

“(5) No sanctions shall be imposed under this section unless there has been a 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 title or otherwise.”;

(5) by redesignating section 307 as section 305;

(6) in section 305, as so redesignated—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

“(1) for any person to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product unless the tuna or tuna product is dolphin-safe (as defined in section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d))) and has been harvested in compliance with the International Dolphin Conservation Program by a nation that is a member of the Inter-American Tropical Tuna Commission;”;

(ii) by striking paragraphs (2) and (3) and inserting the following:

“(2) except as provided for in section 101(d), for any person or vessel subject to the jurisdiction of the United States to set intentionally a purse seine net on or to encircle any marine mammal in the course of tuna fishing operations in the eastern tropical Pacific Ocean, except in accordance with this title and regulations issued pursuant to this title;”;

“(3) for any person to import any yellowfin tuna or yellowfin tuna product or any other fish or fish product in violation of a ban on importation imposed under section 101;”;

(B) in subsection (b)(2), by inserting “(a)(5) or” before “(a)(6)”;

(7) by redesignating section 308 as section 306; and

(8) in section 306, as so redesignated, by striking “section 303” and inserting “section 302(d)”.

(e) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 is amended by striking the items relating to title III and inserting the following:

“TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

“Sec. 301. Finding and policy.

“Sec. 302. Authority of the Secretary.

“Sec. 303. Reports by the Secretary.

“Sec. 304. Permits.

“Sec. 305. Prohibitions.

“Sec. 306. Authorization of appropriations.”.

SEC. 6. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF 1950.

(a) Section 3(c) of the Tuna Conventions Act of 1950 (16 U.S.C. 952(c)) is amended to read as follows:

“(c) at least one shall be the Director, or an appropriate regional director, of the National Marine Fisheries Service; and”.

(b) Section 4 of the Tuna Conventions Act of 1950 (16 U.S.C. 953) is amended to read as follows:

“SEC. 4. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.

“(1)(A) The Secretary, in consultation with the United States Commissioners, shall appoint a committee to be known as the ‘General Advisory Committee’. The General Advisory Committee shall be composed of not less than 5 and not more than 15 individuals and shall have balanced representation from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations.

“(B) The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United

States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the Commission. The General Advisory Committee may attend any meeting of an international commission on the invitation of that commission.

“(2)(A) The Secretary, in consultation with the United States Commissioners, shall appoint a subcommittee to be known as the ‘Scientific Advisory Subcommittee’. The Scientific Advisory Subcommittee shall be composed of not less than 5 and not more than 15 qualified scientists and shall have balanced representation from the public and private sectors, including nongovernmental conservation organizations. The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters relating to the conservation of ecosystems, the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean, and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean.

“(B) In addition to carrying out the duties specified, the Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. The functions referred to in the preceding sentence may include—

“(i) the review of data from the International Dolphin Conservation Program, including data received from the Inter-American Tropical Tuna Commission;

“(ii) recommendations concerning research needs, including ecosystems, fishing practices, and gear technology research (including the development and use of selective, environmentally safe and cost-effective fishing gear), and the coordination and facilitation of such research;

“(iii) recommendations concerning scientific reviews and assessments required under the International Dolphin Conservation Program, and engaging, as appropriate, in such reviews and assessments;

“(iv) consulting with other experts as needed; and

“(v) recommending measures to ensure the regular and timely full exchange of data among the parties to the International Dolphin Conservation Program and the national scientific advisory committee of each country that participates in the program (or its equivalent entity of that country).

“(3) The Secretary, in consultation with the United States Commissioners, shall establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data. The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the Commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

“(4)(A) The Secretary, in consultation with the United States Commissioners, shall fix the terms of office of the members of the General Advisory Committee and the Scientific Advisory Subcommittee.

“(B) Each member of the General Advisory Committee and the Scientific Advisory Sub-

committee who is not an officer or employee of the Federal Government shall serve without compensation.

“(C) The General Advisory Committee and the Scientific Advisory Subcommittee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).”.

SEC. 7. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective upon—

(1) a certification by the Secretary of State to the Congress that a binding resolution of the Inter-American Tropical Tuna Commission, or other legally binding instrument, establishing the International Dolphin Conservation Program has been adopted by each nation participating in the International Dolphin Conservation Program and is in effect; and

(2) the promulgation of final regulations under section 302(a).●

ADDITIONAL COSPONSORS

S. 948

At the request of Mr. DORGAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 948, a bill to encourage organ donation through the inclusion of an organ donation card with individual income refund payments, and for other purposes.

S. 1005

At the request of Mr. BAUCUS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1005, a bill to amend the Public Buildings Act of 1959 to improve the process of constructing, altering, purchasing, and acquiring public buildings, and for other purposes.

S. 1115

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1115, a bill to prohibit an award of costs, including attorney’s fees, or injunctive relief, against a judicial officer for action taken in a judicial capacity.

S. 1212

At the request of Mr. COATS, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1212, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals and families with low income to achieve economic self-sufficiency.

S. 1228

At the request of Mr. D’AMATO, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1252

At the request of Mr. ABRAHAM, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from Tennessee [Mr. FRIST] were added as

cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to stimulate economic growth in depressed areas, and for other purposes.

AMENDMENT NO. 3082

At the request of Mr. PRYOR the names of the Senator from West Virginia [Mr. BYRD], the Senator from Nevada [Mr. BRYAN], the Senator from Vermont [Mr. LEAHY], the Senator from North Dakota [Mr. DORGAN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from South Dakota [Mr. DASCHLE], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of Amendment No. 3082 proposed to H.R. 1833, a bill to amend title 18, United States Code, to ban partial-birth abortions.

AMENDMENT NO. 3083

At the request of Mrs. BOXER the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Amendment No. 3083 proposed to H.R. 1833, a bill to amend title 18, United States Code, to ban partial-birth abortions.

SENATE RESOLUTION 198—TO MAKE TECHNICAL CORRECTIONS TO SENATE RESOLUTION 158

Mr. LOTT (for himself and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 198

Resolved, That (a) paragraph 1(c) of rule XXXV of the Standing Rules of the Senate (as added by section 1 of S. Res. 158, agreed to July 28, 1995) is amended—

(1) in clause (3) by striking “section 107(2) of title I the Ethics in Government Act of 1978 (Public Law 95-521)” and inserting “section 109(16) of title I of the Ethics Reform Act of 1989 (5 U.S.C App. 6)”;

(2) in clause (4)(A) by inserting “, including personal hospitality,” after “Anything”.

(b) Paragraph 3 of rule XXXIV of the Standing Rules of the Senate (as added by section 2(a) of S. Res. 158, agreed to July 28, 1995) is amended—

(1) in the matter before clause (a) by striking “paragraph 2” and inserting “paragraph 1”;

(2) in clause (b) by striking “income” and inserting “value”.

(c) Paragraph 4 of rule XXXIV of the Standing Rules of the Senate (as added by section 2(b)(1) of S. Res. 158, agreed to July 28, 1995) is amended by striking “paragraph 2” and inserting “paragraph 1”.

AMENDMENTS SUBMITTED

THE PARTIAL-BIRTH ABORTION BAN ACT OF 1995

BROWN AMENDMENT NO. 3087

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions:

At the appropriate place, insert the following:

The Senate finds that:

The partial government shutdown of November 14, 1995 through November 20, 1995 caused great anxiety amongst over 800,000 federal workers, and;

The partial government shutdown of November 14, 1995 through November 20, 1995 added hundreds of millions of dollars to the federal deficit and cost the federal government hundreds of millions of dollars in lost productivity, and;

The partial government shutdown of November 14, 1995 through November 20, 1995 cost thousands of businesses and our federal government millions of dollars in lost revenues from the closure of federal agencies and federal parks and monuments, and;

The partial government shutdown of November 14, 1995 through November 20, 1995 caused significant financial concern to literally hundreds of thousand families because of the uncertainty of whether they would be able to pay mortgages, rent and meet monthly family expenses, and;

With the Holiday season approaching and the Congress and Administration still engaged in an effort to reach a budget agreement while the Congress attempts to complete the remaining appropriations bills before the expiration of the current Continuing Resolution on December 15, 1995 it is important that all federal workers be given assurance that their dedicated service to their country is both valued and respected and that they will not suffer needless uncertainty and hardship, because the Congress and Administration are unable to complete their work by the expiration of the current Continuing Resolution.

It is the sense of the Senate that: If the Congress and the Administration are unable to reach an agreement on an overall budget reconciliation bill and, if the Congress is unable to complete the remaining appropriations bill by the expiration of the current Continuing Resolution on December 15, 1995, that;

A new Continuing Resolution, identical to the Continuing Resolution now in effect except for the expiration date, should be adopted effective upon the expiration of the current Continuing Resolution on December 15, 1995 to ensure that government services continue, that employment of federal workers not be needlessly interrupted again, and that federal workers receive their normal compensation without delay.

DEWINE (AND DODD) AMENDMENT NO. 3088

Mr. SMITH (for Mr. DEWINE, for himself and Mr. DODD) proposed an amendment to amendment No. 3082 proposed by Mr. PRYOR to the bill, H.R. 1833, supra, as follows:

Beginning on page 1, line 3, strike “APPROVAL” and all that follows through line 22 on page 3 and insert the following: “SENSE OF THE SENATE.

“It is the sense of the Senate that the Senate, should, through the Committee on the Judiciary, conduct hearings to investigate the effect of the new patent provisions of title 35, United States Code, (as amended by subtitle C of title V of the Uruguay Round Agreements Act (Public Law 103-465; 108 Stat. 4982)) on the approval of generic drugs under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).”

BINGAMAN AMENDMENT NO. 3089

(Order to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, H.R. 1833, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that—

(1) the partial government shutdown of November 14, 1995 through November 20, 1995 interrupted government services to many Americans;

(2) the partial government shutdown of November 14, 1995 through November 20, 1995, added hundreds of millions of dollars to the Federal deficit and cost the Federal Government hundreds of millions of dollars in lost productivity;

(3) the partial government shutdown of November 14, 1995 through November 20, 1995, cost thousands of businesses and the Federal Government millions of dollars in lost revenues from the closure of Federal agencies and Federal parks and monuments;

(4) the partial government shutdown of November 14, 1995 through November 20, 1995, caused significant financial concern to literally hundreds of thousands of families because of the uncertainty of whether they would be able to pay mortgages, rent and meet monthly family expenses; and

(5) with the holiday season approaching and Congress and the Administration still engaged in an effort to reach a budget agreement while the Congress attempts to complete work on the remaining appropriations bills before the expiration of the continuing resolution (House Joint Resolution 123) on December 15, 1995, it is important that all Federal workers be given assurance that their dedicated service to the United States is both valued and respected and that those workers will not suffer needless uncertainty and hardship because Congress and the Administration are unable to complete their work prior to the expiration of such resolution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if Congress and the Administration are unable to reach an agreement on an overall budget reconciliation bill and if Congress is unable to complete work on the remaining appropriations bills by December 15, 1995, the data on which the continuing resolution (House Joint Resolution 123) expires, a new continuing resolution, identical to House Joint Resolution 123 except for the expiration date, should be adopted effective on December 16, 1995, to ensure that Federal Government services continue, that employment of Federal workers not be again needlessly interrupted, and that Federal workers receive their normal compensation without delay.

BROWN AMENDMENT NO. 3090

Mr. BROWN proposed an amendment to the bill, H.R. 1833, supra, as follows:

On page 2, line 6, strike “Whoever” and insert “Any physician who”.

On page 2, line 10 strike “As” and insert “(1) As”.

On page 2, between lines 13 and 14, insert the following:

“(2) As used in this section, the term ‘physician’ means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions. *Provided*, however, that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

SMITH AMENDMENT NO. 3091

Mr. SMITH proposed an amendment to the bill, H.R. 1833, supra, as follows: