than 4 percent of any monetary assistance to pay for administrative costs.

SEC. 115. FISHERY FINANCE PROGRAM HURRICANE ASSISTANCE.

(a) LOAN ASSISTANCE.—Subject to availability of appropriations, the Secretary of Commerce shall provide assistance to eligible holders of fishery finance program loans and allocate such assistance among eligible holders based upon their outstanding principal balances as of December 2, 2005, for any of the following purposes:

(1) To defer principal payments on the debt for 1 year and re-amortize the debt over the remaining term of the loan.

(2) To allow for an extension of the term of the loan for up to 1 year beyond the remaining term of the loan, or September 30, 2013, whichever is later.

(3) To pay the interest costs for such loans over fiscal years 2006 through 2012, not to exceed amounts authorized under subsection (d).

(4) To provide opportunities for loan forgiveness, as specified in subsection (c).

(b) LOAN FORGIVENESS.—

(1) IN GENERAL.—Upon application made by an eligible holder of a fishery finance program loan, made at such time, in such manner, and containing such information as the Secretary may require, the Secretary, on a calendar year basis beginning in 2005, may—

(A) offset against the outstanding balance on the loan an amount equal to the sum of the amounts expended by the holder during the calendar year to repair or replace covered vessels or facilities, or to invest in new fisheries infrastructure within or for use within the declared fisheries disaster area; or

(B) cancel the amount of debt equal to 100 hundred percent of actual expenditures on eligible repairs, reinvestment, expansion, or new investment in fisheries infrastructure in the disaster region, or repairs to, or replacement of, eligible fishing vessels.

(c) DEFINITIONS.—In this section:

(1) DECLARED FISHERIES DISASTER AREA.—The term ''declared fisheries disaster area'' means fisheries located in the major disaster area designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita.

(2) ELIGIBLE HOLDER.—The term ''eligible holder'' means the holder of a fishery finance program loan if—

(A) that loan is used to guarantee or finance any fishing vessel or fish processing facility home-ported or located within the declared fisheries disaster area; and

(B) the holder makes expenditures to repair or replace such covered vessels or facilities, or invests in new fisheries infrastructure within or for use within the declared fisheries disaster area, to restore such facilities following the disaster.

(3) FISHERY FINANCE PROGRAM LOAN.—The term ''fishery finance program loan'' means a loan made or guaranteed under the fishery finance program under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq,).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the purposes of this section not more than $15,000,000 for each eligible holder for the period beginning with fiscal year 2006 through fiscal year 2012.

SEC. 116. SHRIMP FISHERIES HURRICANE ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall establish an assistance program for the Gulf of Mexico shrimp fishing industry.

(b) ALLOCATION OF FUNDS.—Under the program, the Secretary shall allocate funds appropriated to carry out the program among the States of Alabama, Louisiana, Florida, Mississippi, and Texas in proportion to the percentage of the shrimp catch landed by each State, except that the amount allocated to Florida shall be based exclusively on the proportion of such catch landed by the Florida Gulf Coast fishery.

(c) USE OF FUNDS.—Of the amounts made available to each State under the program—

(1) 2 percent shall be retained by the State to be used for the distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations; and

(2) the remainder of the amounts shall be used for—

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

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

(C) domestic product marketing and seafood promotion;

(D) State seafood testing programs;

(E) the development of limited entry programs for the fishery;

(F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and

(G) voluntary capacity reduction programs for shrimp fisheries under limited access programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $17,500,000 for fiscal years 2006 through 2011 to carry out this section.

SEC. 117. BYCATCH REDUCTION ENGINEERING PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 114 of this Act, is further amended by adding at the end the following:

''SEC. 316. BYCATCH REDUCTION ENGINEERING PROGRAM.

''(a) BYCATCH REDUCTION ENGINEERING PROGRAM.—Not later than 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird bycatch, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

''(1) be regionally based;

''(2) be coordinated with projects conducted under the cooperative research and management program established under this Act;

''(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

''(4) provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the program in Council actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

''(b) INCENTIVES.—Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird bycatch amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction, including—

''(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

''(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird bycatch rates; and

''(3) measures that, based on the best scientific information available, will reduce bycatch and seabird bycatch, bycatch mortality, post-release mortality, or regulatory discards in the fishery.

''(c) COORDINATION ON SEABIRD BYCATCH.—The Secretary, in coordination with the Secretary of Interior, is authorized to undertake projects in cooperation with industry to improve information and technology to reduce seabird bycatch, including—

''(1) outreach to industry on new technologies and methods; and

''(2) projects to mitigate for seabird mortality.''.

SEC. 118. COMMUNITY-BASED RESTORATION PROGRAM FOR FISHERY AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary of Commerce shall establish a community-based fishery and coastal habitat restoration program to implement and support the restoration of fishery and coastal habitats.

(b) AUTHORIZED ACTIVITIES.—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to fishery and coastal communities to assist them in restoring fishery and coastal habitat;

(2) advance the science and monitoring of coastal habitat restoration;

(3) transfer restoration technologies to the private sector, the public, and other governmental agencies;

(4) develop public-private partnerships to accomplish sound coastal restoration projects;

(5) promote significant community support and volunteer participation in fishery and coastal habitat restoration;

(6) promote stewardship of fishery and coastal habitats; and

(7) leverage resources through national, regional, and local public-private partnerships.

SEC. 119. PROHIBITED ACTS.

Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (O);

(2) by striking ''carcass.'' in subparagraph (P) and inserting ''carcass;''; and

(3) by inserting after subparagraph (P) and before the last sentence the following:

''(Q) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish taken, possessed, transported, or sold in violation of any foreign law or regulation; or

''(R) to use any fishing vessel to engage in fishing in Federal or State waters, or on the high seas or in the waters of another country, after the Secretary has made a payment to the owner of that fishing vessel under section 312(b)(2).''.

SEC. 120. ENFORCEMENT.

(a) CIVIL ENFORCEMENT.—Section 308 (16 U.S.C. 1858) is amended—

(1) by striking ''$100,000'' in subsection (a) and inserting ''$240,000'';

(2) by striking ''this section,'' in subsection (f) and inserting ''this Act (or any other marine resource law enforced by the Secretary),'';

(3) by inserting ''a permit, or any interest in a permit,'' in subsection (g)(3) after ''vessel,'' each place it appears;

(4) by striking ''the vessel'' in subsection (g)(3) and inserting ''the vessel, permit, or interest'';

(5) by inserting ''or any amount in settlement of a civil forfeiture,'' after ''criminal fine,'' in subsection (g)(4); and

(6) by striking ''penalty or fine'' in subsection (g)(4) and inserting ''penalty, fine, or settlement amount''.

(b) CRIMINAL PENALTIES.—Section 309 (16 U.S.C. 1859) is amended to read as follows:

''SEC. 309. CRIMINAL PENALTIES.

''(a) FINES AND IMPRISONMENT.—

''(1) IN GENERAL.—Any person (other than a foreign government or entity thereof) who knowingly violates subparagraph (D), (E), (F), (H), (I), or (L) of paragraph (1) of section 307, or paragraph (2) of section 307, shall be imprisoned for not more than 5 years and fined—

''(A) not more than $500,000 if such person is an individual; or

''(B) not more than $1,000,000 if such person is a corporation or other legal entity other than an individual.

''(2) AGGRAVATED OFFENSES.—Notwithstanding paragraph (1), the maximum term of imprisonment shall be for not more than 10 years if—

''(A) the violator is an individual; and

''(B) in the commission of a violation described in paragraph (1), that individual—

''(A) used a dangerous weapon;

''(B) engaged in conduct that caused bodily injury to any observer described in section 307, any officer authorized to enforce the provisions of this Act under section 311, or any Council member or staff; or

''(C) placed any such observer, officer, Council member, or staff in fear of imminent bodily injury.

''(b) OTHER VIOLATIONS.—Any person (other than a foreign government or entity thereof) who knowingly violates any other provision of section 307 shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

''(c) JURISDICTION.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action arising under this Act.

''(2) VENUE.—For purposes of this Act—

''(A) each violation of this Act shall constitute a separate offense and the offense shall be deemed to have been committed not

only in the district where it first occurred, but also in any other district as authorized by law;

''(B) any offense not committed within a judicial district of the United States is subject to the venue provisions of section 3238 of title 18, United States Code; and

''(C) American Samoa shall be included within the judicial district of the United States District Court for the District of Hawaii.''.

(c) CIVIL FORFEITURES.—Section 310(a) (16 U.S.C. 1860(a)) is amended—

(1) by striking ''(other than any act for which the issuance of a citation under section 311(a) is sufficient sanction)''; and

(2) by striking ''States.'' and inserting ''States, except that no fishing vessel shall be subject to forfeiture under this section as the result of any act for which the issuance of a citation under section 311(a) is sufficient sanction.''.

(d) ENFORCEMENT RESPONSIBILITY.—Section 311(a) (16 U.S.C. 1861(a)) is amended—

(1) by striking ''Act'' and inserting ''Act, and the provisions of any marine resource law administered by the Secretary,''; and

(2) by striking ''State agency,'' and inserting ''agency of any State, Territory, Commonwealth, or Tribe,''.

(e) POWERS OF AUTHORIZED OFFICERS.—Section 311(b) (16 U.S.C. 1861(b)) is amended by striking ''Federal or State''.

(f) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Section 311(e)(1)(B) (16 U.S.C. 1861(e)(1)(B)) is amended to read as follows:

''(B) a reward to any person who furnishes information which leads to an arrest, conviction, civil penalty assessment, or forfeiture of property for any violation of any provision of this Act or any other marine resource law enforced by the Secretary of up to the lesser of—

''(i) 20 percent of the penalty or fine collected; or

''(ii) $20,000;''.

TITLE II—INFORMATION AND RESEARCH

SEC. 201. RECREATIONAL FISHERIES INFORMATION.

Section 401 (16 U.S.C. 1881) is amended by striking subsection (g) and inserting the following:

''(g) RECREATIONAL FISHERIES.—

''(1) FEDERAL PROGRAM.—The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery management regions. The program, which shall not require a fee before January 1, 2011, shall provide for—

''(A) the registration (including identification and contact information) of individuals who engage in recreational fishing—

''(i) in the Exclusive Economic Zone;

''(ii) for anadromous species; or

''(iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

''(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

''(2) STATE PROGRAMS.—The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

''(3) DATA COLLECTION.—

''(A) IMPROVEMENT OF THE MARINE RECREATIONAL FISHERY STATISTICS SURVEY.—Within 24 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with representatives of the recreational fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery.

''(B) NRC REPORT RECOMMENDATIONS.—The program shall take into consideration and, to the maximum extent feasible, implement the recommendations of the National Research Council in its report *Review of Recreational Fisheries Survey Methods* (2006), including—

''(i) redesigning the Survey to improve the effectiveness and appropriateness of sampling and estimation procedures, its applicability to various kinds of management decisions, and its usefulness for social and economic analyses; and

''(ii) providing for ongoing technical evaluation and modification as needed to meet emerging management needs.

''(C) METHODOLOGY.—Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include—

''(i) an adequate number of dockside interviews to accurately estimate recreational catch and effort;

''(ii) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;

''(iii) collection and analysis of vessel trip report data from charter fishing vessels; and

''(iv) development of a weather corrective factor that can be applied to recreational catch and effort estimates.

''(D) DEADLINE.—The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2011.

''(4) REPORT.—Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.''.

SEC. 202. COLLECTION OF INFORMATION.

Section 402(a) (16 U.S.C. 1881a(a)) is amended—

(1) by striking ''(a) COUNCIL REQUESTS.—'' in the subsection heading and inserting ''(a) COLLECTION PROGRAMS.—'';

(2) by resetting the text following ''(a) COLLECTION PROGRAMS.—'' as a new paragraph 2 ems from the left margin;

(3) by inserting ''(1) COUNCIL REQUESTS.—'' before ''If a Council'';

(4) by striking ''subsection'' in the last sentence and inserting ''paragraph'';

(5) by striking ''(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)'' each place it appears; and

(6) by adding at the end the following:

''(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.''.

SEC. 203. ACCESS TO CERTAIN INFORMATION.

(a) IN GENERAL.—Section 402(b) (16 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3) and resetting it 2 ems from the left margin;

(2) by striking all preceding paragraph (3), as redesignated, and inserting the following:

''(b) CONFIDENTIALITY OF INFORMATION.—

''(1) Any information submitted to the Secretary, a state fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act that contains confidential information shall be confidential and shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code, except—

''(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

''(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of confidential information relating to any person;

''(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

''(D) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

''(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

''(F) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

''(G) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

''(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (G) of paragraph (1), or—

''(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

''(B) when such information is necessary in proceedings to adjudicate observer certifications; or

''(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

''(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

''(ii) to validate the accuracy of the observer information collected.''; and

(3) by striking ''(1)(E).'' in paragraph (3), as redesignated, and inserting ''(2)(A).''.

(b) CONFORMING AMENDMENT.—Section 404(c)(4) (16 U.S.C. 1881c(c)(4)) is amended by striking ''under section 401''.

SEC. 204. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 115, is further amended by adding at the end the following:

"SEC. 317. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

''(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Councils, shall establish a cooperative research and management program to address needs identified under this Act and under any other marine resource laws enforced by the Secretary. The program shall be implemented on a regional basis and shall be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants, and educational institutions.

''(b) ELIGIBLE PROJECTS.—The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Councils in consultation with the Secretary. The program shall promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia for use in such projects.

''(c) FUNDING.—In making funds available the Secretary shall award funding on a competitive basis and based on regional fishery management needs, select programs that form part of a coherent program of research focused on solving priority issues identified by the Councils, and shall give priority to the following projects:

''(1) Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.

''(2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.

''(3) Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.

''(4) Projects for the identification of habitat areas of particular concern and for habitat conservation.

''(5) Projects designed to collect and compile economic and social data.

''(d) EXPERIMENTAL PERMITTING PROCESS.—Not later than 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

''(e) GUIDELINES.—The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

''(f) EXEMPTED PROJECTS.—The procedures of this section shall not apply to research funded by quota set-asides in a fishery.''.

SEC. 205. HERRING STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 204, is further amended by adding at the end the following:

"SEC. 318. HERRING STUDY.

''(a) IN GENERAL.—The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

''(b) REPORT.—The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.''.

SEC. 206. RESTORATION STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 205, is further amended by adding at the end the following:

"SEC. 319. RESTORATION STUDY.

''(a) IN GENERAL.—The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for fiscal year 2007 to conduct this study.''.

SEC. 207. WESTERN PACIFIC FISHERY DEMONSTRATION PROJECTS.

Section 111(b) of the Sustainable Fisheries Act (16 U.S.C. 1855 note) is amended—

(1) by striking ''and the Secretary of the Interior are'' in paragraph (1) and inserting ''is'';

(2) by striking ''not less than three and not more than five'' in paragraph (1); and

(3) by striking paragraph (6) and inserting the following:

''(6) In this subsection the term 'Western Pacific community' means a community eligible to participate under section 305(i)(2)(B)(i) through (iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(2)(B)(i) through (iv)).''.

SEC. 208. FISHERIES CONSERVATION AND MANAGEMENT FUND.

(a) IN GENERAL.—The Secretary shall establish and maintain a fund, to be known as the ''Fisheries Conservation and Management Fund'', which shall consist of amounts retained and deposited into the Fund under subsection (c).

(b) PURPOSES.—Subject to the allocation of funds described in subsection (d), amounts in the Fund shall be available to the Secretary of Commerce, without appropriation or fiscal year limitation, to disburse as described in subsection (e) for—

(1) efforts to improve fishery harvest data collection including—

(A) expanding the use of electronic catch reporting programs and technology; and

(B) improvement of monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as VMS on small vessels;

(2) cooperative fishery research and analysis, in collaboration with fishery participants, academic institutions, community residents, and other interested parties;

(3) development of methods or new technologies to improve the quality, health safety, and value of fish landed;

(4) conducting analysis of fish and seafood for health benefits and risks, including levels of contaminants and, where feasible, the source of such contaminants;

(5) marketing of sustainable United States fishery products, including consumer education regarding the health or other benefits of wild fishery products harvested by vessels of the United States;

(6) improving data collection under the Marine Recreational Fishery Statistics Survey in accordance with section 401(g)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)(3)); and

(7) providing financial assistance to fishermen to offset the costs of modifying fishing practices and gear to meet the requirements of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and other Federal laws in pari materia.

(c) DEPOSITS TO THE FUND.—

(1) QUOTA SET-ASIDES.—Any amount generated through quota set-asides established by a Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and designated by the Council for inclusion in the Fishery Conservation and Management Fund, may be deposited in the Fund.

(2) OTHER FUNDS.—In addition to amounts received pursuant to paragraph (1) of this subsection, the Fishery Conservation and Management Fund may also receive funds from—

(A) appropriations for the purposes of this section; and

(B) States or other public sources or private or non-profit organizations for purposes of this section.

(d) REGIONAL ALLOCATION.—The Secretary shall, every 2 years, apportion monies from the Fund among the eight Council regions according to recommendations of the Councils, based on regional priorities identified through the Council process, except that no region shall receive less than 5 percent of the Fund in each allocation period.

(e) LIMITATION ON THE USE OF THE FUND.—No amount made available from the Fund may be used to defray the costs of carrying out requirements of this Act or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) other than those uses identified in this section.

SEC. 209. USE OF FISHERY FINANCE PROGRAM AND CAPITAL CONSTRUCTION FUND FOR SUSTAINABLE PURPOSES.

(a) PURPOSE OF FISHERY FINANCE PROGRAM OBLIGATIONS.—Section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)) is amended to read as follows:

''(7) financing or refinancing including,

''(A) the reimbursement of obligors for expenditures previously made, for the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act;

''(B) activities that assist in the transition to reduced fishing capacity; or

''(C) technologies or upgrades designed to improve collection and reporting of fishery-dependent data, to reduce bycatch, to improve selectivity or reduce adverse impacts of fishing gear, or to improve safety.''.

(b) EXPANSION OF PURPOSES FOR QUALIFIED WITHDRAWALS.—Section 607(f)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)) is amended—

(1) by striking ''for:'' and inserting ''for—'';

(B) by striking ''vessel,'' in subparagraph (A) and inserting ''vessel;'';

(C) by striking ''vessel, or'' in subparagraph (B) and inserting ''vessel;'';

(D) by striking ''vessel.'' in subparagraph (C) and inserting ''vessel;''; and

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

''(D) in the case of any person for whose benefit the fund was established and who participates in the fishing capacity reduction program under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a)—

''(i) if such person remains in the fishery, the satisfaction of any debt obligation undertaken pursuant to such program; and

''(ii) if such person withdraws 1 or more vessels from the fishery, the substitution of amounts the person would otherwise receive under such program for such person's vessel or permit to engage in the fishery;

''(E) the repair, maintenance, or upgrade of an eligible vessel or its equipment for the purpose of—

''(i) making conservation engineering changes to reduce bycatch, improve selectivity of fishing gear, or reduce adverse impacts of fishing gear;

''(ii) improving vessel safety; or

''(iii) acquiring, installing, or upgrading equipment to improve collection, reporting, or accuracy of fishery data; or

''(F) the acquisition, construction, reconstruction, upgrading, or investment in shoreside fishery-related facilities or infrastructure in the United States for the purpose of promoting United States ownership of fishery-related facilities in the United States without contributing to overcapacity in the sector.''.

SEC. 210. REGIONAL ECOSYSTEM RESEARCH.

Section 406 (16 U.S.C. 1882) is amended by adding at the end the following:

''(f) REGIONAL ECOSYSTEM RESEARCH.—

''(1) STUDY.—Within 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall undertake and complete a study on the state of the science for advancing the concepts and integration of ecosystem considerations in regional fishery management. The study should build upon the recommendations of the advisory panel and include—

''(A) recommendations for scientific data, information and technology requirements for understanding ecosystem processes, and methods for integrating such information from a variety of federal, state, and regional sources;

''(B) recommendations for processes for incorporating broad stake holder participation;

''(C) recommendations for processes to account for effects of environmental variation on fish stocks and fisheries; and

''(D) a description of existing and developing council efforts to implement ecosystem approaches, including lessons learned by the councils.

''(2) AGENCY TECHNICAL ADVICE AND ASSISTANCE, REGIONAL PILOT PROGRAMS.—The Secretary is authorized to provide necessary technical advice and assistance, including grants, to the Councils for the development and design of regional pilot programs that build upon the recommendations of the advisory panel and, when completed, the study.''.

SEC. 211. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

Title IV (16 U.S.C. 1881 et seq.) is amended by adding at the end the following:

''SEC. 408. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

''(a) IN GENERAL.—The Secretary, in consultation with appropriate regional fishery management councils and in coordination with other federal agencies and educational institutions, shall establish a program—

''(1) to identify existing research on, and known locations of, deep sea corals and submit such information to the appropriate Councils;

''(2) to locate and map locations of deep sea corals and submit such information to the Councils;

''(3) to monitor activity in locations where deep sea corals are known or likely to occur, based on best scientific information available, including through underwater or remote sensing technologies and submit such information to the appropriate Councils;

''(4) to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods;

''(5) to develop technologies or methods designed to assist fishing industry participants in reducing interactions between fishing gear and deep sea corals; and

''(6) to prioritize program activities in areas where deep sea corals are known to occur, and in areas where scientific modeling or other methods predict deep sea corals are likely to be present.

''(b) REPORTING.—Beginning 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify and monitor, and the Councils to protect, deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.''.

SEC. 212. IMPACT OF TURTLE EXCLUDER DEVICES ON SHRIMPING.

(a) IN GENERAL.—The Undersecretary of Commerce for Oceans and Atmosphere shall execute an agreement with the National Academy of Sciences to conduct, jointly, a multi-year, comprehensive in-water study designed—

(1) to measure accurately the efforts and effects of shrimp fishery efforts to utilize turtle excluder devices;

(2) to analyze the impact of those efforts on sea turtle mortality, including interaction between turtles and shrimp trawlers in the inshore, nearshore, and offshore waters of the Gulf of Mexico and similar geographical locations in the waters of the Southeastern United States; and

(3) to evaluate innovative technologies to increase shrimp retention in turtle excluder devices while ensuring the protection of endangered and threatened sea turtles.

(b) OBSERVERS.—In conducting the study, the Undersecretary shall ensure that observers are placed onboard commercial shrimp fishing vessels where appropriate or necessary.

(c) INTERIM REPORTS.—During the course of the study and until a final report is submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, the National Academy of Sciences shall transmit interim reports to the Committees biannually containing a summary of preliminary findings and conclusions from the study.

SEC. 213. HURRICANE EFFECTS ON SHRIMP AND OYSTER FISHERIES AND HABITATS.

(a) FISHERIES REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on—

(1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas;

(2) shrimp fishing vessels in those States; and

(3) the oyster industry in those States.

(b) HABITAT REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.

(c) HABITAT RESTORATION.—The Secretary shall carry out activities to restore fishery habitats, including the shrimp and oyster habitats in Louisiana and Mississippi.

SEC. 214. NORTHWEST PACIFIC FISHERIES CONSERVATION.

Section 313 (16 U.S.C. 1862) is amended—

(1) by striking ''all fisheries under the Council's jurisdiction except salmon fisheries'' in subsection (a) and inserting ''any fishery under the Council's jurisdiction except a salmon fishery'';

(2) by striking subsection (a)(2) and inserting the following:

''(2) establishes a system, or system, of fees, which may vary by fishery, management area, or observer coverage level, to pay for the cost of implementing the plan.'';

(3) by striking ''observers'' in subsection (b)(2)(A) and inserting ''observers, or electronic monitoring systems,'';

(4) by inserting ''a fixed amount reflecting actual observer costs as described in subparagraph (A) or'' in subsection (b)(2)(E) after ''expressed as'';

(5) by inserting ''some or'' in subsection (b)(2)(F) after ''against'';

(6) by inserting ''or an electronic monitoring system'' after ''observer'' in subsection (b)(2)(F);

(7) by striking ''and'' after the semicolon in subsection (b)(2)(H); and

(8) by redesignating subparagraph (I) of subsection (b)(2) as subparagraph (J) and inserting after subparagraph (H) the following:

''(I) provide that fees collected will be credited against any fee for stationing observers or electronic monitoring systems on board fishing vessels and United States fish processors and the actual cost of inputting collected data to which a fishing vessel or fish processor is subject under section 304(d) of this Act; and''.

SEC. 215. NEW ENGLAND GROUNDFISH FISHERY.

(a) REVIEW.—The Secretary of Commerce shall conduct a unique, thorough examination of the potential impact on all affected and interested parties of Framework 42 to the Northeast Multispecies Fishery Management Plan.

(b) REPORT.—The Secretary shall report the Secretary's findings under subsection (a) within 30 days after the date of enactment of this Act. The Secretary shall include in the report a detailed discussion of each of the following:

(1) The economic and social implications for affected parties within the fishery, including potential losses to infrastructure, expected from the imposition of Framework 42.

(2) The estimated average annual income generated by fishermen in New England, separated by State and vessel size, and the estimated annual income expected after the imposition of Framework 42.

(3) Whether the differential days-at-sea counting imposed by Framework 42 would result in a reduction in the number of small vessels actively participating in the New England Fishery.

(4) The percentage and approximate number of vessels in the New England fishery, separated by State and vessel type, that are incapable of fishing outside the areas designated in Framework 42 for differential days-at-sea counting.

(5) The percentage of the annual groundfish catch in the New England fishery that is harvested by small vessels.

(6) The current monetary value of groundfish permits in the New England fishery and

the actual impact that the potential imposition of Framework 42 is having on such value.

(7) Whether permitting days-at-sea to be leased is altering the market value for groundfish permits or days-at-sea in New England.

(8) Whether there is a substantially high probability that the biomass targets used as a basis for Amendment 13 remain achievable.

(9) An identification of the year in which the biomass targets used as a basis for Amendment 13 were last evident or achieved, and the evidence used to determine such date.

(10) Any separate or non-fishing factors, including environmental factors, that may be leading to a slower rebuilding of groundfish than previously anticipated.

(11) The potential harm to the non-fishing environment and ecosystem from the reduction in fishing resulting from Framework 42 and the potential redevelopment of the coastal land for other purposes, including potential for increases in non-point source of pollution and other impacts.

SEC. 216. REPORT ON COUNCIL MANAGEMENT COORDINATION.

The Mid-Atlantic Fishery Council, in consultation with the New England Fishery Council, shall submit a report to the Senate Committee on Commerce, Science, and Transportation within 9 months after the date of enactment of this Act—

(1) describing the role of council liaisons between the Mid-Atlantic and New England Councils, including an explanation of council policies regarding the liaison's role in Council decision-making since 1996;

(2) describing how management actions are taken regarding the operational aspects of current joint fishery management plans, and how such joint plans may undergo changes through amendment or framework processes;

(3) evaluating the role of the New England Fishery Council and the Mid-Atlantic Fishery Council liaisons in the development and approval of management plans for fisheries in which the liaisons or members of the non-controlling Council have a demonstrated interest and significant current and historical landings of species managed by either Council;

(4) evaluating the effectiveness of the various approaches developed by the Councils to improve representation for affected members of the non-controlling Council in Council decision-making, such as use of liaisons, joint management plans, and other policies, taking into account both the procedural and conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act; and

(5) analyzing characteristics of North Carolina and Florida that supported their inclusion as voting members of more than one Council and the extent to which those characteristics support Rhode Island's inclusion on a second Council (the Mid-Atlantic Council).

TITLE III—OTHER FISHERIES STATUTES

SEC. 301. AMENDMENTS TO NORTHERN PACIFIC HALIBUT ACT.

(a) CIVIL PENALTIES.—Section 8(a) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f(a)) is amended—

(1) by striking ''$25,000'' and inserting ''$200,000'';

(2) by striking ''violation, the degree of culpability, and history of prior offenses, ability to pay,'' in the fifth sentence and inserting ''violator, the degree of culpability, any history of prior offenses,''; and

(3) by adding at the end the following: ''In assessing such penalty, the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay if the information is provided to the Secretary at least 30 days prior to an administrative hearing.''.

(b) PERMIT SANCTIONS.—Section 8 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f) is amended by adding at the end the following:

''(e) REVOCATION OR SUSPENSION OF PERMIT.—

''(1) IN GENERAL.—The Secretary may take any action described in paragraph (2) in any case in which—

''(A) a vessel has been used in the commission of any act prohibited under section 7;

''(B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of section 7; or

''(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue.

''(2) PERMIT-RELATED ACTIONS.—Under the circumstances described in paragraph (1) the Secretary may—

''(A) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

''(B) suspend such permit for a period of time considered by the Secretary to be appropriate;

''(C) deny such permit; or

''(D) impose additional conditions and restrictions on any permit issued to or applied for by such vessel or person under this Act and, with respect to any foreign fishing vessel, on the approved application of the foreign nation involved and on any permit issued under that application.

''(3) FACTORS TO BE CONSIDERED.—In imposing a sanction under this subsection, the Secretary shall take into account—

''(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

''(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

''(4) TRANSFERS OF OWNERSHIP.—Transfer of ownership of a vessel, a permit, or any interest in a permit, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, permit, or interest in a permit, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel, permit, or interest at the time of the transfer.

''(5) REINSTATEMENT.—In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty, criminal fine, or any amount in settlement of a civil forfeiture, the Secretary shall reinstate the permit upon payment of the penalty, fine, or settlement amount and interest thereon at the prevailing rate.

''(6) HEARING.—No sanction shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed either in conjunction with a civil penalty proceeding under this section or otherwise.

''(7) PERMIT DEFINED.—In this subsection, the term 'permit' means any license, certificate, approval, registration, charter, membership, exemption, or other form of permission issued by the Commission or the Secretary, and includes any quota share or other transferable quota issued by the Secretary.''.

(c) CRIMINAL PENALTIES.—Section 9(b) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773g(b)) is amended—

(1) by striking ''$50,000'' and inserting ''$200,000''; and

(2) by striking ''$100,000,'' and inserting ''$400,000,''.

SEC. 302. REAUTHORIZATION OF OTHER FISHERIES ACTS.

(a) ATLANTIC STRIPED BASS CONSERVATION ACT.—Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 5156(a)) is amended to read as follows:

''(a) AUTHORIZATION.—For each of fiscal years 2006, 2007, 2008, 2009, and 2010, there are authorized to be appropriated to carry out this Act—

''(1) $1,000,000 to the Secretary of Commerce; and

''(2) $250,000 to the Secretary of the Interior.''.

(b) YUKON RIVER SALMON ACT OF 2000.—Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking ''$4,000,000 for each of fiscal years 2004 through 2008,'' and inserting ''$4,000,000 for each of fiscal years 2006 through 2010,''.

(c) SHARK FINNING PROHIBITION ACT.—Section 10 of the Shark Finning Prohibition Act (16 U.S.C. 1822 note) is amended by striking ''fiscal years 2001 through 2005'' and inserting ''fiscal years 2006 through 2010''.

(d) PACIFIC SALMON TREATY ACT.—

(1) TRANSFER OF SECTION TO ACT.—The text of section 623 of title VI of H.R. 3421 (113 Stat. 1501A-56), as introduced on November 17, 1999, and enacted into law by section 1000(a)(1) of the Act of November 29, 1999 (Public Law 106–113)—

(A) is transferred to the Pacific Salmon Treaty Act (16 U.S.C. 3631 et seq.) and inserted after section 15; and

(B) amended—

(i) by striking ''SEC. 623.''; and

(ii) inserting before ''(a) NORTHERN FUND AND SOUTHERN FUND.—'' the following:

''SEC. 16. NORTHERN AND SOUTHERN FUNDS; TREATY IMPLEMENTATION; ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.''.

(2) REAUTHORIZATION.—Section 16(d)(2)(A) of the Pacific Salmon Treaty Act, as transferred by subsection (a), is amended—

(1) by inserting ''sustainable salmon fisheries,'' after ''enhancement,''; and

(2) by inserting ''2006, 2007, 2008, and 2009,'' after ''2005,''.

(e) STATE AUTHORITY FOR DUNGENESS CRAB FISHERY MANAGEMENT.—Section 203 of Public Law 105–384 (16 U.S.C. 1856 note) is amended—

(1) by striking ''September 30, 2006.'' in subsection (i) and inserting ''September 30, 2016.'';

(2) by striking ''health'' in subsection (j) and inserting ''status''; and

(3) by striking ''California.'' in subsection (j) and inserting ''California, including—

''(1) stock status and trends throughout its range;

''(2) a description of applicable research and scientific review processes used to determine stock status and trends; and

''(3) measures implemented or planned that are designed to prevent or end overfishing in the fishery.''.

(f) PACIFIC FISHERY MANAGEMENT COUNCIL.—

(1) IN GENERAL.—The Pacific Fishery Management Council shall develop a proposal for the appropriate rationalization program for the Pacific trawl groundfish and whiting fisheries, including the shore-based sector of the Pacific whiting fishery under its jurisdiction. The proposal may include only the Pacific whiting fishery, including the shore-based sector, if the Pacific Council determines that a rationalization plan for the

fishery as a whole cannot be achieved before the report is required to be submitted under paragraph (3).

(2) REQUIRED ANALYSIS.—In developing the proposal to rationalize the fishery, the Pacific Council shall fully analyze alternative program designs, including the allocation of limited access privileges to harvest fish to fishermen and processors working together in regional fishery associations or some other cooperative manner to harvest and process the fish, as well as the effects of these program designs and allocations on competition and conservation. The analysis shall include an assessment of the impact of the proposal on conservation and the economics of communities, fishermen, and processors participating in the trawl groundfish fisheries, including the shore-based sector of the Pacific whiting fishery.

(3) REPORT.—The Pacific Council shall submit the proposal and related analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources no later than 24 months after the date of enactment of this Act.

TITLE IV—INTERNATIONAL

SEC. 401. INTERNATIONAL MONITORING AND COMPLIANCE.

Title II (16 U.S.C. 1821 et seq.) is amended by adding at the end the following:

''SEC. 207. INTERNATIONAL MONITORING AND COMPLIANCE.

''(a) IN GENERAL.—The Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and to implement the requirements of this title.

''(b) SPECIFIC AUTHORITIES.—In carrying out subsection (a), the Secretary may—

''(1) share information on harvesting and processing capacity and illegal, unreported and unregulated fishing on the high seas, in areas covered by international fishery management agreements, and by vessels of other nations within the United States exclusive economic zone, with relevant law enforcement organizations of foreign nations and relevant international organizations;

''(2) further develop real time information sharing capabilities, particularly on harvesting and processing capacity and illegal, unreported and unregulated fishing;

''(3) participate in global and regional efforts to build an international network for monitoring, control, and surveillance of high seas fishing and fishing under regional or global agreements;

''(4) support efforts to create an international registry or database of fishing vessels, including by building on or enhancing registries developed by international fishery management organizations;

''(5) enhance enforcement capabilities through the application of commercial or governmental remote sensing technology to locate or identify vessels engaged in illegal, unreported, or unregulated fishing on the high seas, including encroachments into the exclusive economic zone by fishing vessels of other nations;

''(6) provide technical or other assistance to developing countries to improve their monitoring, control, and surveillance capabilities; and

''(7) support coordinated international efforts to ensure that all large-scale fishing vessels operating on the high seas are required by their flag State to be fitted with vessel monitoring systems no later than December 31, 2008, or earlier if so decided by the relevant flag State or any relevant international fishery management organization.''.

SEC. 402. FINDING WITH RESPECT TO ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

Section 2(a) (16 U.S.C. 1801(a)), as amended by section 3 of this Act, is further amended by adding at the end the following:

''(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.''.

SEC. 403. ACTION TO END ILLEGAL, UNREPORTED, OR UNREGULATED FISHING AND REDUCE BYCATCH OF PROTECTED MARINE SPECIES.

(a) IN GENERAL.—Title VI of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.), is amended by adding at the end the following:

''SEC. 607. BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.

''The Secretary, in consultation with the Secretary of State, shall provide to Congress, by not later than 2 years after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, and every 2 years thereafter, a report that includes—

''(1) the state of knowledge on the status of international living marine resources shared by the United States or subject to treaties or agreements to which the United States is a party, including a list of all such fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management or conservation of living marine resources;

''(2) a list of nations whose vessels have been identified under sections 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to section 609 or 610;

''(3) a description of efforts taken by nations on those lists to comply take appropriate corrective action consistent with sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the United States to implement those sections and to improve international compliance;

''(4) progress at the international level, consistent with section 608, to strengthen the efforts of international fishery management organizations to end illegal, unreported, or unregulated fishing; and

''(5) steps taken by the Secretary at the international level to adopt international measures comparable to those of the United States to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.

''SEC. 608. ACTION TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.

''The Secretary, in consultation with the Secretary of State, and in cooperation with relevant fishery management councils and any relevant advisory committees, shall take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks under their jurisdiction. These actions shall include—

''(1) urging international fishery management organizations to which the United States is a member—

''(A) to incorporate multilateral market-related measures against member or non-member governments whose vessels engage in illegal, unreported, or unregulated fishing;

''(B) to seek adoption of lists that identify fishing vessels and vessel owners engaged in illegal, unreported, or unregulated fishing that can be shared among all members and other international fishery management organizations;

''(C) to seek international adoption of a centralized vessel monitoring system in order to monitor and document capacity in fleets of all nations involved in fishing in areas under the an international fishery management organization's jurisdiction;

''(D) to increase use of observers and technologies needed to monitor compliance with conservation and management measures established by the organization, including vessel monitoring systems and automatic identification systems; and

''(E) to seek adoption of stronger port state controls in all nations, particularly those nations in whose ports vessels engaged in illegal, unreported, or unregulated fishing land or transship fish;

''(2) urging international fishery management organizations to which the United States is a member, as well as all members of those organizations, to adopt and expand the use of market-related measures to combat illegal, unreported, or unregulated fishing, including—

''(A) import prohibitions, landing restrictions, or other market-based measures needed to enforce compliance with international fishery management organization measures, such as quotas and catch limits;

''(B) import restrictions or other market-based measures to prevent the trade or importation of fish caught by vessels identified multilaterally as engaging in illegal, unreported, or unregulated fishing; and

''(C) catch documentation and certification schemes to improve tracking and identification of catch of vessels engaged in illegal, unreported, or unregulated fishing, including advance transmission of catch documents to ports of entry; and

''(3) urging other nations at bilateral, regional, and international levels, including the Convention on International Trade in Endangered Species of Fauna and Flora and the World Trade Organization to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources harvested by vessels engaged in illegal, unreported, or unregulated fishing from being traded or imported into their nation or territories.

''SEC. 609. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

''(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if fishing vessels of that nation are engaged, or have been engaged at any point during the preceding two years in illegal, unreported, or unregulated fishing; and—

''(1) the relevant international fishery management organization has failed to implement effective measures to end the illegal unreported, or unregulated fishing activity by vessels of that nation or the nation is not a party to, or does not maintain cooperating status with, such organization; or

''(2) where no international fishery management organization exists with a mandate to regulate the fishing activity in question.

''(b) NOTIFICATION.—An identification under subsection (a) or section 610(a) is deemed to be an identification under section 101(b)(1)(A) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)(1)(A)), and the Secretary shall notify the President and that nation of such identification.

''(c) CONSULTATION.—No later than 60 days after submitting a report to Congress under section 607, the Secretary, acting through the Secretary of State, shall—

''(1) notify nations listed in the report of the requirements of this section;

''(2) initiate consultations for the purpose of encouraging such nations to take the appropriate corrective action with respect to the offending activities of their fishing vessels identified in the report; and

''(3) notify any relevant international fishery management organization of the actions taken by the United States under this section.

''(d) IUU CERTIFICATION PROCEDURE.—

''(1) CERTIFICATION.—The Secretary shall establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of any nation listed by the Secretary under subsection (a), for determining if that government has taken appropriate corrective action with respect to the offending activities of its fishing vessels identified in the report under section 607. The Secretary shall determine, on the basis of the procedure, and certify to the Congress no later than 90 days after the date on which the Secretary promulgates a final rule containing the procedure, and biennially thereafter in the report under section 607—

''(A) whether the government of each nation identified under subsection (b) has provided documentary evidence that it has taken corrective action with respect to the offending activities of its fishing vessels identified in the report; or

''(B) whether the relevant international fishery management organization has implemented measures that are effective in ending the illegal, unreported, or unregulated fishing activity by vessels of that nation.

''(2) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that—

''(A) the vessel has not engaged in illegal, unreported, or unregulated fishing under an international fishery management agreement to which the United States is a party; or

''(B) the vessel is not identified by an international fishery management organization as participating in illegal, unreported, or unregulated fishing activities.

''(3) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) (except to the extent that such provisions apply to sport fishing equipment or fish or products thereof not managed under the relevant international fishery agreement (or, where there is no such agreement, not caught by the vessels engaged in illegal, unreported, or unregulated fishing)) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

''(e) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.—

''(1) IN GENERAL.—In this Act the term 'illegal, unreported, or unregulated fishing' has the meaning established under paragraph (2).

''(2) SECRETARY TO DEFINE TERM WITHIN LEGISLATIVE GUIDELINES.—Within 3 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act.

''(3) GUIDELINES.—The Secretary shall include in the definition, at a minimum—

''(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements;

''(B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and

''(C) fishing activity, including bottom trawling, that has adverse impacts on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2006 through 2012 such sums as are necessary to carry out this section.

''SEC. 610. EQUIVALENT CONSERVATION MEASURES.

''(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if—

''(1) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in fishing activities or practices;

''(A) beyond the exclusive economic zone of any nation that result in bycatch of a protected living marine resource; or

''(B) beyond the exclusive economic zone of the United States that result in bycatch of a protected living marine resource shared by the United States;

''(2) the relevant international organization for the conservation and protection of such resources or the relevant international or regional fishery organization has failed to implement effective measures to end or reduce such bycatch, or the nation is not a party to, or does not maintain cooperating status with, such organization; and

''(3) the nation has not adopted a regulatory program governing such fishing practices designed to end or reduce such bycatch that is comparable to that of the United States, taking into account different conditions.

''(b) CONSULTATION AND NEGOTIATION.—The Secretary, acting through the Secretary of State, shall—

''(1) notify, as soon as possible, other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this section and this Act;

''(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, fishing activities or practices described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species;

''(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate international fishery management bodies; and

''(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.

''(c) CONSERVATION CERTIFICATION PROCEDURE.—

''(1) CERTIFICATION.—The Secretary shall determine, on the basis of a procedure consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of any nation identified by the Secretary under subsection (a). The Secretary shall certify to the Congress by January 31, 2007, and biennially thereafter whether the government of each harvesting nation—

''(A) has provided documentary evidence of the adoption of a regulatory program governing the conservation of the protected living marine resource that is comparable to that of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

''(B) has established a management plan containing requirements that will assist in gathering species-specific data to support international stock assessments and conservation enforcement efforts for protected living marine resources.

''(2) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

''(A) are comparable to those of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

''(B) include the gathering of species specific data that can be used to support international and regional stock assessments and conservation efforts for protected living marine resources.

''(3) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) (except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported, or unregulated fishing) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

''(d) INTERNATIONAL COOPERATION AND ASSISTANCE.—To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary shall—

''(1) provide appropriate assistance to nations identified by the Secretary under subsection (a) and international organizations of which those nations are members to assist those nations in qualifying for certification under subsection (c);

''(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

''(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under subsection (c); and

''(4) provide assistance to those nations or organizations in designing and implementing appropriate fish harvesting plans.

''(e) PROTECTED LIVING MARINE RESOURCE DEFINED.—In this section the term 'protected living marine resource'—

''(1) means non-target fish, sea turtles, or marine mammals that are protected under United States law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna; but

''(2) does not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2006 through 2012 such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENTS.—

(1) DENIAL OF PORT PRIVILEGES.—Section 101(b) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)) is amended by inserting ''or illegal, unreported, or unregulated fishing'' after ''fishing'' in paragraph (1)(A)(i), paragraph (1)(B), paragraph (2), and paragraph (4)(A)(i).

(2) DURATION OF DENIAL.—Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended by inserting ''or illegal, unreported, or unregulated fishing'' after ''fishing''.

SEC. 404. MONITORING OF PACIFIC INSULAR AREA FISHERIES.

(a) WAIVER AUTHORITY.—Section 201(h)(2)(B) (16 U.S.C. 1821(h)(2)(B)) is amended by striking ''that is at least equal in effectiveness to the program established by the Secretary;'' and inserting ''or other monitoring program that the Secretary, in consultation with the Western Pacific Management Council, determines is adequate to monitor harvest, bycatch, and compliance with the laws of the United States by vessels fishing under the agreement;''.

(b) MARINE CONSERVATION PLANS.—Section 204(e)(4)(A)(i) (16 U.S.C. 1824(e)(4)(A)(i)) is amended to read as follows:

''(i) Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch, and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;''.

SEC. 405. REAUTHORIZATION OF ATLANTIC TUNAS CONVENTION ACT.

(a) IN GENERAL.—Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention—

''(1) $5,495,000 for fiscal year 2006;

''(2) $5,770,000 for each of fiscal years 2007 and 2008;

''(3) $6,058,000 for each of fiscal years 2009 and 2010; and

''(4) $6,361,000 for each of fiscal years 2011 and 2012.

''(b) ALLOCATION.—Of the amounts made available under subsection (a) for each fiscal year—

''(1) $160,000 are authorized for the advisory committee established under section 4 of this Act and the species working groups established under section 4A of this Act; and

''(2) $7,500,000 are authorized for research activities under this Act and section 3 of Public Law 96–339 (16 U.S.C. 971i), of which $3,000,000 shall be for the cooperative research program under section 3(b)(2)(H) of that section (16 U.S.C. 971i(b)(2)(H).''.

(b) DISQUALIFICATION FROM APPOINTMENT TO INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS.—Section 3(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)) is amended by adding at the end the following:

''(4) An individual who has directly represented, aided, or advised a foreign entity in any marine resources negotiation, or marine resource dispute, with the United States may not be appointed or serve as a Commissioner.''.

(c) ATLANTIC BILLFISH COOPERATIVE RESEARCH PROGRAM.—Section 3(b)(2) of Public Law 96–339 (16 U.S.C. 971i(b)(2)) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting after subparagraph (G) the following:

''(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and''.

SEC. 406. INTERNATIONAL OVERFISHING AND DOMESTIC EQUITY.

(a) INTERNATIONAL OVERFISHING.—Section 304 (16 U.S.C. 1854) is amended by adding at the end thereof the following:

''(i) INTERNATIONAL OVERFISHING.—The provisions of this subsection shall apply in lieu of subsection (e) to a fishery that the Secretary determines is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures to end overfishing under an international agreement to which the United States is a party. For such fisheries—

''(1) the Secretary, in cooperation with the Secretary of State, immediately take appropriate action at the international level to end the overfishing; and

''(2) within 1 year after the Secretary's determination, the appropriate Council, or Secretary, for fisheries under section 302(a)(3) shall—

''(A) develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock and, if developed by a Council, the Council shall submit such recommendations to the Secretary; and

''(B) develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.''.

(b) HIGHLY MIGRATORY SPECIES TAGGING RESEARCH.—Section 304(g)(2) (16 U.S.C. 1854(g)(2)) is amended by striking ''(16 U.S.C. 971d)'' and inserting ''(16 U.S.C. 971d), or highly migratory species harvested in a commercial fishery managed by a Council under this Act or the Western and Central Pacific Fisheries Convention Implementation Act,''.

SEC. 407. U.S. CATCH HISTORY.

In establishing catch allocations under international fisheries agreements, the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating, and the Secretary of State, shall ensure that all catch history in a fishery associated with a vessel of the United States remains with the United States in that fishery, and is not transferred or credited to any other nation or vessel of such nation, including when a vessel of the United States is sold or transferred to a citizen of another nation or to an entity controlled by citizens of another nation.

SEC. 408. SECRETARIAL REPRESENTATIVE FOR INTERNATIONAL FISHERIES.

(a) IN GENERAL.—The Secretary, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall designate a Senate-confirmed, senior official within the National Oceanic and Atmospheric Administration to perform the duties of the Secretary with respect to international agreements involving fisheries and other living marine resources, including policy development and representation as a U.S. Commissioner, under any such international agreements.

(b) ADVICE.—The designated official shall, in consultation with the Deputy Assistant Secretary for International Affairs and the Administrator of the National Marine Fisheries Service, advise the Secretary, Undersecretary of Commerce for Oceans and Atmosphere, and other senior officials of the Department of Commerce and the National Oceanic and Atmospheric Administration on development of policy on international fisheries conservation and management matters.

(c) CONSULTATION.—The designated official shall consult with the Senate Committee on Commerce, Science, and Transportation and the House Committee on Resources on matters pertaining to any regional or international negotiation concerning living marine resources, including shellfish, including before initialing any agreement concerning living marine resources or attending any official meeting at which management measures will be discussed, and shall otherwise keep the committees informed throughout the negotiation process.

(d) DELEGATION.—The designated official may delegate and authorize successive redelegation of such functions, powers, and duties to such officers and employees of the National Oceanic and Atmospheric Administration as deemed necessary to discharge the responsibility of the Office.

(e) DISQUALIFICATION FROM DESIGNATION.—The Secretary may not designate an individual under subsection (a) who has directly represented, aided, or advised a foreign entity (as defined in section 207(f)(3) of title 18, United States Code) in any marine resource negotiation, or marine resource dispute, with the United States.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Western and Central Pacific Fisheries Convention Implementation Act''.

SEC. 502. DEFINITIONS.

In this title:

(1) 1982 CONVENTION.—The term ''1982 Convention'' means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) AGREEMENT.—The term ''Agreement'' means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

(3) COMMISSION.—The term ''Commission'' means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established in accordance with this Convention.

(4) CONVENTION AREA.—The term ''convention area'' means all waters of the Pacific Ocean bounded to the south and to the east by the following line:

From the south coast of Australia due south along the 141th meridian of east longitude to its intersection with the 55th parallel of south latitude; thence due east along the 55th parallel of south latitude to its intersection with the 150th meridian of east longitude; thence due south along the 150th meridian of east longitude to its intersection with the 60th parallel of south latitude; thence due east along the 60th parallel of south latitude to its intersection with the 130th meridian of west longitude; thence due north along the 130th meridian of west longitude to its intersection with the 4th parallel of south latitude; thence due west along the 4th parallel of south latitude to its intersection with the 150th meridian of west longitude; thence due north along the 150th meridian of west longitude.

(5) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983.

(6) FISHING.—The term ''fishing'' means:

(A) searching for, catching, taking, or harvesting fish.

(B) attempting to search for, catch, take, or harvest fish.

(C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish for any purpose.

(D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons.

(E) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (A) through (D), including transshipment.

(F) use of any other vessel, vehicle, aircraft, or hovercraft, for any activity described in subparagraphs (A) through (E) except for emergencies involving the health and safety of the crew or the safety of a vessel.

(7) FISHING VESSEL.—The term ''fishing vessel'' means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels, and any other vessel directly involved in such fishing operations.

(8) HIGHLY MIGRATORY FISH STOCKS.—The term ''highly migratory fish stocks'' means all fish stocks of the species listed in Annex 1 of the 1982 Convention occurring in the Convention Area, and such other species of fish as the Commission may determine.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(10) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(11) TRANSHIPMENT.—The term ''transshipment'' means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.

(12) WCPCF CONVENTION; WESTERN AND CENTRAL PACIFIC CONVENTION.—The terms ''WCPCF Convention'' and ''Western and Central Pacific Convention'' means the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, with Annexes, which was adopted at Honolulu, Hawaii, on September 5, 2000, by the Multilateral High Level Conference on the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

SEC. 503. APPOINTMENT OF UNITED STATES COMMISSIONERS.

(a) IN GENERAL.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the Western and Central Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, and one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council. The Commissioners shall be entitled to adopt such rules of procedures as they find necessary and to select a chairman from among members who are officers or employees of the United States Government.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to subsection (d), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(A) injury compensation under chapter 81 of title 5, United States Code;

(B) tort claims liability as provided under chapter 171 of title 28 United States Code;

(C) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(D) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(3) TRAVEL EXPENSES.—

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(d) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of—

(i) not less than 15 nor more than 20 individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the WCPFC Convention, providing, to the maximum extent practicable, an equitable balance among such groups;

(ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee or the chair's designee; and

(iii) officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees).

(B) TERMS AND PRIVILEGES.—Each member of the advisory committee appointed under subparagraph (A) shall serve for a term of 2 years and shall be eligible for reappointment. Members of the advisory committee may attend all public meetings of the Commission, Council, or any Panel to which they are invited by the Commission, Council, or any Panel. The advisory committee shall be invited to attend all non-executive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

(C) PROCEDURES.—The advisory committee established by subparagraph (A) shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the WCPFC Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures. A majority of the members of the advisory committee shall constitute a quorum. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion. and the advisory committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to advisory committees in a timely manner such administrative and technical support services as are necessary for their effective functioning.

(B) COMPENSATION; STATUS; EXPENSES.—Individuals appointed to serve as a member of an advisory committee—

(i) shall serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

(ii) shall not be considered Federal employees by reason of their service as members of an advisory committee, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(f) MEMORANDUM OF UNDERSTANDING.—For highly migratory species in the Pacific, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding with the Western Pacific, Pacific, and North Pacific Fishery Management Councils, that specifies the role of the relevant Council or Councils with respect to—

(1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)

SEC. 504. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary and the United States Commissioners, approve, disapprove, object to, or withdraw objections to bylaws and rules, or amendments thereof, adopted by the WCPFC Commission, and, with the concurrence of the Secretary to approve or disapprove the general annual program of the WCPFC Commission with respect to conservation and management measures and other measures proposed or adopted in accordance with the WCPFC Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1).

SEC. 505. RULEMAKING AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, is authorized to promulgate such regulations as may be necessary to carry out the United States international obligations under the WCPFC Convention and this title, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the WCPFC Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) ADDITIONS TO FISHERY REGIMES AND REGULATIONS.—The Secretary may promulgate regulations applicable to all vessels and persons subject to the jurisdiction of the United States, including United States flag vessels wherever they may be operating, on such date as the Secretary shall prescribe.

SEC. 506. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title, except to the extent otherwise provided for in this Act;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(A) the administration and enforcement of this title; and

(B) the conduct of scientific, research, and other programs under this title;

(3) conduct fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the WCPFC Convention;

(4) collect, utilize, and disclose such information as may be necessary to implement the WCPFC Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(5) if recommended by the United States Commissioners or proposed by a Council with authority over the relevant fishery, assess and collect fees, not to exceed three percent of the ex-vessel value of fish harvested by vessels of the United States in fisheries managed pursuant to this title, to recover the actual costs to the United States of management and enforcement under this title, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this title; and

(6) issue permits to owners and operators of United States vessels to fish in the convention area seaward of the United States Exclusive Economic Zone, under such terms and conditions as the Secretary may prescribe, and shall remain valid for a period to be determined by the Secretary.

(b) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act (16 U.S.C. 951 et seq.), the South Pacific Tuna Act (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), and the Atlantic Tunas Convention Act (16 U.S.C. 971).

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—Any information submitted to the Secretary in compliance with any requirement under this Act shall be confidential and shall not be disclosed, except—

(A) to Federal employees who are responsible for administering, implementing, and enforcing this Act;

(B) to the Commission, in accordance with requirements in the Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business or any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act.

(2) USE OF INFORMATION.—The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted in compliance with any requirement or regulation under this Act.

SEC. 507. PROHIBITED ACTS.

(a) IN GENERAL.—It is unlawful for any person—

(1) to violate any provision of this title or any regulation or permit issued pursuant to this title;

(2) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, or an applicable permit issued pursuant to this title;

(3) to refuse to permit any officer authorized to enforce the provisions of this title to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigations, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(5) to resist a lawful arrest for any act prohibited by this title;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this title or any regulation, permit, or agreement referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any chapter prohibited by this section;

(8) to knowingly and willfully submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishery vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this title;

(9) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer one a vessel under this title, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this title;

(10) to engage in fishing in violation of any regulation adopted pursuant to section 506(a) of this title;

(11) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

(12) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this title to be made, kept, or furnished;

(13) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(14) to import, in violation of any regulation adopted pursuant to section 506(a) of this title, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish

have been denied entry in accordance with the provisions of section 506(a) of this title.

(b) ENTRY CERTIFICATION.—In the case of any fish described in subsection (a) offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to the Secretary that such fish is not ineligible for such entry under the terms of section 506(a) of this title.

SEC. 508. COOPERATION IN CARRYING OUT CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with agencies of the United States government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the WCPFC Convention, in carrying out responsibilities under this title.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—All Federal agencies are authorized, upon the request of the Secretary, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIEMENTS.—Nothing in this title, or in the laws or regulations of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the WCPFC Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Except as provided in subsection (e) of this section, nothing in this title shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(e) APPLICATION OF REGULATIONS—

(1) IN GENERAL.—regulations promulgated under section 506(a) of this title shall apply within the boundaries of any State bordering on the Convention area if the Secretary has provided notice to such State, the State does not request an agency hearing, and the Secretary determines that the State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this title, enacted laws or promulgated regulations that implement the recommendations of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations that implement the recommendations of the commission within the boundaries of such State that—

(i) are less restrictive that the regulations promulgated under section 506(a) of this title; or

(ii) are not effectively enforced.

(2) DETERMINATION BY SECRETARY.—The regulations promulgated pursuant to section 506(a) of this title shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures that are not less restrictive than the regulations promulgated under section 506(a) of this title.

(3) HEARING.—If a State requests a formal agency hearing, the Secretary shall not apply the regulations promulgated pursuant section 506(a) of this title within that State's boundaries unless the hearing record supports a determination under paragraph (1)(A) or (B).

(f) REVIEW OF STATE LAWS AND REGULATIONS.—To ensure that the purposes of subsection (e) are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (e) applies or may apply and the extent to which such laws and regulations are enforced.

SEC. 509. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands to the same extent provided to the territories of other nations.

SEC. 510. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of nations fishing for species under the management authority of the Western and Central Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to, or as soon as reasonably possible after, entering and transiting the Exclusive Economic Zone seaward of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area—

(1) notify the United States Coast Guard or the National Marine Fisheries Service Office of Law Enforcement in the appropriate region of the name, flag state, location, route, and destination of the vessel and of the circumstances under which it will enter United States waters;

(2) ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing; and

(3) where requested by an enforcement officer, proceed to a specified location so that a vessel inspection can be conducted.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out this title and to pay the United States' contribution to the Commission under section 5 of part III of the WCPFC Convention.

TITLE VI—PACIFIC WHITING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Pacific Whiting Act of 2006''.

SEC. 602. DEFINITIONS.

In this title:

(1) ADVISORY PANEL.—The term ''advisory panel'' means the Advisory Panel on Pacific Hake/Whiting established by the Agreement.

(2) AGREEMENT.—The term ''Agreement'' means the Agreement between the Government of the United States and the Government of Canada on Pacific Hake/Whiting, signed at Seattle, Washington, on November 21, 2003.

(3) CATCH.—The term ''catch'' means all fishery removals from the offshore whiting resource, including landings, discards, and bycatch in other fisheries.

(4) JOINT MANAGEMENT COMMITTEE.—The term ''joint management committee'' means the joint management committee established by the Agreement.

(5) JOINT TECHNICAL COMMITTEE.—The term ''joint technical committee'' means the joint technical committee established by the Agreement.

(6) OFFSHORE WHITING RESOURCE.—The term ''offshore whiting resource'' means the transboundary stock of *Merluccius productus* that is located in the offshore waters of the United States and Canada except in Puget Sound and the Strait of Georgia.

(7) SCIENTIFIC REVIEW GROUP.—The term ''scientific review group'' means the scientific review group established by the Agreement.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) UNITED STATES SECTION.—The term ''United States Section'' means the United States representatives on the joint management committee.

SEC. 603. UNITED STATES REPRESENTATION ON JOINT MANAGEMENT COMMITTEE.

(a) REPRESENTATIVES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint 4 individuals to represent the United States as the United States Section on the joint management committee. In making the appointments, the Secretary shall select representatives from among individuals who are knowledgeable or experienced concerning the offshore whiting resource. Of these—

(A) 1 shall be an official of the National Oceanic and Atmospheric Administration;

(B) 1 shall be a member of the Pacific Fishery Management Council, appointed with consideration given to any recommendation provided by that Council;

(C) 1 shall be appointed from a list submitted by the treaty Indian tribes with treaty fishing rights to the offshore whiting resource; and

(D) 1 shall be appointed from the commercial sector of the whiting fishing industry concerned with the offshore whiting resource.

(2) TERM OF OFFICE.—Each representative appointed under paragraph (1) shall be appointed for a term not to exceed 4 years, except that, of the initial appointments, 2 representatives shall be appointed for terms of 2 years. Any individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term. A representative may be appointed for a term of less than 4 years if such term is necessary to ensure that the term of office of not more than 2 representatives will expire in any single year. An individual appointed to serve as a representative is eligible for reappointment.

(3) CHAIR.—Unless otherwise agreed by all of the 4 representatives, the chair shall rotate annually among the 4 members, with the order of rotation determined by lot at the first meeting.

(b) ALTERNATE REPRESENTATIVES.—The Secretary, in consultation with the Secretary of State, may designate alternate representatives of the United States to serve on the joint management committee. An alternative representative may exercise, at any meeting of the committee, all the powers and duties of a representative in the absence of a duly designated representative for whatever reason.

SEC. 604. UNITED STATES REPRESENTATION ON THE SCIENTIFIC REVIEW GROUP.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 scientific experts to serve on the scientific review group. An individual shall not be eligible to serve on the scientific review group while serving on the joint technical committee.

(b) TERM.—An individual appointed under subsection (a) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of a term of office of that individual's predecessor shall be appointed to serve for the remainder of that term.

(c) JOINT APPOINTMENTS.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, may appoint to the scientific review group, from a list of names provided by the advisory panel —

(1) up to 2 independent members of the scientific review group; and

(2) 2 public advisors.

SEC. 605. UNITED STATES REPRESENTATION ON JOINT TECHNICAL COMMITTEE.

(a) SCIENTIFIC EXPERTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as scientific experts on the joint technical committee, at least 1 of whom shall be an official of the National Oceanic and Atmospheric Administration.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

(b) INDEPENDENT MEMBER.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, shall appoint 1 independent member to the joint technical committee selected from a list of names provided by the advisory panel.

SEC. 606. UNITED STATES REPRESENTATION ON ADVISORY PANEL.

(a) IN GENERAL.—

(1) APPOINTMENT.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as members of the advisory panel, selected from among individuals who are—

(A) knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore whiting resource; and

(B) not employees of the United States.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

SEC. 607. RESPONSIBILITIES OF THE SECRETARY.

(a) IN GENERAL.—The Secretary is responsible for carrying out the Agreement and this title, including the authority, to be exercised in consultation with the Secretary of State, to accept or reject, on behalf of the United States, recommendations made by the joint management committee.

(b) REGULATIONS; COOPERATION WITH CANADIAN OFFICIALS.—In exercising responsibilities under this title, the Secretary—

(1) may promulgate such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this title; and

(2) with the concurrence of the Secretary of State, may cooperate with officials of the Canadian Government duly authorized to carry out the Agreement.

SEC. 608. RULEMAKING.

(a) APPLICATION WITH MAGNUSON-STEVENS ACT.—The Secretary shall establish the United States catch level for Pacific whiting according to the standards and procedures of the Agreement and this title rather than under the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), except to the extent necessary to address the rebuilding needs of other species. Except for establishing the catch level, all other aspects of Pacific whiting management shall be—

(1) subject to the Magnuson-Stevens Fishery Conservation and Management Act; and

(2) consistent with this title.

(b) JOINT MANAGEMENT COMMITTEE RECOMMENDATIONS.—For any year in which both parties to the Agreement approve recommendations made by the joint management committee with respect to the catch level, the Secretary shall implement the approved recommendations. Any regulation promulgated by the Secretary to implement any such recommendation shall apply, as necessary, to all persons and all vessels subject to the jurisdiction of the United States wherever located.

(c) YEARS WITH NO APPROVED CATCH RECOMMENDATIONS.—If the parties to the Agreement do not approve the joint management committee's recommendation with respect to the catch level for any year, the Secretary shall establish the total allowable catch for Pacific whiting for the United States catch. In establishing the total allowable catch under this subsection, the Secretary shall—

(1) take into account any recommendations from the Pacific Fishery Management Council, the joint management committee, the joint technical committee, the scientific review group, and the advisory panel;

(2) base the total allowable catch on the best scientific information available;

(3) use the default harvest rate set out in paragraph 1 of Article III of the Agreement unless the Secretary determines that the scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource; and

(4) establish the United State's share of the total allowable catch based on paragraph 2 of Article III of the Agreement and make any adjustments necessary under section 5 of Article II of the Agreement.

SEC. 609. ADMINISTRATIVE MATTERS.

(a) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(1) injury compensation under chapter 81 of title 5, United States Code;

(2) tort claims liability as provided under chapter 171 of title 28 United States Code;

(3) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(4) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual appointed under this title shall receive no compensation for the individual's service as a representative, alternate representative, scientific expert, or advisory panel member under this title.

(2) SCIENTIFIC REVIEW GROUP.—Notwithstanding paragraph (1), the Secretary may employ and fix the compensation of an individual appointed under section 604(a) to serve as a scientific expert on the scientific review group who is not employed by the United States government, a State government, or an Indian tribal government in accordance with section 3109 of title 5, United States Code.

(c) TRAVEL EXPENSES.—Except as provided in subsection (d), the Secretary shall pay the necessary travel expenses of individuals appointed under this title in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(d) JOINT APPOINTEES.—With respect to the 2 independent members of the scientific review group and the 2 public advisors to the scientific review group jointly appointed under section 604(c), and the 1 independent member to the joint technical committee jointly appointed under section 605(b), the Secretary may pay up to 50 percent of—

(1) any compensation paid to such individuals; and

(2) the necessary travel expenses of such individuals.

SEC. 610. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this title; and

(3) collect, utilize, and disclose such information as may be necessary to implement the Agreement and this title, subject to sections 552 and 552a of title 5, United States Code.

(b) PROHIBITED ACTS.—It is unlawful for any person to violate any provision of this title or the regulations promulgated under this title.

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) PENALTIES.—This title shall be enforced by the Secretary as if a violation of this title or of any regulation promulgated by the Secretary under this title were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the obligations of the United States under the Agreement and this title.

SA 4311. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 509. CONDITION ON APPOINTMENT OF COMMISSIONED OFFICERS TO POSITION OF DIRECTOR OF NATIONAL INTELLIGENCE OR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) CONDITION.—

(1) IN GENERAL.—Chapter 32 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency

''As a condition of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency, an officer shall acknowledge that upon termination of service in such position the officer shall be retired in accordance with section 1253 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by adding at the end the following new item:

''529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency.''.

(b) RETIREMENT.—

(1) IN GENERAL.—Chapter 63 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency

''Upon termination of the appointment of an officer to the position of Director of National Intelligence or Director of the Central Intelligence Agency, the Secretary of the military department concerned shall retire the officer under any provision of this title under which the officer is eligible to retire.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of such title is amended by adding at the end the following new item:

''1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments of commissioned officers of the Armed Forces to the position of Director of National Intelligence or Director of the Central Intelligence Agency on or after that date.

SA 4312. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. ENHANCEMENT OF BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection (a) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310) is amended—

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

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve,'' and inserting ''an individual referred to in paragraph (2)''; and

(3) by adding at the end the following new paragraph:

''(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

''(A) A member in the regular component of the Army.

''(B) A member of the Army National Guard.

''(C) A member of the Army Reserve.

''(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

''(E) A civilian employee of the Department of the Army.''.

(b) AMOUNT OF BONUS.—Subsection (d) of such section is amended to read as follows:

''(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable in two lump sums as provided in subsection (e).''.

(c) PAYMENT OF BONUS.—Subsection (e) of such section is amended to read as follows:

''(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

''(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person referred.

''(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person referred.''.

(d) COORDINATION WITH RECEIPT OF RETIRED PAY.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to such member is entitled under title 10, 37, or 38, United States Code, or under any other provision of law.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended by this section, on or after that date.

SA 4313. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) ACCESSION BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 329. Special pay: accession bonus for officer candidates

''(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

''(b) AGREEMENT.—A written agreement described in this subsection is a written agreement by a person—

''(1) to complete officer candidate school;

''(2) to accept a commission or appointment as an officer of the armed forces; and

''(3) to serve on active duty as a commissioned officer for a period specified in such agreement.

''(c) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

''(d) REPAYMENT.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

''329. Special pay: accession bonus for officer candidates.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) AUTHORITY FOR PAYMENT OF BONUS UNDER EARLIER AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Army may pay a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 1, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) LIMITATION ON AMOUNT.—The amount of the bonus payable to a person under this subsection may not exceed $8,000.

(3) CONSTRUCTION WITH ENLISTMENT BONUS.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

SA 4314. Mr. ALLEN (for himself, Mr. CRAIG, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. CREDIT MONITORING AND DATA THEFT PROTECTION SERVICES FOR VETERANS AND MEMBERS OF THE ARMED FORCES AFFECTED BY THEFT OF PERSONAL INFORMATION FROM THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CONTRACT FOR SERVICES REQUIRED.—The Secretary of Veterans Affairs shall enter into a contract with an appropriate entity under which contract such entity shall provide appropriate credit or identity protection monitoring services to veterans and members of the Armed Forces (including members of the National Guard and the Reserve) affected by the theft of personal information from the Department of Veterans Affairs on May 3, 2006.

(b) LIMITATION.—The Secretary shall ensure that the contract under subsection (a) permits only those veterans and members of the Armed Forces who choose to receive monitoring services under such contract to elect to have personal information monitored by the contractor under such contract.

(c) FIXED PRICE FOR SERVICES.—The contract under subsection (a) shall, at a minimum, provide a fixed price for any veteran or member of the Armed Forces who elects to receive services under such contract. Such

price for such services shall be in effect under such contract for not less than 12 months beginning on the date of the commencement of the provision of services under such contract.

SA 4315. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended to read as follows:

"SEC. 721. REVIEW AND INVESTIGATION OF MERGERS, ACQUISITIONS, AND TAKEOVERS BY FOREIGN PERSONS AND GOVERNMENTS.

''(a) REVIEW OF TRANSACTIONS INVOLVING FOREIGN PERSONS AND GOVERNMENTS.—

''(1) REVIEWS REQUIRED.—

''(A) IN GENERAL.—CFIUS shall review any merger, acquisition, or takeover proposed or pending on or after the date of enactment of this section by, with, or on behalf of a foreign person or foreign government which could result in foreign control of a person engaged in interstate commerce in the United States, for which a review is requested, in the manner prescribed by regulations promulgated under this section.

''(B) PURPOSES.—The purpose of such review shall be to determine the effect on national security of such merger, acquisition, or takeover, whether an investigation of such transaction is required under subsection (b), or both.

''(2) TIMING OF REVIEWS.—

''(A) IN GENERAL.—A review of a proposed or pending merger, acquisition, or takeover described in paragraph (1) shall be completed not later than 30 days after the date of receipt by CFIUS of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated under this section.

''(B) EXTENSIONS UPON REQUEST.—Upon written request by the Secretary, Deputy Secretary, or Under Secretary of one or more of the agencies that make up CFIUS (including any agency described in subsection (c)(4)(I)) for additional time to review a case, the 30-day period described in subparagraph (A) shall be extended by not longer than an additional 30 days, if the Secretary, Deputy Secretary, or Under Secretary concludes that there is credible evidence to believe that if permitted to proceed with the transaction, the foreign acquiring entity may take action that threatens to impair the national security.

''(b) INVESTIGATIONS OF CERTAIN TRANSACTIONS.—

''(1) IN GENERAL.—CFIUS shall undertake an investigation to determine the effects on national security of any merger, acquisition, or takeover described in subsection (a)(1) proposed or pending on or after the date of enactment of this section—

''(A) which would—

''(i) result in control of any person engaged in interstate commerce in the United States by a foreign government, or a person acting by, with, or on behalf of a foreign government; or

''(ii) result in control of any critical infrastructure of or within the United States by, with, or on behalf of any foreign person, if CFIUS determines that any possible impairment to national security has not been mitigated by additional assurances, as described in subsection (i), during the review period under subsection (a); and

''(B) if the review by CFIUS under subsection (a) produces sufficient information to indicate the possibility of an impairment to national security, after consideration of the factors listed in subsection (g).

''(2) TIMING OF INVESTIGATIONS.—An investigation required to be undertaken under this subsection—

''(A) shall commence at such time as CFIUS determines under subsection (a) that such investigation is required, as prescribed by regulations promulgated pursuant to this section; and

''(B) shall be completed not later than 45 days after the date of its commencement.

''(3) RESUBMITTED FILINGS.—An investigation of a merger, acquisition, or takeover under this subsection which is interrupted because the notification or filing is withdrawn by the applicant, and which is subsequently resubmitted, shall require up to a 45-day investigation from the date on which CFIUS receives the new submission. The investigation shall include a review of the rationale for the withdrawal and resubmission of the proposed transaction to CFIUS.

''(4) COMPLETION OF INVESTIGATIONS REQUIRED.—An investigation of a merger, acquisition, or takeover under this subsection shall be completed, even if the notification or filing of the pending merger, acquisition, or takeover is withdrawn or rescinded, and CFIUS shall continue to monitor such withdrawn or rescinded transaction, except that no completed investigation or continued monitoring shall be required for any pending merger, acquisition, or takeover that is terminated by agreement of the parties to the transaction.

''(5) MANDATORY NOTIFICATION RELATED TO CERTAIN TRANSACTIONS AFFECTING NATIONAL SECURITY.—

''(A) CHAIRPERSON AND VICE CHAIRPERSON.—The chairperson and vice chairperson of CFIUS shall jointly agree to issue rules that require each person controlled by or acting on behalf of a foreign government to notify the chairperson of CFIUS in writing of any proposed merger, acquisition, or takeover by such person of United States critical infrastructure relating to United States national security.

''(B) REGULATIONS.—The Secretary of the Treasury shall promulgate regulations for the implementation of this paragraph, including the imposition of appropriate penalties for failure to comply with this paragraph.

''(c) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

''(1) ESTABLISHMENT.—There is established the Committee on Foreign Investment in the United States, which shall serve as the President's designee for all purposes under this section.

''(2) CHAIRPERSON.—The Secretary of the Treasury shall serve as the chairperson of CFIUS.

''(3) VICE CHAIRPERSON.—The Secretary of Defense shall serve as the vice chairperson of CFIUS.

''(4) MEMBERSHIP.—The members of CFIUS shall include—

''(A) the Secretary of the Treasury;

''(B) the Secretary of State;

''(C) the Secretary of Defense;

''(D) the Secretary of Commerce;

''(E) the Secretary of Homeland Security;

''(F) the Attorney General of the United States;

''(G) the Director of the Office of Management and Budget;

''(H) the Director of National Intelligence; and

''(I) the heads of those other executive departments or agencies as the President determines appropriate, on a case-by-case basis.

''(5) REFERRAL TO APPROPRIATE MEMBERS OF CFIUS.—Upon receipt of notification of a proposed or pending merger, acquisition, or takeover under this section, the chairperson of CFIUS shall assign the appropriate member of CFIUS to lead the review and investigation of such proposed or pending transaction under this section.

''(6) INTELLIGENCE REVIEWS.—The Director of National Intelligence shall—

''(A) direct the intelligence community, to collect and analyze information related to any proposed or pending merger, acquisition, or takeover pursuant to this section, and to prepare a report of its findings, which the Director shall make available to members of CFIUS not later than 15 days after the date of the commencement by CFIUS of a 30-day (or longer) review of any such transaction under subsection (a), and before the commencement of any investigation under subsection (b); and

''(B) ensure that the intelligence community remains engaged in the collection, analysis, and dissemination to CFIUS of any additional relevant information that may become available during the course of any investigation conducted under subsection (b) with respect to a transaction.

''(7) ASSESSMENTS AND CLASSIFICATIONS OF FOREIGN COUNTRIES FOR USE IN REVIEWS AND INVESTIGATIONS.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Foreign Investment and National Security Act of 2006, the chairperson and vice chairperson of CFIUS, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Energy, the Chairman of the Nuclear Regulatory Commission, and the Director of National Intelligence, shall develop and implement a system for assessing and classifying individual countries, including—

''(i) an assessment of the adherence of the country to nonproliferation control regimes, including treaties and multilateral supply guidelines, which shall draw on, but not be limited to, the annual report on Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments required by section 403 of the Arms Control and Disarmament Act;

''(ii) an assessment of the relationship of such country with the United States, specifically on its record on cooperating in counter-terrorism efforts, which shall draw on, but not be limited to, the report of the President to Congress under section 7120 of the Intelligence Reform and Terrorism Prevention Act of 2004; and

''(iii) an assessment of the potential for transshipment or diversion of technologies with military applications, including an analysis of national export control laws and regulations.

''(B) CONFIDENTIALITY.—The assessment and classification system required by subparagraph (A) and any information or documentary material maintained or developed thereunder—

''(i) shall be used solely by those agencies involved in reviewing and investigating acquisitions, mergers, and takeovers pursuant to this section;

''(ii) may not be made available to the public; and

''(iii) shall be exempt from disclosure under section 552 of title 5, United States Code.

''(8) STAFF OF CFIUS.—Employees of the Department of the Treasury who serve as staff for CFIUS shall report directly to the Deputy Secretary of the Treasury, and shall perform no official functions other than as CFIUS staff.

''(d) ACTION BY THE PRESIDENT.—

''(1) IN GENERAL.—Subject to subsection (e), the President may take such action for such time as the President considers appropriate to suspend or prohibit any merger, acquisition, or takeover described in subsection (a)(1) which would result in control of any critical infrastructure or person engaged in interstate commerce in the United States, proposed or pending on or after the date of enactment of this section, by or with a foreign person or government, so that such control will not threaten to impair the national security.

''(2) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision on whether or not to take action pursuant to this subsection not later than 15 days after an investigation described in subsection (b) is completed.

''(3) ENFORCEMENT.—The President may direct the Attorney General to seek appropriate relief, including divestment relief, in the district courts of the United States in order to implement and enforce this subsection.

''(e) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by subsection (d) only if the President finds that—

''(1) there is credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security; and

''(2) provisions of law, other than this section and the International Emergency Economic Powers Act, do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect the national security in the matter before the President.

''(f) ACTIONS AND FINDINGS NONREVIEWABLE.—The actions of the President under subsection (d) and the findings of the President under subsection (e) shall not be subject to judicial review.

''(g) FACTORS TO BE CONSIDERED.—For purposes of determining whether to take action under subsection (d) and for purposes of reviews and investigations under this section, the President and CFIUS, respectively, shall consider, among other factors—

''(1) potential effects on United States critical infrastructure, including major energy assets;

''(2) potential effects on United States critical technologies;

''(3) domestic production needed for projected national defense requirements;

''(4) the capability and capacity of domestic industries to meet national defense requirements, including the availability of human resources, products, technology, materials, and other supplies and services;

''(5) the control of domestic industries and commercial activity by foreign citizens as it affects the capability and capacity of the United States to meet the requirements of national security;

''(6) the potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

''(A) identified by the Secretary of State—

''(i) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

''(ii) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

''(iii) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons;

''(B) identified by the Secretary of Defense as posing a potential regional military threat to the interests of the United States; or

''(C) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978, on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list;

''(7) the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security;

''(8) the long term projection of United States requirements for sources of energy and other critical resources and materials; and

''(9) the ranking developed under subsection (c)(7) of the country in which the foreign persons acquiring United States entities are based.

''(h) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Any information or documentary material filed with CFIUS pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding.

''(2) NOTIFICATION TO GOVERNOR.—Notwithstanding paragraph (1), CFIUS shall notify the Governor of any State regarding a merger, acquisition, or takeover involving critical infrastructure in that State for the purpose of discussing any security concerns that arise or may arise from that transaction. Information or documentary material made available to a Governor under this paragraph may not be made public, including under any law of a State pertaining to freedom of information or otherwise, but the exception in paragraph (3) for disclosures to either House of Congress or Congressional Committees shall not apply to Governors who receive information under this paragraph.

''(3) DISCLOSURE.—Nothing in this subsection shall be construed to prevent disclosure to either House of Congress or to any duly authorized committee or subcommittee of Congress.

''(i) ADDITIONAL ASSURANCES.—

''(1) IN GENERAL.—This subsection shall govern the provision of any assurances to one or more agencies of the United States in connection with the review or investigation of, or any Presidential decision concerning, any merger, acquisition, or takeover under this section.

''(2) CONDITION TO DETERMINATION.—Any such assurances shall be deemed to be a continuing covenant of the persons on whose behalf such review is sought (and of all persons controlling such person), the observance of which shall be a condition of the determination of CFIUS, the President, or both, on whether to take any action with respect to such transaction.

''(3) CONTRACT WITH THE UNITED STATES.—Such assurances shall be embodied in an agreement executed by the foreign person or foreign government on whose behalf a review of a merger, acquisition, or takeover is sought under this section and the chairperson or vice chairperson of CFIUS, on behalf of the United States.

''(4) MONITORING OF AGREEMENT.—Compliance with assurances provided under this subsection shall be monitored, and may be investigated, in the same manner as a violation of a civil statute, by the agency designated by the chairperson of CFIUS, in consultation with the vice chairperson and the Attorney General of the United States.

''(5) GRANT OF JURISDICTION; REMEDIES.—The United States District Court for the District of Columbia shall have jurisdiction to enforce an agreement referred to in this subsection upon application by the Attorney General. Available remedies shall include divestiture, injunctive relief, enforcing the terms of such agreement, and monetary damages, as appropriate.

''(j) NOTICE AND REPORTS TO CONGRESS.—

''(1) NOTICE REGARDING REVIEWS.—

''(A) NOTICE AT INITIATION OF REVIEW.—CFIUS shall transmit written notice of a proposed or pending merger, acquisition, or takeover subject to this section to the members of Congress specified in paragraph (3)(C), not later than 10 days after the date of receipt of a notice of such proposed or pending transaction, including the identities of all parties involved and any foreign government ownership or control of any such party.

''(B) CERTIFICATION AT COMPLETION OF REVIEW.—Upon completion of a review under subsection (a), the chairperson and vice chairperson of CFIUS and the head of the lead agency assigned under subsection (c)(5), shall transmit a certified notice to the members of Congress specified in paragraph (3)(C).

''(2) NOTICE REGARDING INVESTIGATIONS.—

''(A) NOTICE AT INITIATION OF INVESTIGATIONS.—Upon commencement of an investigation under subsection (b), CFIUS shall notify in writing the members of Congress specified in paragraph (3)(C).

''(B) CERTIFICATION AT COMPLETION OF INVESTIGATIONS.—As soon as practicable after completion of an investigation under subsection (b), the chairperson and vice chairperson of CFIUS and the head of the lead agency assigned under subsection (c)(5), shall transmit to the members of Congress specified in paragraph (3)(C) a certified written report (consistent with the requirements of subsection (h)) on the results of the investigation, unless the matter under investigation has been sent to the President for decision.

''(3) CERTIFICATIONS.—

''(A) IN GENERAL.—Each certified notice and report required by this subsection shall be submitted to the members of Congress specified in subparagraph (C), and shall include—

''(i) information on whether or not an investigation occurred under subsection (b) and has been completed;

''(ii) a description of the actions taken by CFIUS with respect to the transaction, including the details of any legally binding assurances provided by the foreign entity that were negotiated as a condition for approval; and

''(iii) identification of the determinative factors considered under subsection (g).

''(B) CONTENT OF CERTIFICATION.—Each notice required to be certified by this subsection shall be signed by the chairperson and vice chairperson of CFIUS and the head of the lead agency assigned under subsection (c)(5), and shall contain a specific attestation of each such person that, in the determination of CFIUS, the merger, acquisition, or takeover that is the subject of the notice does not impair the national security.

''(C) MEMBERS OF CONGRESS.—The notices and reports required by this subsection shall be transmitted to—

''(i) the Majority Leader and the Minority Leader of the Senate;

''(ii) the chair and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of any committee of the Senate having oversight over the agency assigned to lead a review or investigation under subsection (c)(5);

''(iii) the Speaker and the Minority Leader of the House of Representatives; and

''(iv) the chair and ranking member of the Committee on Financial Services of the House of Representatives and of any committee of the House of Representatives having oversight over the agency assigned to lead a review or investigation under subsection (c)(5).

''(D) TRANSMITTAL TO OTHER MEMBERS OF CONGRESS.—The Majority Leader or the Minority Leader, in the case of the Senate, and the Speaker or the Minority Leader, in the case of the House of Representatives, may provide the notices and reports required by this paragraph regarding a proposed or pending merger, acquisition, or takeover involving critical infrastructure—

''(i) in the case of the Senate, to members of the Senate from the State in which such critical infrastructure is located; and

''(ii) in the case of the House of Representatives, to a member from a Congressional District in which such critical infrastructure is located.

''(E) LIMITATION ON DELEGATION OF CERTIFICATIONS.—Notices and reports required to be certified under this subsection shall be signed by the chairperson and vice chairperson of CFIUS, and such certification requirement may not be delegated.

''(4) ANNUAL REPORTS.—

''(A) REPORT REQUIRED.—The Secretary of the Treasury, on behalf of and after consultation with the members of CFIUS, shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on or before March 15 of each year, a written report on the policy of the United States with respect to the preservation of the Nation's defense production and critical infrastructure. The Secretary shall appear before both committees to provide testimony on such reports.

''(B) CONTENTS OF REPORT.—Each report submitted under subparagraph (A) shall contain—

''(i) an analysis of any merger, acquisition, or takeover by a foreign person or foreign government affecting national security that has occurred during the preceding year to which the report relates, including the nature of the acquisitions and the effect or potential impact of such acquisitions on the United States defense industrial base and critical infrastructure;

''(ii) a similar updated analysis for any merger, acquisition, or takeover that occurred during the 4 years immediately preceding the year dealt with in the report in clause (i), including a separate section discussing the impact of mergers, acquisitions, and takeovers by foreign governments or persons acting on behalf of or in concert with foreign governments;

''(iii) a detailed discussion of all perceived risks to national security or United States critical infrastructure that CFIUS will take into account in its deliberations during the year in which the report is delivered to the committees;

''(iv) a table showing on a cumulative basis, by sector, product, and country of foreign ownership, the number of acquisitions reviewed, investigated, or both, by CFIUS, to provide a census of production potentially relevant to the Nation's defense industrial base owned or controlled by foreign persons or foreign governments;

''(v) a summary of any cases before CFIUS, during the year to which the report relates, in which there were disagreements among the members of CFIUS;

''(vi) an evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire critical infrastructure of or within the United States or United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer;

''(vii) an evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies or critical infrastructure; and

''(viii) such other matters as are necessary to give a complete disclosure and analysis of the work of CFIUS during the year to which the report relates.

''(C) CLASSIFIED REPORTS.—The evaluations required by clauses (v) and (vi) of subparagraph (B) may be classified. If they are submitted in classified form, an unclassified version of such evaluations shall be made available to the public.

''(D) OTHER INFORMATION WITHHELD FROM PUBLIC REPORTS.—

''(i) PROPRIETARY INFORMATION.—The chairperson of CFIUS, in consultation with the vice chairperson of CFIUS, may withhold from public release other such information as the chairperson determines is proprietary information.

''(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall prohibit such information from being provided to relevant Committees of Congress.

''(5) APPEARANCES BEFORE CONGRESS.—The chairperson and vice chairperson of CFIUS, and the heads of such additional CFIUS member agencies specified in a written request by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate shall annually appear before the Committee on Banking, Housing, and Urban Affairs and the Committee on Financial Services of the House of Representatives to provide testimony on the activities of CFIUS.

''(k) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall issue regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall, to the extent possible, coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.

''(2) REGULATIONS RELATING TO DEFINITIONS.—Not later than 30 days after the date of enactment of the Foreign Investment and National Security Act of 2006, the Secretary of the Treasury and the Secretary of Defense shall jointly agree to and issue rules concerning the manner in which the definition of the term 'critical infrastructure' in subsection (m)(2) shall be applied to particular acquisitions, mergers, and takeovers, for purposes of the mandatory investigation requirement of subsection (b)(1)(A), except that, until such rules are issued in final form and become effective, such definition shall be applied without regard to any such rules (whether proposed or otherwise).

''(l) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to alter or affect any existing power, process, regulation, investigation, enforcement measure, or review provided by any other provision of law, including the International Emergency Economic Powers Act, or of the President or Congress.

''(m) DEFINITIONS.—As used in this section—

''(1) the term 'critical infrastructure' means, subject to rules issued under subsection (k)(2), any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems or assets would have a debilitating impact on national security, including national economic security and national public health or safety;

''(2) the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976, or other critical technology, critical components, or critical technology items essential to national defense identified pursuant to this section;

''(3) the terms 'Committee on Foreign Investment in the United States' and 'CFIUS' mean the committee established under subsection (c);

''(4) the term 'foreign government' means any government or body exercising governmental functions, other than the Government of the United States or of a State or political subdivision thereof. The term includes national, State, provincial, and municipal governments, including their respective departments, agencies, government-owned enterprises, and other agencies and instrumentalities;

''(5) the term 'foreign person' means any non-United States national, any organization owned or controlled by such a person, and any entity organized under the laws of a country other than the United States, and any entity owned or controlled by such entity; and

''(6) the term 'intelligence community' has the same meaning as in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).''.

SA 4316. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

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

SEC. 2844. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section, referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 90 acres located at a site in Hopkinton, New Hampshire, known as the ''Kast Hill'' property for the purpose of permitting the Town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) WAIVER OF PAYMENT OF CONSIDERATION.—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the

United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PROHIBITION ON RECONVEYANCE OF LAND.—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

SA 4317. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. REQUIREMENTS FOR CONTINUED DETENTION OR RELEASE OF INDIVIDUALS HELD AT GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 180 days after the date of the enactment of this Act, an alien who is detained by the Secretary of Defense at Guantanamo Bay, Cuba shall, consistent with applicable law, be—

(1) charged with a crime in an indictment filed with—

(A) an appropriate district court of the United States;

(B) a United States military tribunal that comports with basic norms of due process; or

(C) an international criminal tribunal;

(2) repatriated to such alien's country of origin, unless there are substantial grounds to believe that the alien would be in danger of being subjected to torture in such country; or

(3) released to a country other than the alien's country of origin.

(b) EXCEPTION.—

(1) IN GENERAL.—With respect to any alien described in subsection (a) who is not charged, repatriated, or released within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a detailed report for each such alien that includes the following:

(A) The name and nationality of each alien being detained by the Secretary of Defense at Guantanamo Bay, Cuba.

(B) With respect to each alien—

(i) a detailed statement of why the alien has not been charged, repatriated, or released;

(ii) a statement of when the United States Government intends to charge, repatriate, or release the alien;

(iii) a description of the procedures to be employed by the United States Government to determine whether to charge, repatriate, or release the alien and a schedule for the employment of such procedures; and

(iv) if the Secretary of Defense has transferred or has plans to transfer the alien from the custody of the Secretary to another agency or department of the United States, a description of such transfer.

(2) FORM OF REPORTS.—Each report required by this subsection shall be submitted in an unclassified form to the maximum extent practicable and may include a classified annex, if necessary.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4318. Mrs. FEINSTEIN (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of title X, add the following new subtitle:

Subtitle J—Data Security

SEC. 1084. DEFINITIONS.

In this title, the following definitions shall apply:

(1) AGENCY.—The term ''agency'' has the same meaning given such term in section 551(1) of title 5, United States Code.

(2) BREACH OF SECURITY OF THE SYSTEM.—The term ''breach of security of the system'' means the compromise of the security, confidentiality, or integrity of data that results in, or there is a reasonable basis to conclude has resulted in, the unauthorized acquisition of personal information maintained by the agency, including by the agency's employees and contractors.

(3) PERSONAL INFORMATION.—The term ''personal information'' means an individual's last name in combination with any 1 or more of the following data elements of such individual:

(A) Social security number.

(B) Driver's license number or State identification number.

(C) Date of birth.

(D) Security clearance level;

(E) Work assignment.

(F) Home address.

(G) Health data.

(4) SUBSTITUTE NOTICE.—The term ''substitute notice'' means—

(A) conspicuous posting of the notice on the Internet site of an agency, if the agency maintains a public Internet site; and

(B) notification to major print and broadcast media, including major media in metropolitan and rural areas where the individual whose personal information was, or is reasonably believed to have been, acquired resides. The notice to media shall include a toll-free phone number where an individual can learn whether or not that individual's personal data is included in the security breach.

SEC. 1085. DATABASE SECURITY.

(a) DISCLOSURE OF SECURITY BREACH.—

(1) IN GENERAL.—Any agency that owns, licenses, or collects data, whether or not held in electronic form, containing personal information shall, following the discovery of a breach of security of the system maintained by the agency or maintained by a contractor who contracts with such agency that contains such data, or upon receipt of notice under paragraphs (2) or (3), notify any individual of the United States whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

(2) NOTIFICATION OF OWNER OR LICENSEE.—Any agency in possession of data, whether or not held in electronic form, containing personal information that the agency does not own or license shall notify the owner or licensee of the information if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person through a breach of security of the system containing such data.

(3) NOTICE TO AGENCY.—

(A) IN GENERAL.—Any contractor who contracts with an agency and that maintains personal information, whether or not held in electronic form, shall notify that agency, if such contractor determines that a breach of data security has, or may have, occurred with respect to such information.

(B) TIMING.—The notice required under subparagraph (A) shall be provided not later than 7 days after the contractor has made the determination described in subparagraph (A).

(4) TIMELINESS OF NOTIFICATION.—

(A) IN GENERAL.—All notifications required under paragraphs (1), (2), or (3) shall be made without unreasonable delay following—

(i) the discovery by the agency or contractor of a breach of security of its system;

(ii) any measures necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the data system; and

(iii) receipt of written notice that a law enforcement agency has determined that the notification will no longer seriously impede its investigation, where notification is delayed as provided in paragraph (5).

(B) BURDEN OF PROOF.—The agency or contractor required to provide notification under this subsection shall have the burden of demonstrating that all notifications were made as required under this subsection, including evidence demonstrating the necessity of any delay.

(5) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—If a law enforcement agency determines that the notification required under this subsection would seriously impede a criminal investigation,

such notification may be delayed upon the written request of the law enforcement agency.

(6) EXCEPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.—

(A) IN GENERAL.—This subsection shall not apply to an agency if the head of the agency certifies, in writing, that notification of the breach as required by this subsection reasonably could be expected to—

(i) cause damage to the national security; and

(ii) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(B) LIMITS ON CERTIFICATIONS.—The head of an agency may not execute a certification under subparagraph (A) to—

(i) conceal violations of law, inefficiency, or administrative error;

(ii) prevent embarrassment to a person, organization, or agency; or

(iii) restrain competition.

(C) NOTICE.—In every case in which a head of an agency issues a certification under subparagraph (A), a copy of the certification, accompanied by a concise description of the factual basis for the certification, shall be immediately provided to the Congress.

(7) METHODS OF NOTICE.—An agency shall be in compliance with this subsection if it provides the individual, with—

(A) written notification;

(B) e-mail notice; or

(C) substitute notice, if—

(i) the agency demonstrates that the cost of providing direct notice would exceed $500,000;

(ii) the number of individuals to be notified exceeds 500,000; or

(iii) the agency does not have sufficient contact information for those to be notified.

(8) CONTENT OF NOTIFICATION.—Regardless of the method by which notice is provided to individuals under paragraphs (1), (2), or (3) , such notice shall include—

(A) to the extent possible, a description of the categories of information that was, or is reasonably believed to have been, acquired by an unauthorized person;

(B) a toll-free number that the individual may use to contact the agency; and

(C) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(9) COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.—If an agency is required to provide notification to more than 1,000 individuals under this subsection, the agency shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices.

(b) CIVIL REMEDIES.—

(1) PENALTIES.—Any agency or contractor, that violates subsection (a) shall be subject to a fine of—

(A) not more than $1,000 per individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person; or

(B) not more than $50,000 per day while the failure to give notice under subsection (a) persists.

(2) EQUITABLE RELIEF.—Any agency or contractor that violates, proposes to violate, or has violated this section may be enjoined from further violations by a court of competent jurisdiction.

(3) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subsection are cumulative and shall not affect any other rights and remedies available under law.

(c) ENFORCEMENT.—The Attorney General of the United States is authorized to enforce compliance with this section, including the assessment of fines under subsection (b)(1).

(d) FRAUD ALERT.—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c–1(b)(1)) is amended by inserting '', or evidence that the consumer has received notice that the consumer's personal financial information has or may have been compromised,'' after ''identity theft report''.

SEC. 1086. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of the agency or any contractor of the agency in a practice that is prohibited under this title, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction or any other court of competent jurisdiction, including a State court, to—

(A) enjoin that practice;

(B) enforce compliance with this title;

(C) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(c) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 1087. EFFECT ON STATE LAW.

The provisions of this subtitle shall supersede any inconsistent provisions of law of any State or unit of local government with respect to the conduct required by the specific provisions of this subtitle.

SEC. 1088. EFFECTIVE DATE.

This subtitle shall take effect on the expiration of the date which is 90 days after the date of enactment of this Act.

SA 4319. Mr. PRYOR (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

On page 531, strike lines 7 through 13 and insert the following:

(3) in subsection (b)(2)(A), by striking ''installations of the Department of Defense as may be designated'' and inserting ''installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated'';

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following new subsection:

''(f) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

''(1) The Secretary shall ensure that all military construction projects carried out under this chapter meet the energy efficiency performance standards prescribed pursuant to section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)).

''(2) The Secretary shall, except as provided in paragraph (3), ensure that all residential buildings constructed by or for the Department, including military family housing units and military unaccompanied housing units acquired or constructed under subchapter IV of this chapter—

''(A) be Energy Star qualified;

''(B) be equipped with Energy Star products and FEMP designated products; and

''(C) have an Energy Star advanced lighting package.

''(3) The Secretary may waive a requirement under paragraph (2) with respect to a military construction project if the Secretary determines and notifies the congressional defense committees in writing that—

''(A) the building is a Federal building that meets the energy efficiency performance standards prescribed pursuant to section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3));

''(B) compliance with such requirement is not cost-effective over the life of the building, taking energy cost savings into account; or

''(C) no Energy Star building or product or FEMP designated product is reasonably available that meets the functional requirements of the agency.

''(4) In this section, the terms 'Energy Star product' and 'FEMP product' have the meanings given those terms in section 553(a) of the National Energy Conservation Policy Act (42 U.S.C. 8259b).''.

SA 4320. Mr. LEVIN (for himself, Mr. REED, Mrs. FEINSTEIN, Mr. SALAZAR, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act of 2006''.

(b) FINDINGS.—Congress makes the following findings:

(1) Global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the national security of the United States and are recruiting, planning, and developing capabilities to attack the United States and its allies throughout the world.

(2) Winning the fight against terrorist networks requires an integrated, comprehensive effort that uses all facets of power of the United States and the members of the international community who value democracy, freedom, and the rule of law.

(3) The United States Armed Forces, particularly the Army and Marine Corps, are stretched thin, and many soldiers and Marines have experienced three or more deployments to combat zones.

(4) Sectarian violence has surpassed the insurgency and terrorism as the main security threat in Iraq, increasing the prospects of a broader civil war which could draw in Iraq's neighbors.

(5) United States and coalition forces have trained and equipped more than 116,000 Iraqi soldiers, sailors, and airmen, and more than 148,000 Iraqi police, highway patrol, and other Ministry of Interior forces.

(6) Of the 102 operational Iraqi Army combat battalions, 69 are either in the lead or operating independently, according to the May 2006 report of the Administration to Congress entitled ''Measuring Stability and Security in Iraq'';

(7) Congress expressed its sense in the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3466) that ''calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq''.

(8) Iraq's security forces are heavily infiltrated by sectarian militia, which has greatly increased sectarian tensions and impeded the development of effective security services loyal to the Iraq Government.

(9) With the approval by the Iraqi Council of Representatives of the ministers of defense, national security, and the interior on June 7, 2006, the entire cabinet of Prime Minister Maliki is now in place.

(10) Pursuant to the Iraq Constitution, the Council of Representatives is to appoint a Panel which will have 4 months to recommend changes to the Iraq Constitution.

(11) Despite pledges of more than $8,000,000,000 in assistance for Iraq by foreign governments other than the United States at the Madrid International Donors' Conference in October 2003, only $3,500,000,000 of such assistance has been forthcoming.

(12) The current open-ended commitment of United States forces in Iraq is unsustainable and a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq.

(c) SENSE OF CONGRESS.—It is the sense of Congress that in order to change course from an open-ended commitment and to promote the assumption of security responsibilities by the Iraqis, thus advancing the chances for success in Iraq—

(1) the following actions need to be taken to help achieve the broad-based and sustainable political settlement so essential for defeating the insurgency and preventing all-out civil war—

(A) there must be a fair sharing of political power and economic resources among all the Iraqi groups so as to invest them in the formation of an Iraqi nation by either amendments to the Iraq Constitution or by legislation or other means, within the timeframe provided for in the Iraq Constitution;

(B) the President should convene an international conference so as to more actively involve the international community and Iraq's neighbors, promote a durable political settlement among Iraqis, reduce regional interference in Iraq's internal affairs, encourage more countries to contribute to Iraq's extensive needs, and ensure that pledged funds are forthcoming;

(C) the Iraq Government should promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraq Government is in doubt; and

(D) the President should—

(i) expedite the transition of United States forces in Iraq to a limited presence and mission of training Iraqi security forces, providing logistic support of Iraqi security forces, protecting United States infrastructure and personnel, and participating in targeted counterterrorism activities;

(ii) after consultation with the Government of Iraq, begin the phased redeployment of United States forces from Iraq this year; and

(iii) submit to Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq, with the understanding that unexpected contingencies may arise;

(2) during and after the phased redeployment of United States forces from Iraq, the United States will need to sustain a nonmilitary effort to actively support reconstruction, governance, and a durable political solution in Iraq; and

(3) the President should carefully assess the impact that ongoing United States military operations in Iraq are having on the capability of the United States Government to conduct an effective counterterrorism campaign to defeat the broader global terrorist networks that threaten the United States.

SA 4321. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS.

The Federal Transit Administration's Dear Colleague letter dated April 29, 2005 (C–05–05), which requires fixed guideway projects to achieve a ''medium'' cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

SA 4322. Mr. KENNEDY proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASE IN THE MINIMUM WAGE.

(a) FEDERAL MINIMUM WAGE.—

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

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

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007;

''(B) $6.55 an hour, beginning 12 months after that 60th day; and

''(C) $7.25 an hour, beginning 24 months after that 60th day;''.

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

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

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

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

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

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SA 4323. Mr. FRIST proposed an amendment to amendment SA 4322 proposed by Mr. KENNEDY to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; as follows:

At the end of the amendment add the following:

SEC. ___. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

''Sec.
''2431. Transportation of minors in circumvention of certain laws relating to abortion.

''§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

''(b) EXCEPTIONS.—

''(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

''(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

''117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431''.

SA 4324. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BUS UTILITY AND SAFETY IN SCHOOL TRANSPORTATION OPPORTUNITY AND PURCHASING.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) school transportation issues remain a concern for parents, local educational agencies, lawmakers, the National Highway Traffic Safety Administration, the National Transportation Safety Board, and the Environmental Protection Agency;

(B) millions of children face potential future health problems because of exposure to noxious fumes emitted from older school buses;

(C) many rural local educational agencies are operating outdated, unsafe school buses that are failing inspection, resulting in a depletion of the school bus fleets of the local educational agencies; and

(D) many rural local educational agencies are unable to afford newer and safer buses.

(2) PURPOSE.—The purpose of this section is to establish within the Department of Education a Federal cost-sharing program to assist rural local educational agencies with older, unsafe school bus fleets in purchasing newer, safer school buses.

(b) DEFINITIONS.—In this section:

(1) RURAL LOCAL EDUCATIONAL AGENCY.—The term ''rural local educational agency'' means a local educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), with respect to which—

(A) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile;

(B) all schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary of Education; or

(C) all schools served by the local educational agency have been designated, by official action taken by the legislature of the State in which the local educational agency is located, as rural schools for purposes relating to the provision of educational services to students in the State.

(2) SCHOOL BUS.—The term ''school bus'' means a vehicle the primary purpose of which is to transport students to and from school or school activities.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—From amounts made available under paragraph (5) for a fiscal year, the Secretary shall provide grants, on a competitive basis, to rural local educational agencies to pay the Federal share of the cost of purchasing new school buses.

(2) APPLICATION.—

(A) IN GENERAL.—Each rural local educational agency that seeks to receive a grant under this section shall submit to the Secretary for approval an application at such time, in such manner, and accompanied by such information (in addition to information required under subparagraph (B)) as the Secretary may require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) documentation that, of the total number of school buses operated by the rural local educational agency, not less than 50 percent of the school buses are in need of repair or replacement;

(ii) documentation of the number of miles that each school bus operated by the rural local educational agency traveled in the most recent 9-month academic year;

(iii) documentation that the rural local educational agency is operating with a reduced fleet of school buses;

(iv) a certification from the rural local educational agency that—

(I) authorizes the application of the rural local educational agency for a grant under this section; and

(II) describes the dedication of the rural local educational agency to school bus replacement programs and school transportation needs (including the number of new school buses needed by the rural local educational agency); and

(v) an assurance that the rural local educational agency will pay the non-Federal share of the cost of the purchase of new school buses under this section from non-Federal sources.

(3) PRIORITY.—

(A) IN GENERAL.—In providing grants under this section, the Secretary shall give priority to rural local educational agencies that, as determined by the Secretary—

(i) are transporting students in a bus manufactured before 1977;

(ii) have a grossly depleted fleet of school buses; or

(iii) serve a school that is required, under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9)), to provide transportation to students to enable the students to transfer to another public school served by the rural local educational agency.

(4) PAYMENTS; FEDERAL SHARE.—

(A) PAYMENTS.—The Secretary shall pay to each rural local educational agency having an application approved under this subsection the Federal share described in subparagraph (B) of the cost of purchasing such number of new school buses as is specified in the approved application.

(B) FEDERAL SHARE.—The Federal share of the cost of purchasing a new school bus under this section shall be 75 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as are necessary for each of fiscal years 2008 through 2012.

SA 4325. Mr. BYRD (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. VETERANS AND MILITARY PRIVACY PROTECTION.

(a) FEDERAL TRADE COMMISSION PROGRAM FOR VETERANS, SPOUSES OF VETERANS, AND OTHERS AT RISK OF IDENTITY THEFT.—

(1) PROGRAM REQUIRED.—The Federal Trade Commission shall, in consultation with the Secretary of Veterans Affairs, develop and implement a program to provide financial counseling and support to any veteran, spouse, or other person described in paragraph (5).

(2) ACCESS.—The program required by paragraph (1) shall be accessible through a toll-free telephone number (commonly referred to as an ''800 number'') established and operated by the Federal Trade Commission for purposes of the program.

(3) ELEMENTS.—Under the program required by paragraph (1), the Federal Trade Commission shall—

(A) provide to veterans, spouses, and other persons described in paragraph (5) such financial and other counseling as the Commission considers appropriate relating to identity theft and the theft of data as described in that paragraph; and

(B) upon request of any veteran, spouse, or other person described in paragraph (5), assist such individual in securing the placement of an extended fraud alert or credit security freeze under sections 605A(b)(3) and 605C of the Fair Credit Reporting Act, as added by this section, respectively.

(4) PERSONS NOT SUBJECT TO IDENTITY THEFT.—

(A) NOTICE TO FTC OF IDENTIFICATION OF VETERANS OR OTHERS NOT SUBJECT TO IDENTITY THEFT.—Upon conclusively identifying any veteran, spouse, or other person described in paragraph (5) as not being at risk of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006, the Secretary shall immediately notify the Federal Trade Commission of such identification.

(B) NOTICE TO VETERANS AND OTHERS.—The program required by paragraph (1) shall include mechanisms to ensure that any veteran, spouse, or other person who seeks counseling and support under the program after receipt by the Commission of notice under subparagraph (A) covering such veteran is informed that such veteran or person is no longer subject to identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006.

(5) APPLICABILITY.—This paragraph shall apply with respect to—

(A) any veteran, as defined in section 101 of title 38, United States Code, who may be a victim of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006;

(B) any spouse (or former spouse) of such veteran who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach; and

(C) any other person who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach.

(b) EXTENDED CONSUMER CREDIT FRAUD ALERTS AND SECURITY FREEZES FOR VETERANS AND OTHER PERSONS AFFECTED BY SECURITY BREACH.—

(1) AUTOMATIC FRAUD ALERTS.—Section 605A(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c–1(b)) is amended by adding at the end the following:

''(3) AUTOMATIC EXTENDED FRAUD ALERTS FOR CERTAIN VETERANS AND OTHERS AFFECTED BY SECURITY BREACH.—

''(A) IN GENERAL.—Upon the direct request of a veteran, spouse, or other person described in subparagraph (D), each consumer reporting agency described in section 603(p)(1) that maintains a file on that individual shall take the actions specified in subparagraphs (A) through (C) of paragraph (1) with respect to that individual.

''(B) AUTOMATIC ALERTS.—Notwithstanding the requirements of paragraph (1), a veteran, spouse, or other person described in subparagraph (D) is not required to submit any identity theft report, proof of identity, or other documentation with respect to an extended fraud alert required by subparagraph (A).

''(C) VETERANS AND OTHERS NOT SUBJECT TO IDENTITY THEFT.—Upon conclusively identifying any veteran, spouse, or other person described in subparagraph (D) as not being at risk of identity theft as a result of the security breach described in subparagraph (A)—

''(i) the Secretary of Veterans Affairs shall immediately notify each consumer reporting agency and the veteran, spouse, or other person involved that such individual is no longer subject to identity theft as a result of the security breach described in subparagraph (A); and

''(ii) the requirements of subparagraph (A) shall no longer apply with respect to any such veteran, spouse, or other person, as of the date of such notification.

''(D) APPLICABILITY.—This paragraph shall apply to—

''(i) any veteran, as defined in section 101 of title 38, United States Code, who may be a victim of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006;

''(ii) any spouse (or former spouse) of such veteran who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach; and

''(iii) any other person who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach.''.

(2) SECURITY FREEZES FOR VETERANS.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605B the following:

''SEC. 605C. SECURITY FREEZES FOR CERTAIN VETERANS.

''(a) APPLICABILITY.—This section shall apply with respect to—

''(1) any veteran, as defined in section 101 of title 38, United States Code, who may be a victim of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006;

''(2) any spouse (or former spouse) of such veteran who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach; and

''(3) any other person who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach.

''(b) SECURITY FREEZES.—

''(1) EMPLACEMENT.—A veteran, spouse, or other person described in subsection (a) may include a security freeze in the file of that veteran, spouse, or other person maintained by a consumer reporting agency described in section 603(p)(1), by making a request to the consumer reporting agency in writing, by telephone, or through a secure electronic connection made available by the consumer reporting agency.

''(2) CONSUMER DISCLOSURE.—If a veteran, spouse, or other person described in subsection (a) requests a security freeze under this section, the consumer reporting agency shall disclose to that individual the process of placing and removing the security freeze and explain to that individual the potential consequences of the security freeze. A consumer reporting agency may not imply or inform a veteran, spouse, or other person described in subsection (a) that the placement or presence of a security freeze on the file of that individual may negatively affect their credit score.

''(c) EFFECT OF SECURITY FREEZE.—

''(1) RELEASE OF INFORMATION BLOCKED.—If a security freeze is in place in the file of a veteran, spouse, or other person described in subsection (a), a consumer reporting agency may not release information from the file of that individual for consumer credit purposes to a third party without prior express written authorization from that individual.

''(2) INFORMATION PROVIDED TO THIRD PARTIES.—Paragraph (2) does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the file of a veteran, spouse, or other person described in subsection (a). If a third party, in connection with an application for credit, requests access to a consumer file on which a security freeze is in place under this section, the third party may treat the application as incomplete.

''(3) CREDIT SCORE NOT AFFECTED.—The placement of a security freeze under this section may not be taken into account for any purpose in determining the credit score of the veteran, spouse, or other person to whom the security freeze relates.

''(d) REMOVAL; TEMPORARY SUSPENSION.—

''(1) IN GENERAL.—Except as provided in paragraph (4), a security freeze under this section shall remain in place until the veteran, spouse, or other person to whom it relates requests that the security freeze be removed. The veteran, spouse, or other person may remove a security freeze on his or her file by making a request to the consumer reporting agency in writing, by telephone, or through a secure electronic connection made available by the consumer reporting agency.

''(2) CONDITIONS.—A consumer reporting agency may remove a security freeze placed in the file of a veteran, spouse, or other person under this section only—

''(A) upon request of the veteran, spouse, or other person, pursuant to paragraph (1); or

''(B) if the agency determines that the file of that veteran, spouse, or other person was frozen due to a material misrepresentation of fact by that veteran, spouse, or other person.

''(3) NOTIFICATION TO CONSUMER.—If a consumer reporting agency intends to remove a security freeze pursuant to paragraph (2)(B), the consumer reporting agency shall notify the veteran, spouse, or other person to whom the security freeze relates in writing prior to removing the freeze.

''(4) TEMPORARY SUSPENSION.—A veteran, spouse, or other person described in subsection (a) may have a security freeze under this section temporarily suspended by making a request to the consumer reporting agency in writing or by telephone and specifying beginning and ending dates for the period during which the security freeze is not to apply.

''(e) RESPONSE TIMES; NOTIFICATION OF OTHER ENTITIES.—

''(1) IN GENERAL.—A consumer reporting agency shall—

''(A) place a security freeze in the file of a veteran, spouse, or other person under subsection (b) not later than 5 business days after receiving a request from the veteran, spouse, or other person under subsection (b)(1); and

''(B) remove or temporarily suspend a security freeze not later than 3 business days after receiving a request for removal or temporary suspension from the veteran, spouse, or other person under subsection (d).

''(2) NOTIFICATION OF OTHER AGENCIES.—A consumer reporting agency shall notify all other consumer reporting agencies described in section 603(p)(1) of a request under this section not later than 3 days after placing,

removing, or temporarily suspending a security freeze in the file of the veteran, spouse, or other person under subsection (b), (d)(2)(A), or (d)(4).

''(3) IMPLEMENTATION BY OTHER AGENCIES.—A consumer reporting agency that is notified of a request under paragraph (2) to place, remove, or temporarily suspend a security freeze in the file of a veteran, spouse, or other person shall—

''(A) request proper identification from the veteran, spouse, or other person, in accordance with subsection (g), not later than 3 business days after receiving the notification; and

''(B) place, remove, or temporarily suspend the security freeze on that credit report not later than 3 business days after receiving proper identification.

''(f) CONFIRMATION.—Except as provided in subsection (c)(3), whenever a consumer reporting agency places, removes, or temporarily suspends a security freeze at the request of a veteran, spouse, or other person under subsection (b) or (d), respectively, it shall send a written confirmation thereof to the veteran, spouse, or other person not later than 10 business days after placing, removing, or temporarily suspending the security freeze. This subsection does not apply to the placement, removal, or temporary suspension of a security freeze by a consumer reporting agency because of a notification received under subsection (e)(2).

''(g) ID REQUIRED.—A consumer reporting agency may not place, remove, or temporarily suspend a security freeze in the file of a veteran, spouse, or other person described in subsection (a) at the request of the veteran, spouse, or other person, unless the veteran, spouse, or other person provides proper identification (within the meaning of section 610(a)(1)) and the regulations thereunder.

''(h) EXCEPTIONS.—This section does not apply to the use of the file of a veteran, spouse, or other person described in subsection (a) maintained by a consumer reporting agency by any of the following:

''(1) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the veteran, spouse, or other person to that person or entity, or a prospective assignee of a financial obligation owing by the veteran, spouse, or other person to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the veteran, spouse, or other person has or had prior to assignment an account or contract, including a demand deposit account, or to whom the veteran, spouse, or other person issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument.

''(2) Any Federal, State, or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, subpoena, or other compulsory process.

''(3) A child support agency or its agents or assigns acting pursuant to subtitle D of title IV of the Social Security Act (42 U.S.C. et seq.) or similar State law.

''(4) The Department of Health and Human Services, a similar State agency, or the agents or assigns of the Federal or State agency acting to investigate medicare or medicaid fraud.

''(5) The Internal Revenue Service or a State or municipal taxing authority, or a State department of motor vehicles, or any of the agents or assigns of these Federal, State, or municipal agencies acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of their other statutory responsibilities.

''(6) The use of consumer credit information for the purposes of prescreening, as provided for under this title.

''(7) Any person or entity administering a credit file monitoring subscription to which the veteran, spouse, or other person has subscribed.

''(8) Any person or entity for the purpose of providing a veteran, spouse, or other person with a copy of his or her credit report or credit score upon request of the veteran, spouse, or other person.

''(i) FEES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a consumer reporting agency may charge a reasonable fee, for placing, removing, or temporarily suspending a security freeze in the file of the veteran, spouse, or other person described in subsection (a), which cost shall be submitted to and paid by the Department of Veterans Affairs, pursuant to procedures established by the Secretary of Veterans Affairs.

''(2) ID THEFT VICTIMS.—A consumer reporting agency may not charge a fee for placing, removing, or temporarily suspending a security freeze in the file of a veteran, spouse, or other person described in subsection (a), if—

''(A) the veteran, spouse, or other person is a victim of identity theft;

''(B) the veteran, spouse, or other person requests the security freeze in writing;

''(C) the veteran, spouse, or other person has filed a police report with respect to the theft, or an identity theft report (as defined in section 603(q)(4), within 90 days after the date on which the theft occurred or was discovered by the veteran, spouse, or other person; and

''(D) the veteran, spouse, or other person provides a copy of the report to the reporting agency.

''(j) LIMITATION ON INFORMATION CHANGES IN FROZEN REPORTS.—

''(1) IN GENERAL.—If a security freeze is in place in the file of a veteran, spouse, or other person described in subsection (a), the consumer reporting agency may not change any of the following official information in that file without sending a written confirmation of the change to the veteran, spouse, or other person within 30 days after the date on which the change is made:

''(A) Name.

''(B) Date of birth.

''(C) Social Security number.

''(D) Address.

''(2) CONFIRMATION.—Paragraph (1) does not require written confirmation for technical modifications of the official information of a veteran, spouse, or other person, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address of the veteran, spouse, or other person.

''(k) CERTAIN ENTITY EXEMPTIONS.—

''(1) AGGREGATORS AND OTHER AGENCIES.—The provisions of this section do not apply to a consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a permanent data base of credit information from which new consumer credit reports are produced.

''(2) OTHER EXEMPTED ENTITIES.—The following entities are not required to place a security freeze in the file of a veteran, spouse, or other person described in subsection (a) in accordance with this section:

''(A) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments.

''(B) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding such veteran, spouse, or other person, to inquiring banks or other financial institutions for use only in reviewing the request of such veteran, spouse, or other person for a deposit account at the inquiring bank or financial institution.''.

(3) FEES.—Any fee associated with an extended fraud alert or security freeze required by the amendments made by this section that would otherwise be required to be paid by the consumer shall be paid by the Department of Veterans Affairs.

(c) PENALTIES FOR IDENTITY THEFT OF VETERANS AND OTHERS RELATED TO SECURITY BREACH.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''The punishment for'' and inserting the following ''Except as provided in subsection (j), the punishment for''; and

(2) by adding at the end the following:

''(j) IDENTITY THEFT DUE TO DEPARTMENT OF VETERANS AFFAIRS SECURITY BREACH.—

''(1) IN GENERAL.—In determining the punishment applicable under subsection (b), if the offense is an offense described in paragraph (2), the fine and term of imprisonment otherwise applicable under subsection (b) shall be doubled.

''(2) TYPE OF OFFENSE.—An offense described in this paragraph is an offense under subsection (a) that—

''(A) involves any document or other information—

''(i) relating to a veteran (as defined in section 101 of title 38), a spouse of a veteran, or other person; and

''(ii) obtained as a direct or indirect result of the security breach at the Department of Veterans Affairs on May 3, 2006; and

''(B) was committed after the date of enactment of this subsection.''.

(d) FUNDING.—

(1) REIMBURSEMENT.—The Secretary of Veterans Affairs shall reimburse the Federal Trade Commission for any costs incurred by the Commission in carrying out this section and the amendments made by this section.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated to the Secretary and available for obligation may be utilized for purposes of reimbursement of the Federal Trade Commission under paragraph (1).

(e) COMPTROLLER GENERAL STUDIES ON DATA PROTECTION AND OTHER MATTERS.—

(1) STUDY ON DATA PROTECTION BY DEPARTMENT OF VETERANS AFFAIRS.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the data protection procedures of the Department of Veterans Affairs.

(B) ELEMENTS.—The study required by subparagraph (A) shall include the following:

(i) A review and assessment of the data protection procedures of the Department of Veterans Affairs in effect before May 3, 2006.

(ii) A review and assessment of any modifications of the data protection procedures of the Department of Veterans Affairs adopted as a result of the loss of data resulting from the security breach at the Department on May 3, 2006.

(2) STUDY ON SECURITY BREACH INVESTIGATION BY DEPARTMENT OF VETERANS AFFAIRS.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a review and assessment of the investigation carried out by the Department of Veterans Affairs with respect to the security breach at the Department on May 3, 2006.

(B) COOPERATION.—The Secretary of Veterans Affairs shall ensure that the personnel

of the Department of Veterans Affairs cooperate fully with the Comptroller General in the conduct of the review and assessment required by subparagraph (A).

(3) STUDY ON FTC PROGRAM FOR VETERANS AND OTHERS AT RISK OF IDENTITY THEFT.—The Comptroller General of the United States shall conduct a study of the program of the Federal Trade Commission for veterans, spouses of veterans, and other persons at risk of identity theft required by subsection (a). The study shall include an assessment of the effectiveness of the program in meeting the financial counseling and similar needs of individuals seeking counseling and support through the program.

(4) STUDY ON COMPLIANCE OF FEDERAL AGENCIES WITH REQUIREMENTS ON PERSONAL DATA.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the compliance of the departments and agencies of the Federal Government with applicable requirements relating to the preservation of the confidentiality of personal data.

(B) ELEMENTS.—The study required by subparagraph (A) shall include the following:

(i) A review and assessment of the current procedures and practices of the departments and agencies of the Federal Government regarding the preservation of the confidentiality of personal data.

(ii) A comparative analysis of the procedures practices referred to in clause (i) with current standards of the Federal Trade Commission for the preservation of the confidentiality of personal data by commercial and non-commercial private entities.

(iii) A review and assessment of the modifications of the data protection procedures adopted by the Department of Veterans Affairs as a result of the loss of data resulting from the security breach on May 3, 2006, including an assessment of the feasibility and advisability of the adoption of any such modifications by other departments and agencies of the Federal Government.

(iv) An identification of recommendations for improvements to the procedures and practices of the departments and agencies of the Federal Government regarding the preservation of the confidentiality of personal data.

(5) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report setting forth the results of each study conducted under this section. The report shall set forth the results of each study separately, and shall include such recommendations for legislative and administrative action as the Comptroller General considers appropriate in light of the studies.

SA 4326. Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense—

(1) $65,000,000 may be available for co-production of the Arrow ballistic missile defense system; and

(2) $63,702,000 may be available for the Arrow System Improvement Program.

SA 4327. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking ''Chief Operating Officer'' each place it appears and inserting ''Chief Executive Officer''; and

(B) in subsection (e)(1), by striking ''Chief Operating Officer's'' and inserting ''Chief Executive Officer's''.

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking ''Chief Operating Officer'' each place it appears in a provision as follows and inserting ''Chief Executive Officer'':

(A) Section 1511 (24 U.S.C. 411).
(B) Section 1512 (24 U.S.C. 412).
(C) Section 1513(a) (24 U.S.C. 413(a)).
(D) Section 1514(c)(1) (24 U.S.C. 414(c)(1)).
(E) Section 1516(b) (24 U.S.C. 416(b)).
(F) Section 1517 (24 U.S.C. 417).
(G) Section 1518(c) (24 U.S.C. 418(c)).
(H) Section 1519(c) (24 U.S.C. 419(c)).
(I) Section 1521(a) (24 U.S.C. 421(a)).
(J) Section 1522 (24 U.S.C. 422).
(K) Section 1523(b) (24 U.S.C. 423(b)).
(L) Section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

''SEC. 1515. CHIEF EXECUTIVE OFFICER.''.

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

''Sec. 1515. Chief Executive Officer.''.

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) DIRECTOR AND DEPUTY DIRECTOR OF FACILITIES.—

(1) MILITARY DIRECTOR.—Subsection (b)(1) of section 1517 of such Act (24 U.S.C. 417) is amended by striking ''a civilian with experience as a continuing care retirement community professional or''.

(2) CIVILIAN DEPUTY DIRECTOR.—Subsection (d)(1)(A) of such section is amended by striking ''or a member'' and all that follows and inserting ''; and''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to any vacancy that occur in the position of Director or Deputy Director of a facility of the Armed Forces Retirement Home that occurs on or after that date.

(c) CLARIFICATION OF MEMBERSHIP ON LOCAL BOARD OF TRUSTEES.—Section 1516(c)(1)(H) of such Act (24 U.S.C. 416(c)(1)(H)) is amended by inserting before the period at the end the following: '', who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half)''.

SA 4328. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1013. PROHIBITION ON LONG-TERM LEASE OF FOREIGN-BUILT VESSELS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2401a the following new section:

''§ 2401b. Prohibition on long-term lease of foreign-built vessels

''(a) PROHIBITION.—Commencing on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007, the Department of Defense may not, except as provided in subsection (b), enter into or have in force any contract for a lease or charter for a term of more than 24 months (including all options to renew or extend the contract) of a vessel having a hull, or a component of the hull and superstructure, constructed in a foreign shipyard.

''(b) EXCEPTION.—The prohibition in subsection (a) shall not apply with respect to any lease or charter otherwise described by that subsection that is in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007, but only during the period beginning on such date and ending on October 1, 2015.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401a the following new item:

''2401b. Prohibition on long-term lease of foreign-built vessels.''.

(b) PLAN FOR IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Defense shall submit to Congress at the same time the budget of the President is submitted to Congress for each of fiscal years 2008 through 2015 under section 1105(a) of title 31, United States Code, a plan to implement the prohibition in subsection (a) of section 2401b of title 10, United States Code (as added by subsection (a) of this section), by—

(A) phasing out the long-term lease or charter of foreign-built vessels; and

(B) providing for the construction, lease, or charter of United States built vessels in order to satisfy the operational requirements that would otherwise be satisfied after October 1, 2015, by the long-term lease or charter of foreign-built vessels.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for each foreign-built vessel that is subject to a lease or charter of more than 24 months as of the date of such report pursuant to the exception in subsection (b) of such section 2401b (as so added), the following information:

(A) The current vessel name.

(B) The original vessel name if different from the current vessel name.

(C) The year construction on the vessel was completed.

(D) The shipbuilder of the vessel.

(E) The country of origin of the vessel.

(F) The current mission or assignment of the vessel with the Department of Defense.

(G) The commencement date of the current lease or charter for the vessel.

(H) Any option period under the current lease or charter for the vessel, including the end date of any such period.

(I) The cost of the lease or charter to date.

(J) The current monthly cost of the lease or charter.

(K) The hull name or number of any vessel under construction in the United States to provide the services provided by such vessel under the lease or charter.

SA 4329. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 124. MODERNIZATION OF ARLEIGH BURKE CLASS DESTROYERS.

(a) MODERNIZATION OF CERTAIN VESSELS REQUIRED.—The Secretary of the Navy shall carry out a program to modernize the last three vessels in the DDG–51 Arleigh Burke Class of destroyers.

(b) FUNDING FOR MODERNIZATION OF CERTAIN VESSEL.—

(1) ADDITIONAL AMOUNT FOR SHIPBUILDING AND CONVERSION, NAVY.—The amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy is hereby increased by $40,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy, as increased by paragraph (1), $40,000,000 may be available for modernization of the Arleigh Burke Class destroyer DDG–110.

(3) OFFSET.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby reduced by $40,000,000.

SA 4330. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. TRANSFER MISSILE POWER SYSTEM.

Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $5,000,000 may be available for research and development associated with the Transfer Missile Power System.

SA 4331. Mr. TALENT (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBER OR SERVICEMEMBER'S DEPENDENT.

(a) TERMS OF CONSUMER CREDIT.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. TERMS OF CONSUMER CREDIT.

''(a) INTEREST.—A creditor who extends consumer credit to a servicemember or a servicemember's dependent shall not require the servicemember or the servicemember's dependent to pay interest with respect to the extension of such credit, except as—

''(1) agreed to under the terms of the credit agreement or promissory note;

''(2) authorized by applicable State or Federal law; and

''(3) not specifically prohibited by this section.

''(b) ANNUAL PERCENTAGE RATE.—A creditor described in subsection (a) shall not impose an annual percentage rate greater than 36 percent with respect to the consumer credit extended to a servicemember or a servicemember's dependent.

''(c) MANDATORY LOAN DISCLOSURES.—

''(1) INFORMATION REQUIRED.—With respect to any extension of consumer credit to a servicemember or a servicemember's dependent, a creditor shall provide to the servicemember or the servicemember's dependent the following information in writing, at or before the issuance of the credit:

''(A) A statement of the annual percentage rate applicable to the extension of credit.

''(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

''(C) A clear description of the payment obligations of the servicemember or the servicemember's dependent, as applicable.

''(2) TERMS.—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

''(d) LIMITATION.—A creditor described in subsection (a) shall not automatically renew, repay, refinance, or consolidate with the proceeds of other credit extended by the same creditor any consumer credit extended to a servicemember or a servicemember's dependent without—

''(1) executing new loan documentation signed by the servicemember or the servicemember's dependent, as applicable; and

''(2) providing the loan disclosures described in subsection (c) to the servicemember or the servicemember's dependent.

''(e) PREEMPTION.—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such laws, rules, or regulations are inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides additional protection to a servicemember or a servicemember's dependent.

''(f) PENALTIES.—

''(1) MISDEMEANOR.—Any creditor who knowingly violates this section shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(2) PRESERVATION OF OTHER REMEDIES.—The remedies and rights provided under this section are in addition to and do not preclude any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

''(g) DEFINITION.—For purposes of this section, the term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to the extension of consumer credit.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Servicemembers Civil Relief Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 207 the following new item:

''Sec. 208. Terms of consumer credit''.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, the Chair would like to inform the members of the committee that the committee will hold a hearing on Wednesday, June 21, 2006, at 10:30 a.m. in Russell 428A on the nomination of Steven C. Preston to be the Administrator of the U.S. Small Business Administration.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 19, 2006, at 4 p.m., in closed session to consider S. 3237, the Intelligence Authorization Act for fiscal year 2007.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, June 19, 2006, at 2:30 p.m. The purpose of this hearing is to receive testimony regarding implementation of the renewable fuel standards in the 2005 energy bill and the future potential of biofuels such as biodiesel, celluosic ethanol, and E85.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 19, 2006, at 3 p.m. to hold a hearing on nominations.

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

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee

on Immigration, Border Security and Citizenship be authorized to meet to conduct a hearing on ''Immigration Enforcement at the Workplace: Learning from the Mistakes of 1986'' on Monday, June 19, 2006, at 2 p.m. in SD226.

Witness list

Panel 1: The Honorable Stewart Baker, Assistant Secretary for Policy, Department of Homeland Security, Washington, DC; Julie Myers, Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security, Washington, DC; and Martin Gerry, Deputy Commissioner for Income Security Programs, Social Security Programs, Social Security Administration, Baltimore, MD.

Panel 2: Richard Stana, Director of Homeland Security and Justice, Government Accountability Office, Washington, DC; C. Stewart Verdery, Jr., Former Assistant Secretary of Homeland Security, Adjunct Fellow, Center for Strategic and International Studies, Washington, DC; Cecilia Munoz, Vice President, Office of Research, Advocacy and Legislation, National Council of La Raza, Washington, DC; and Linda Dodd-Major, Former Director of Office of Business Liaison, Immigration and Naturalization Service, Washington, DC.

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

MEASURE PLACED ON THE CALENDAR—S. 3534

Mr. CRAIG. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3534) to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

Mr. CRAIG. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 516, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 516) recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means of understanding the past and solving the challenges of the future.

There being no objection, the Senate proceeded to consider the resolution.

CELEBRATION OF JUNETEENTH

Mr. OBAMA. Mr. President, today marks the anniversary of a joyous day in our Nation's history. It was on this day in 1865 when word finally reached the farthest corner of the Southwest that all slaves were free. More than 2½ years after President Lincoln's Emancipation Proclamation, this was the day freedom became a reality. After hundreds of years of servitude and oppression, this was the day that former slaves claimed their rightful place as equal citizens. Juneteenth was the day our Nation reclaimed its dignity.

Today, Juneteenth is still a celebration of freedom. It is an opportunity for engagement and self-improvement, a time to reflect and recommit ourselves to the pursuit of justice and equality. Juneteenth is about acknowledging where we have been as a Nation, looking honestly and critically at our past, and gaining a fresh understanding of the challenges we face as we look toward the future.

Half a century after Brown v. Board of Education, this is a day for us to assess the quality of education we are providing to our children. Forty years after the passage of the Voting Rights Act, this is a day for us to think of the injustices that must be overcome, the millions without health care, the families without jobs, and the disparities that continue to divide us.

Juneteenth should be a reminder to all Americans that we must not resign ourselves to waiting for a better time to do what we know is right. This is the day we honor previous generations for the great strides they have taken toward creating a more just society. This is the day we honor future generations by undertaking with determination the work that is yet to be done.

Mr. CRAIG. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 516) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 516

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as ''Juneteenth Independence Day'', as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

FIFTIETH ANNIVERSARY OF THE INTERSTATE HIGHWAY SYSTEM

Mr. CRAIG. Mr. President, I ask unanimous consent that the EPW Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 372.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 372) recognizing the 50th Anniversary of the Interstate Highway System.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CRAIG. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 372) was agreed to.

The preamble was agreed to.

ORDERS FOR TUESDAY, JUNE 20, 2006

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, June 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30

minutes, with 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate resume consideration of S. 2766, the Defense authorization act, and that Senator REED be recognized to speak for up to 20 minutes. I further ask consent that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly Democratic policy luncheon.

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

PROGRAM

Mr. CRAIG. Tomorrow the Senate will continue to work on the Defense Authorization Act. There are several pending amendments, and we hope to have a vote in the morning on one of those amendments. The chairman and ranking member will be here to work on amendments. We will announce when a vote is locked in.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. CRAIG. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:02 p.m., adjourned until Tuesday, June 20, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 2006:

DEPARTMENT OF THE TREASURY

HENRY M. PAULSON, JR., OF NEW YORK, TO BE SECRETARY OF THE TREASURY, VICE JOHN W. SNOW, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DOUGLAS E. LUTE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CARLA G. HAWLEY-BOWLAND, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH J. STALDER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM D. CROWDER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARK J. EDWARDS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, June 19, 2006:

FEDERAL RESERVE SYSTEM

DONALD L. KOHN, OF VIRGINIA, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

SANDRA SEGAL IKUTA, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.