(4) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER.—The term ''volunteer'' means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

MOTION OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. INGLIS of South Carolina moves to strike all after the enacting clause of the bill, S. 534, and insert in lieu thereof the text of the bill, H.R. 911, as passed by the House.

The motion was agreed to.

The Senate bill was ordered read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 911) was laid on the table.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

The SPEAKER pro tempore. Pursuant to House Resolution 153 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 408.

□ 1529

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

□ 1530

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. MILLER], each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 408, officially called the International Dolphin Conservation Program Act. This, Mr. Chairman, is essentially an ocean habitat management act to protect ocean species in the eastern tropical Pacific, including not just dolphins, but tuna fish as well, particularly juvenile tuna, sea turtles, bill fish, sharks and other species.

This bill has been worked on for the last 3 years by the gentleman from Alaska [Mr. YOUNG], our committee chairman, and by the gentleman from Maryland [Mr. GILCHREST], and by the gentleman from California [Mr. CUNNINGHAM], and by others on the committee.

This is an international declaration, the Declaration of Panama, a binding international agreement signed by 12 nations on October 4, 1995. The nations are Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, Vanuatu, Venezuela, and of course the United States. The United States was ably represented by our State Department, and these issues are, of course, of great importance to the American people as well as to the international community.

During the 104th Congress, a nearly identical measure was passed by the House overwhelmingly with a 316 to 108 vote. But the Senate had insignificant time to consider the measure before the sine die adjournment. This year's measure, H.R. 408, amends the Mammal Protection Act to encourage fishing methods which protect dolphins and the other important species of marine life which I mentioned.

The bipartisan bill has the support of the administration and various environmental groups, including Greenpeace, the World Wildlife Fund, the Center for Marine Conservation, the National Wildlife Federation, and the Environmental Defense League.

Mr. Chairman, I would just like to say that the history of this bill is very, very important. In 1992, we passed a bill to protect dolphins in the eastern tropical Pacific. That bill worked with American fishermen. It worked because of the mechanism that was set up, but it did not work, Mr. Chairman, in the international community because an American law has little force and effect on foreign fishermen, particularly foreign fishermen that found other markets and continued to fish on dolphins or tuna fish and market them elsewhere.

So I congratulate the Committee on Resources for this bill. I hope that everyone will vote for it. It is good legislation and our distinguished colleague, its author, the gentleman from Maryland [Mr. GILCHREST] should be congratulated for his hard work, as well as the gentleman from California [Mr. CUNNINGHAM], for initially bringing this matter to our attention more than 3 years ago.

This is a true marine ecosystem protection bill and worthy of Members' support. I urge all Members to vote in favor.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, today I rise in strong opposition to H.R. 408, the International Dolphin Conservation Program Act, with all due respect to my good friend, the gentleman from Maryland [Mr. GILCREST] and the gentleman from New Jersey [Mr. SAXTON].

This bill is not about protecting dolphins; this bill is about the U.S. Department of State arbitrarily dictating changes in U.S. law without consulting Congress until after the deed is done.

I have further remarks, Mr. Chairman, that I will submit, but in the interest of time, I would just like to follow up on that remark.

During committee markup I offered an amendment on bycatch reduction. The issue of bycatch should be addressed in this fishery and every other fishery with a strong bycatch reduction requirement. The gentleman from Maryland [Mr. GILCREST], I am happy to say, was willing to accept the amendment. The gentleman from New Jersey [Mr. SAXTON] was willing to cooperate.

However, word came down to the committee that the State Department was firmly opposed to any changes in the legislation. The State Department does not want to accept the amendment, did not want to accept our amendment, because it would strengthen the commitment by including specific bycatch reduction.

Mr. Chairman, today I rise in strong opposition to H.R. 408, the International Dolphin Program Act. With all due respect to my good friends from Maryland, Mr. GILCHREST, and from New Jersey, Mr. SAXTON, this bill is not about protecting dolphins. This bill is about the U.S. Department of State arbitrarily dictating changes in U.S. law without consulting Congress until after the deed is done.

In 1990, Mexico and Venezuela filed a formal complaint with GATT after the Mexican tuna was embargoed for not achieving comparability with the United States tuna fleet. The GATT panel ruled that the United States had no right to use trade restrictions on a product based on the way the product was made or harvested. This finding has broad implications for a variety of U.S. consumer protection, health and safety, and environmental laws. However it is important to point out that the panel did not address the dolphin-safe label itself.

Since the ruling, Mexico has been pressuring the United States to change its dolphin

protection law so that they can sell their tuna in the United States. No one knew until 1995 that the State Department and Mexico were negotiating a deal which is now known as the Panama Declaration. This agreement requires major changes to U.S. law. The State Department did not consult with Congress during the entire process, and now this agreement is being rammed through Congress.

By codifying the Panama Declaration, H.R. 408, eliminates the embargo provision in the Marine Mammal Protection Act, which is based on the rate of dolphin kill. The bill allows tuna caught by nations which are members of the Inter American Tropical Tuna Commission [IATTC] to enter the U.S. market if the total mortality for all nations remains below 5,000 annually and allow some tuna caught by the IATTC nations to be labeled ''dolphin safe.'' This dolphin mortality level is double the amount of the 1996 dolphin mortality level for Mexico and other nations fishing in the eastern Pacific. There is no reason why the acceptable dolphin kill level should be set at 5,000, thus allowing IATTC nations a higher dolphin mortality for dolphin safe tuna sold in the United States.

The measure also narrows the definition of ''dolphin safe'' so that the only excludable tuna would be that which involved the killing of no dolphins during the fishing operation. It would, however, allow unlimited harassment of dolphins. Mexico and other nations want this provision so that their tuna will be bought by unsuspecting Americans who trust that the tuna was caught without harassing dolphins. Mexico and other nations know the American consumer will not tolerate the slaughter of dolphins. This is why the U.S. tuna canning industry adopted the dolphin-safe label in the first place. Without a dolphin-safe label on tuna, consumers will not buy it. We should not change the definition without scientific evidence.

Supporters of H.R. 408 claim that scientific information supports the legislation. This is not accurate. The National Marine Fisheries Service [NMFS] conducted a study of tuna bycatch in the Eastern Tropical Pacific Ocean from dolphin, schoolfish, and log sets from 1989 to 1992. A pattern emerged showing that by-catch was generally low or nonexistent in dolphin sets, low to moderate in school sets and high to very high in log sets. There is no doubt that a fishing method using the chase and netting of dolphins results in a lower bycatch of other species, such as sea turtles and sharks. While the by-catch issue has merit and deserves attention, the Panama Agreement does not resolve the problem. Other nondolphin methods of fishing for tuna are not being considered.

More importantly, scientists have no evidence that the impacts of high speed chase and netting are not harmful to dolphins or dolphin populations. Some dolphin populations are chased more than once a day, with more than 3 million animals chased every year. Information from the NMFS biologists studying these populations indicates that they are currently stable at about one-fifth of their original size. NMFS' own scientists and the IATTC have reported that these stocks show no signs of recovery. We have no idea if the dolphin-set method impacts the dolphin fecundity or mortality.

During committee markup I offered an amendment on bycatch reduction. The issue of bycatch should be addressed in this fishery and every other fishery with strong bycatch reduction requirements. Mr. GILCHREST was willing to accept the amendment. However, word came down to the committee that the State Department was firmly opposed to any changes in the legislation. The State Department didn't want to accept the amendment, because it would strengthen the commitment by including specific bycatch reduction program. What really troubles me is that the State Department did not base their position on the bycatch reduction program on science or the environment. Instead, the State Department's sole concern was political expediency.

The State Department told Congress that H.R. 408 is unamendable. They have rejected any attempts at compromise. Congress should not acquiesce to a precedent that lowers our environmental laws, consumer protection, and health and safety laws just because another nation desires to sell its products in America. If the goal of H.R. 408 is to increase trade and open our markets to Mexico, the State Department should come clean. They should not hide behind a veil of environmentalism.

Let's vote to protect dolphins and the environment, I strongly urge my colleagues to oppose H.R. 408.

Mr. SAXTON. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], who I do not think believes that we are a rubber stamp for the State Department.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 408, and I want to thank the gentleman from Maryland [Mr. GILCHREST] and the gentleman from New Jersey [Mr. SAXTON] especially for working on this piece of legislation.

If we really, truly believe in conservation and believe in saving the dolphins, and I have probably been in this argument and the discussion longer than anybody on this floor, this is a piece of legislation that must pass. It is our belief, after studying the results of scientists and other people that contributed testimony to the committee, that it is not just the dolphins we are talking about in the sea, we are talking about other species now that will be caught if we do not sign this agreement with the other countries participating.

It is the right thing to do, because there are more than just dolphins there. Yes, they make movies about them; yes, they are pretty; and yes, they swim well; and yes, the seas are attractive because they are there, but the truth of the matter is there is a lot of other life there that must be protected and this is what we are trying to do with this legislation.

The State Department does support it, the administration does support it, which gave me great reservation when I found this out, but what we are trying to do with the help of the gentleman from Maryland [Mr. GILCHREST] is to try to protect the total mass in the sea to make sure that there are those species left that are still under jeopardy.

So I am voting ''yes'' on this legislation. I am going to suggest that if we want to save the dolphins we are talking about, if we want to lower the mortality rate, if we want to protect these other species, then we must vote ''yes'' on this legislation. This is good legislation and it is long overdue.

Mr. Chairman, I rise in strong support of H.R. 408, the International Dolphin Conservation Program Act, introduced by Congressman GILCHREST.

This legislation implements the Panama Declaration, an internationally negotiated agreement for the protection of dolphins and other marine species in the eastern tropical Pacific Ocean. This agreement, which was developed by 12 nations and several environmental organizations, will prove the framework for the lasting protection of all marine life affected by the yellowfin tuna fishery in the eastern tropical Pacific Ocean.

As strange as this may sound, this legislation, which I support, is also supported by the Clinton administration, Greenpeace, the National Wildlife Federation, World Wildlife Fund, Environmental Defense Fund, the Center for Marine Conservation, the American Tunaboat Owners Coalition, the Seafarers' International Union, the Sportfishing Association of California, and the National Fisheries Institute. That combination alone should make everyone here vote for the bill.

As most of you are aware, the protection of dolphin populations in this fishery has been a goal of the Marine Mammal Protection Act for over two decades. We heard from numerous witnesses during the hearings held during the last two Congresses that the unilateral embargo provisions and the dolphin-safe labeling requirements have not changed the nature of the fishery. In fact, the number of sets on dolphins has remained fairly stable for years.

The La Jolla program, on the other hand, has been very successful in promoting more efficient operations and a real reduction in dolphin mortality. However, this program is voluntary. Through the Panama Declaration and this legislation, we how have an opportunity to get real international cooperation in maintaining low dolphin mortality for the entire fishery.

Current law has encouraged the practices of fishing on logs or schools of tuna. Both of these fishing methods have created new problems by magnifying the bycatch of other marine species such as sea turtles, billfish, juvenile tunas, and sharks.

Obviously, we need to address the problem of dolphin mortality, but this should be accompanied by a realization that we also need to address other bycatch problems as well. The Gilchrest bill does just that. H.R. 408 will allow international cooperation, will provide international compliance and enforcement, will cap dolphin mortality, and will provide the mechanism for reducing other bycatch in the fishery.

We appear to have a rather big disagreement over the method of achieving these objectives. Both sides are attempting to protect dolphins. Unfortunately, we have not been able to reach an agreement which addresses some Members' concerns about the dolphin safe label and still allows us to move forward to implement the international agreement known as the Panama Declaration.

This disagreement is unfortunate. However, I believe that the international cooperation embodied in the Panama Declaration and the

provisions to move fishermen away from destructive fishing practices in the Gilchrest bill are the right thing to do.

I urge all Members to support the Gilchrest bill and the international cooperation embodied in the Panama Declaration.

Mr. Chairman, since coming to Congress, I have been involved with the Marine Mammal Protection Act of 1972. Over the years, I have worked hard to improve the law and we were successful in enacting a number of positive changes in 1994. One of those provisions gave the Secretary of the Interior the authority to issue permits to Americans to import legally taken polar bear trophies from Canada, both before and after 1994.

Our intent in passing this provision was clear: we wanted to make it easier for hunters to import polar bear trophies into the United States as long as that activity did not adversely affect Canadian polar bear populations.

There are about 13,120 polar bears in the Northwest Territories of Canada. According to scientific experts, this population is growing by about 3 to 5 percent each year. Since the annual quota for sport hunting was 132 animals in 1996, this harvest rate is having little, if any, effect on any of Canada's polar bear populations. What this activity is doing, however, is providing thousands of dollars to Canada's Inuits allowing them to maintain their cultural heritage.

While some people may disagree with the interpretation which allows sport hunting to be included in subsistence quotas, at the same time I doubt any of these people have been up to the Northwest Territories. Sport hunters are taking the part of the animal which is useless to the Canadian Inuit. The gall bladder and any other organ which could be traded illegally is destroyed, but the meat, bones, and all that is valuable to the Inuit remains in the villages.

On July 17, 1995, 15 months after enactment of the 1994 amendments, the Department of the Interior issued a proposed rule allowing all pre-1994 polar bear trophies to enter the United States. This was the correct interpretation of the 1994 amendments.

On February 18, 1997, after years of delay, the Department of the Interior issued its final rule. The final rule removed the grandfather provision. While no rationale explanation was provided, it is clear that in a mad rush to avoid litigation, the Department has ignored both the scientific data and the congressional intent contained in the 1994 MMPA amendments. Since the regulations did not follow congressional intent, we are now forced to pass legislation requiring the Secretary to issue permits to allow the importation of polar bear trophies taken prior to the enactment of the 1994 amendments.

These trophies are dead and will not adversely affect Canadian polar bear populations. On the contrary, the importation of these trophies will help to conserve Russian and Alaskan polar bear populations. The Fish and Wildlife Service's importation fee, which is $1,000, is earmarked to go toward conservation and research of these polar bear populations.

We have to remember that these dead bears can no longer influence the stability of Canadian polar bear populations. These trophies have been sitting in warehouses for many years. The polar bear populations will benefit more if we allow the Secretary to issue an import permit and use the $1,000 fee for conservation and research.

The Fish and Wildlife Service has stated to my staff that a new rulemaking process, which is required under section 103 of the act, shall not be necessary to implement this language which authorizes the Secretary to issue import permits for pre-1994 trophies to applicants providing the appropriate documentation. The Service has indicated that a Federal Register notice will be published stating how this new language fits into the final rule published on February 18, 1997. The Service will have to update the final rule to include this new language, but this process will not delay the Secretary from issuing permits to applicants immediately after the 30 day public comment period has ended.

This amendment should not be controversial, since the U.S. Fish and Wildlife Service, the Marine Mammal Commission, and the ranking Democrat of the committee do not object this provision. I urge Members to support my efforts to correct the Fish and Wildlife Service's incorrect interpretation of the 1994 Marine Mammal Protection Act.

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC, May 15, 1997.

Hon. DON YOUNG,
Chairman, House Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: During the hearing held last week on the Fish and Wildlife Service's final regulations on import of polar bear trophies from Canada, the Service and the Marine Mammal Commission testified about the reasons why the plain language of the Marine Mammal Protection Act Amendments of 1994 required the Service to apply all of the substantive criteria of Section 104(c)(5) to the import of all polar bear trophies, regardless of when they were taken. The testimony also described the scientific basis for our determinations that five of Canada's polar bear populations meet the criteria of the Act, as well as new efforts now underway to develop a further proposal that will include two more populations, based on new information received from Canada too late to be included in the first round of determinations. The Service concluded that, based on the current statutory language and available scientific data, it lacked the authority to allow the import of polar bear trophies taken on or before April 30, 1994, from the remaining populations until they meet all of the criteria of the Act.

During the hearing there also was discussion concerning the position of the Administration regarding potential new legislation which would explicitly exempt bears which are already dead and held in storage in Canada from the four criteria contained in Section 104(c)(5) of the Act. The purpose of this letter is to notify you that the Administration would have no objection to such legislation, provided it is limited to an exemption for polar bear trophies legally taken in Canada on or before April 30, 1994, and that no other exemptions from the provisions of the Act are added. Enclosed with this letter is recommended language, developed in consultation with the Marine Mammal Commission, that would include an explicit exemption from the requirements of Sections 101, 102, and 104(C)(5)(I) through (iv) of the Act for all trophies taken on or before April 30, 1994, provided the permit applicant can show evidence that the trophy was legally taken in Canada.

In implementing this exemption, the Service would require from applicants a valid Canadian CITES export permit for trophies taken after July 1, 1975 (the date CITES entered into force in Canada), because the issuance of such a permit by the Canadian CITES Management Authority automatically certifies that the specimen was legally acquired. For trophies taken prior to July 1975, in addition to the required CITES preconvention certificate, the Service would ask for a copy of a Canadian hunting license or other documentation to prove that the specimen was legally taken. With this documentation, there would be no adverse conservation consequences from allowing the import of polar bears taken on or before April 30, 1994, some of which have been in storage in Canada for more than twenty years.

This language would also not affect the authority of the Service to require that all polar bear trophies be imported through a designated port (unless prior arrangements are made for import of a full mount through a non-designated port) with sufficient prior notice so that Service personnel may be present to inspect the shipment and apply a tag to the trophy. This is important to ensure that there is no stimulation of illegal import or subsequent illegal trade within the United States in polar bear parts. This language would also retain the Service's authority to collect a $1,000 fee for each polar bear trophy to be imported. The additional fees generated from imports of trophies from areas not currently eligible for import under existing law and regulations would provide substantially increased benefits for polar bear conservation.

The Office of Management and Budget has advised that it has no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

_____,
Acting Director.

Enclosure.

PROPOSED LEGISLATION FOR IMPORT FOR POLAR BEAR TROPHIES:

An Act to direct the Secretary of the Interior to issue permits for the importation of polar bear trophies lawfully taken in Canada on or before April 30, 1994.

Notwithstanding the provisions of sections 101, 102, and 104©(5)(A) of the Marine Mammal Protection Act, the Secretary of the Interior shall issue a permit for the importation of polar bear parts (other than internal organs) taken in a sport hunt in Canada to an applicant that submits with a permit application proof that the polar bear was legally harvested in Canada by the applicant on or before April 30, 1994. All other provisions of section 104 of the Act, including the charging of an issuance fee, shall be applicable to such permits.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC., 20503 MAY 20, 1997 (HOUSE)

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 408—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT (GILCHREST (R) MARYLAND AND 29 COSPONSORS)

The Administration strongly supports House passage of H.R. 408, as reported by the House Resources and Ways and Means Committees. The bill would implement an international agreement to protect dolphins and the entire ecosystem of the eastern tropical Pacific Ocean.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, April 23, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth House Office Building, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On April 16, 1997, the Committee on Resources ordered reported H.R. 408, the ''International Dolphin Conservation Program Act.'' This measure, just as H.R. 2823 from the 104th Congress, provides for the implementation of the Declaration of Panama signed in 1995 by the United States and 11 other nations.

H.R. 408 includes several provisions within the jurisdiction of the Committee on Commerce. In implementing the Declaration, the bill amends the ''Dolphin Consumer Information Act of 1989,'' on which the Commerce Committee took action during the 101st Congress. The 1989 Act was incorporated into the reauthorization bill for the Magnuson Fishery Conservation and Management Act (Pub. L. 101–627). H.R. 408 provides for implementation of the Declaration in an effort to increase international participation in activities to reduce the number of dolphins and other marine mammals that die each year as a result of tuna fishing techniques. The Act would modify the definition of ''dolphin safe'' for the purpose of labeling tuna products sold in the United States, and alter current regulations on the importation of tuna products. Also, the bill would make misuse of the ''dolphin safe'' label an unfair and deceptive trade practice under Section 5 of the Federal Trade Commission Act.

Recognizing your Committee's desire to bring this legislation expeditiously before the House, I will not seek a sequential referral of the bill. However, by agreeing not to seek a sequential referral, this Committee does not waive its jurisdictional interest in any matter within its purview. I reserve the right to seek equal conferees on all provisions of the bill that are within my Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I want to thank you and your staff for your assistance in providing the Commerce Committee with an opportunity to review its jurisdictional interests in H.R. 408.

I would appreciate your including this letter as a part of the Resource Committee's report on H.R. 2823, and as part of the record during consideration of this bill by the House.

Sincerely,

THOMAS J. BLILEY JR.,
Chairman.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, in this debate there are going to be many strong arguments against this legislation. They point out, of course, my colleagues, that this antidolphin bill damages marine ecosystems, threatens American jobs and undermines consumer labeling policies. But there is one more reason to vote ''no'' on the international dolphin conservation program, because it is actually the international drug cartel promotion agent.

According to United States Government estimates, two-thirds of the cocaine entering Mexico comes through the eastern tropical Pacific, 275 tons a year, and most of those drugs end up in American neighborhoods and schools. A tuna fishing boat can crisscross the eastern Pacific over and over and no one could tell whether it was chasing dolphins or evading detection.

In one instance, the rusting hull of the *Don Celso* made it appear to be a normal fishing vessel until the U.S. Coast Guard stopped the boat and searched it and found 7 tons of cocaine concealed on board.

We know that these successful interceptions are only a fraction of the cocaine moving through the Pacific, and there is now substantial evidence, Mr. Chairman, that Colombian drug cartels and their Mexican allies have moved to gain control of many legitimate tuna fishing fleets to use them as front operations in their drug-smuggling activities.

This legislation would double the number of tuna boats in the eastern tropical Pacific. Law enforcement is frustrated now by the difficulty, but imagine finding those needles in an even bigger haystack.

Increasing the number of tuna boats will simply increase the ability of drug lords to use them for smuggling. This bill ignores that fact completely. Before we rush through legislation that will make law enforcement's difficult job even more challenging, we should consider the impact of our actions.

Not only does this bill threaten dolphin-safe tuna, it threatens drug-free communities and schools. For both of those good reasons, I urge my colleagues to oppose it.

Mr. Chairman, my colleagues in this debate make many strong arguments against this legislation.

They point out that this antidolphin bill damages marine ecosystems, threatens American jobs, and undermines consumer labeling policies.

But there is one more reason to vote no on the International Dolphin Conservation Program Act—because it is actually the International Drug Cartel Promotion Act.

I serve on the Crime Subcommittee, where we have worked for years to improve America's ability to stop illegal drugs at our borders. And we have seen the drug smugglers continually adjust to our efforts. When we improved interdiction on the land, they started using planes. When we began to aggressively intercept those flights, they moved from the skies to the seas.

So the war against drug smugglers has now moved to a new front. In this new naval battle, the eastern tropical Pacific is enemy-controlled territory. According to United States Government estimates, two-thirds of the cocaine entering Mexico comes through the eastern tropical Pacific—that's at least 275 tons of cocaine a year. And most of those drugs end up in American neighborhoods and schools.

The smugglers use tuna fishing boats to hide in this vast stretch of ocean, because the boats are fast, they are inconspicuous, and they have a good alibi for being there. A tuna fishing boat can criss-cross the eastern Pacific over and over, and no one could tell whether it was chasing dolphins—or evading detection.

In the last 2 years, authorities have managed to make four gigantic seizures of cocaine from tuna boats in the eastern Pacific. In one instance, the rusting hull of the *Don Celso* made it appear to be a normal fishing vessel—until the U.S. Coast Guard stopped the boat and searched it. After looking for 6 days, the Coast Guard finally found nearly 7 tons of cocaine concealed on board.

But we know that these successful interceptions are only a small fraction of the cocaine moving through the Pacific. Most of it gets through. And now, there is substantial evidence that the Colombian drug cartels and their Mexican allies have moved to gain control of many legitimate tuna fishing fleets, to use them as front operations for their smuggling in the Pacific.

Mr. Chairman, this legislation would double the number of tuna boats in the eastern tropical Pacific. Law enforcement is frustrated now by the difficulty of searching for smugglers, but imagine finding those needles in an even bigger haystack.

Increasing the number of tuna boats will simply increase the ability of drug lords to use them for smuggling, yet this bill ignores the threat completely. Before we rush through legislation that will make law enforcment's difficult job even more challenging, at least we should consider the impact of our actions.

Not only does this bill threaten dolphin-safe tuna, it threatens drug-free communities and schools. For both reasons, I urge my colleagues to oppose it.

Mr. SAXTON. Mr. Chairman, I yield myself 1 minute.

I would just like to quickly quote from a letter that I have from the Office of the National Drug Control Policy, Bill McCaffrey. He said, this legislation is likely to aid in the fight against drug smuggling by increasing the level of scrutiny over the activities of vessels involved in this fishery.

I also have a letter from Barbara Larkin of the United States State Department who says, the administration believes that the passage of this legislation would actually aid in the fight against drug smuggling by increasing the level of scrutiny over these vessels.

This administration believes that we are headed in the right direction on an issue that is obviously a red herring brought up by the opponents of the bill.

Mr. Chairman, I submit for the RECORD the material referred to.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 19, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources, House of Representatives.

DEAR MR. CHAIRMAN: This letter is to respond to your committee's request for answers to questions concerning H.R. 408, specifically allegations that purse seine vessels engaged in tuna harvesting in the eastern tropical Pacific Ocean are involved in drug trafficking.

The Department of State has been working with the United States Coast Guard, the Office of Naval Intelligence, the Drug Enforcement Administration, and the Office of National Drug Control Policy to examine this question. Of the over one hundred fishing vessels participating in the International Dolphin Conservation Program (IDCP), only a few have in the past been linked to suspect activities or persons, and a recent review of available information elicited no hard evidence to confirm the allegation that vessels in the IDCP are involved in organized drug trafficking activities.

As a general matter, the Magnuson-Stevens Fishery Conservation and Management Act prohibits foreign-flag vessels from conducting fishing operations within the U.S. Exclusive Economic Zone (''EEZ'') unless there is a governing international fisheries agreement (''GIFA'') in force between the United States and the flag state of the vessel. No GIFAs are in force for any of the nations participating in the purse seine tuna fishery in the eastern tropical Pacific Ocean. Even if such GIFAs were in force, foreign fishing within the U.S. EEZ could occur only if a surplus of fish was determined to exist and if the Secretary of State allocated a portion of that surplus to vessels of the flag State. In fact, there has been no such surplus identified for several years. Nothing in H.R. 408 would alter that circumstance.

Transshipments involving foreign vessels in the EEZ are not allowed unless a GIFA is in force, or unless a permit is issued under section 204(d) of the Magnuson-Stevens Act (as amended by section 105(d) of the Sustainable Fisheries Act). No transshipment permits have been issued under section 204(d), nor have any applications been received from vessels in the IATTC La Jolla program. In order to issue a permit under section 204(d), the Secretary of Commerce must determine that the transportation of fish or fish products will be in the interest of the United States.

Similarly, the Nicholson Act generally prohibits foreign-flag vessels from landing fish in U.S. ports. While there are a small number of limited exceptions to this rule (e.g., for the U.S. Virgin Islands and American Samoa), none of those exceptions applies to the tuna fishery of the eastern tropical Pacific Ocean. Accordingly, the foreign-flag vessels that participate in that fishery cannot land their catch in U.S. ports. Nothing in H.R. 408 would alter that circumstance either.

Moreover, the Administration believes that the passage of this legislation would actually aid the fight against drug smuggling by increasing the level of scrutiny over the activities of vessels involved in the eastern tropical Pacific tuna fishery. There will be an observer on every vessel participating in the dolphin protection program, and the observer will be tracking the tuna from the net to the hold to the dock. This increase in oversight of vessels which could be used for smuggling will decrease the likelihood of their being used as part of the drug trade. The enactment of H.R. 408/S. 39, although obviously not designed as a counterdrug measure, will accomplish these things, and would also enhance the general level of cooperation among nations in the region, which could benefit the fight against drug smuggling.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

I hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

OFFICE OF THE VICE PRESIDENT,
Washington, DC, May 20, 1997.

Hon. WAYNE GILCHREST,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GILCHREST: I am writing to thank you for your support of H.R. 408, the ''International Dolphin Conservation Program Act.'' As you know, the Administration strongly supports this legislation, which is essential to the protection of dolphins and other marine life in the Eastern Tropical Pacific.

In recent years, dolphin mortality in the Eastern Tropical Pacific tuna fishery has been reduced far below historic levels. The bill will codify an international agreement to lock these gains in place, further reduce dolphin mortality and protect other marine life in the region. This agreement was signed in 1995 by the United States and 11 other nations, but will not take effect unless the Congress acts on H.R. 408.

This legislation is supported by major environmental groups including Greenspace, the World Wildlife Fund, the National Wildlife Federation, the Center for Marine Conservation, and the Environmental Defense Fund. The legislation also is supported by the U.S. fishing industry.

I am hopeful that this important legislation will be passed by the full House when it comes to the floor this week. Again, thank you for your support of H.R. 408.

Sincerely,

AL GORE.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I am pleased to rise today in support of H.R. 408. This is a unique opportunity to approve legislation that would meet our environmental concerns over dolphin mortality, put us in compliance with our international obligations, and use multilateral standards for the imposition of sanctions, instead of unilateral standards that violate the WTO.

This bill was referred to the Committee on Ways and Means to address its trade aspects. We reported it out as approved by the Committee on Resources without further amendment and a strong bipartisan vote. I support the bill because it would replace the current use of U.S. unilateral standards as a trigger for an import ban of tuna caught with purse seine nets with multilateral standards agreed to as part of the Panama Declaration. If countries are in compliance with the multilateral standard for the fishing of yellowfin tuna, then the import ban would not apply.

Any use of unilateral standards for the imposition of sanctions is troubling. In fact, a GATT panel has found our current law to violate our international obligations. Instead, enforcement actions are most effective when they are based on international consensus, as this bill would establish. Such consensus is more constructive to effective management of the ETP tuna fishery by all countries concerned.

I believe that these standards will serve as a positive incentive to reduce dolphin mortality, while at the same time putting the United States in compliance with international agreements. Proof of the benefits of H.R. 408 is the fact that this legislation is supported by the administration and key environmental groups such as National Wildlife Federation, Center for Marine Conservation, Environmental Defense Fund, Greenpeace, and the World Wildlife Fund.

In addition, our tuna fishing industry supports the bill and our trading partners have indicated that they believe implementation of the bill would put us in compliance with our international obligations. With such a strong and diverse coalition behind this bill, we should strongly support it.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, let me respond, if I could, to the gentleman from New Jersey [Mr. SAXTON], my good friend. Unfortunately in this case, I need to make the point to him that during the last 18 months, four record-breaking seizures of cocaine on fishing vessels have been made by the United States and other authorities. I think in a year when this body was highly critical of Mexico's ability and willingness to cooperate with the crackdown on drugs, we should be extremely cautious about providing another opportunity to penetrate our borders and circumvent our loss.

On behalf of the Humane Society of the United States, I will include for the RECORD a document, I would like to introduce a document analyzing and documenting the relationship between the growing drug trade, Mexican tuna fishing and a history of United States seizures of foreign fishing vessels.

I continue to support measures to protect dolphin, but at the same time I am worried that passage of the International Dolphin Conservation Program Act may lead to a different and more serious problem. I want to save dolphins, but it seems to me that stopping drugs is critically important at the same time. So unfortunately, I have to oppose this measure. Mr. Chairman, I include for the RECORD the document to which I earlier referred.

LIFTING THE TUNA EMBARGO AND CHANGING THE DOLPHIN SAFE LABEL: THE PREDICTED IMPACT ON NARCOTICS TRAFFICKING

How are Drug Smuggling and our Tuna/dolphin Laws Related? Narcotics smuggling and dolphin-deadly tuna fishing by chasing and encircling dolphins with purse-seine nets take place in the eastern tropical Pacific Ocean (ETP). Mexico, which wants the U.S. to change its laws to re-open our market to tuna caught this way, is also a major narcotics trafficking country with smuggling operations in the ETP.

The Flow of Narcotics into the United States: According to the U.S. Drug Enforcement Administration (DEA), over 70% of all cocaine entering the U.S. comes through Mexico. At least two-thirds of the cocaine that enters Mexico is shipped in maritime vessels from other Latin American countries—at least 275 tons of cocaine transit the ETP every year. It is then smuggled into the U.S. over various land and water routes from Mexico into California, Arizona, and Texas.

Narcotics Travel via Eastern Tropical Pacific Ocean: Maritime vessels, such as fishing trawlers and cargo ships, are becoming more widely used by drug cartels to smuggle cocaine because the risk of capture is so low: The vastness of the ocean makes intercepting ships nearly impossible. In fact, U.S. law enforcement officials have stated that, without informants, drug shipments in maritime vessels are essentially impossible to detect. Drug interdiction in the eastern Pacific is made more difficult because the U.S. has few law enforcement cooperative agreements with Pacific nations. Even when ships are apprehended, actually finding the drugs is

extremely difficult, because the illicit cargo is hidden in hard-to-find compartments. Moreover, many fishing vessels are equipped with radar and scanners that allow them to determine if they are being followed, giving them an edge over law enforcement officials.

Tuna-type Vessels are Well-suited for Narcotics Tafficking: A class 5 or 6 tuna vessel—the type used to set purse-seine nets on dolphins—is capable of concealing multi-ton shipments of cocaine with much less risk of discovery than other smuggling methods. Class 5 and 6 tuna vessels fish on the high seas for months at a time. Although they may embark for specific fishing areas, these areas cover hundreds of square miles. Furthermore, unlike a cargo vessel, which generally travels directly from point ''A'' to point ''B,'' a fishing vessel may traverse an area many times—creating unique opportunities for transporting illegal goods.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding. I want people to take a look at what they are being asked to do. They are being asked to vote for a bill and the title of the bill is the International Dolphin Conservation Program Act.

Now, what it is all about is the strength of American markets. The reason we have practices that say we have to fish safe for dolphins is because of these cans that we sell in American grocery stores, and on them is a symbol that says, dolphin-safe. What we want to do by this law is to change that. We want to change truth in labeling.

□ 1545

This is all about labeling, Mr. Chairman. This is about the U.S. market, this is about the U.S. consumers, this is about us. What it is about is that this bill says because of a 1991 trade dispute, that we ought to let that dispute dictate how we sell products in American stores.

This is all wrong, because what this bill recognizes is that in the process of doing that we will double the number of dolphin that will be killed. This is about access to American markets. It is about corporations who are using the American markets to sell their product, the tuna that are caught in the oceans far off our coastline, but because the American public buys so much tuna, they know they can only sell it in this country if they do it the way the consumers want to do it.

Along comes a law and says, hey, let us change that. Let us change the labeling on the can, let us change the practices, so in fact we can go out and in the process we may kill more dolphins. That is not what the American public wants. The consumer does not want to be tricked, does not want to be cheated. Remember, the consumers are the ones that started this process. I urge a ''no'' vote on the bill.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE], who knows as well as I do that this legislation does not allow foreign fishermen to land in the United States, and therefore there is no increased possibility of drug traffic.

Mr. KOLBE. Mr. Chairman, I rise in strong support of H.R. 408, the International Dolphin Conservation Program Act. I think it is an exceptional bill. It provides an international solution to an international problem, the regulation of tuna fishing in the open seas. It is a good bill. It reflects a compromise among many competing interests.

In recent years tuna fishermen have developed new, innovative methods which enable them to capture tuna without ensnaring dolphins at the same time. In addition, tough new monitoring procedures have been instituted and international oversight responsibilities strengthened. Over time these procedures have been increasingly internationalized, most recently through permanent binding procedures set forth in the Declaration of Panama.

By implementing the Panama Declaration, H.R. 408 brings us along to the next step in this evolutionary process. It provides incentives needed for other nations to remain in compliance by providing those nations who abide by the agreement with access to an important export market. Make no mistake about it, these market incentives are absolutely critical to the continued success of the program.

Mr. Chairman, we do not have to endanger the future of our tuna stocks and needlessly put sea turtles and other species at risk, jeopardize the continued viability of a successful dolphin protection program, and renege on our international obligations to save an extremely small number of dolphins. That is absolutely senseless, especially when we have the technology to protect these species and protect dolphins. I urge Members' support of H.R. 408.

But first, I think we need to put a little historical perspective on this debate, Mr. Chairman.

In the mid-1970's dolphin mortality rates were clearly at unacceptable levels. Over 500,000 dolphins were killed each year in pursuit of tuna stocks. In response to this unacceptable loss of life, 5 years ago the United States placed an embargo on the importation of any tuna caught using primitive encirclement measures.

It locks in the reforms of the Panama Declaration, reiterates our support of the International Dolphin Conservation Program [IDCP], and strengthens compliance procedures.

The procedures required under the Panama Declaration are costly: on-board observers on all tuna boats, individual boat licensing, and use of nets and divers to ensure the safety of the dolphin population. Without the U.S. market as an incentive, these nations are bound to revert to destructive fishing practices of the past, and we'll end up with dolphin kill ratios as high as we had in the 1970's and 1980's. If we don't act today and enact this legislation, we will turn back on treaty obligations negotiated in good faith and discourage fishermen from other countries from using safer fishing methods.

But this bill does more than protect dolphins. It provides an effective method to conserve the total marine ecosystem in the eastern Pacific. The fishing practices encouraged by some groups would result in an unreasonably excessive by-catch of a number of different species, including endangered sea turtles, sharks, billfish, and large numbers of tuna and other fish species. In fact, the fishing procedures advocated by some opponents to this bill are likely to endanger the long-term health of tuna stocks themselves as these procedures tend to capture a large amount of immature tuna.

We can do both. And, this bill does both. We have the technology to preserve the marine ecosystem and protect the dolphin. Let's do it. Let's implement this bill. Let's keep the dolphin, and the marine ecosystem, safe. I urge support of H.R. 408.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am rising in opposition to H.R. 408. I think this is truly an issue of labeling. The American public demanded and came to accept the fact that tuna with the tuna safe label was tuna where dolphins were not harmed.

H.R. 408 does something that I think we should explain. What H.R. 408 does, it says that you can now harass dolphins, you can separate them from their calves. We do not know if that hurts them. You can move them when they are feeding. We do not know if that hurts them, but the American public thinks that that might be harmful. The American public has come to believe that when we say dolphin safe, we mean it. So this is a question of trust.

What H.R. 408 would do is if dolphin were caught in the net, if we went back to that kind of fishing and it was removed while still alive, it would not be counted as a dolphin killed. That is all that H.R. 408 says, is that the dolphin must not be dead. So then they throw this dolphin overboard. How long does it last? We do not know.

What I think we have to understand is that this is a situation of pressure. We have an enormous market, as has been pointed out, and foreign fisheries would like to be part of that market. But our American fisheries have lived by the rules of dolphin safe. Our American fisheries have said that they would abide by U.S. law.

Why are we opening up this great market to foreign fisheries that could allow dolphin to be actually killed, maybe not in sight, but killed, and still have that dolphin safe label?

Mr. Chairman, I think that foreign fisheries will continue to fish in the way they always have, but what we do not have to do is give them access to our markets. The consumers, little children in this country, fought for this label, this dolphin safe label. I think we should protect it and keep it for the American fishery.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we currently have a voluntary agreement which has resulted in a huge decrease in dolphin mortality associated with tuna fishing. This bill would change U.S. law so that that voluntary agreement can essentially be incorporated into a new binding international agreement and standard.

The issue of dolphin safe labeling is at the heart of this matter. I believe this bill would make that labeling truer; that is, more accurate, not less, and fewer dolphin kills, not more, and with no tuna being able to bear the dolphin safe label if impartial international observers determined there had been any dolphin kills.

Mr. Chairman, this bill locks in a change in fishing practices and standards with a demonstrated track record of reducing exactly the sort of thing that we want to eliminate, unnecessary mortality for dolphin associated with tuna fishing. I cannot understand why Greenpeace, any number of other reputable environmental organizations, would back this if they did not see that as the truth.

Mr. Chairman, I support this bill. I believe we need to pass it to continue to make progress in further reducing the dolphin mortality associated with fishing for tuna.

I think we all agree about that goal, the goal of saving dolphins. But clearly opinions are divided about the best way to reach it—and so there's a division of opinion about this bill, as there was about the similar bill that passed the House last year but died when the Senate failed to act.

We all remember horrifying images of dolphins dying in fishermen's nets. Those scenes rightly brought a public clamor for urgent action. And, since then we've made real progress. In fact, dolphin mortality in the eastern tropical Pacific has been cut by better than 90 percent.

Many people credit this improvement to the current law setting criteria for labeling tuna sold in the United States as dolphin safe—and there's no doubt that law has helped. But to an even greater extent the progress we've made in the result of an agreement among the nations whose boats fish in the eastern Pacific. And that's the problem, because that agreement is strictly voluntary. It's not binding.

In 1995, an important step was taken when a dozen tuna-catching nations—including the United States—met in Panama to develop a binding international agreement to replace the present, strictly voluntary agreement. The result of those talks was a new framework agreement, known as the Panama Declaration. The purpose of this bill is to implement that declaration, in order to strengthen international conservation programs and to set the stage for further reducing dolphin mortality.

As we consider this bill, we should keep in mind what the Panama Declaration provides, because it goes beyond previous agreements in several important ways.

Under the Panama Declaration, there would for the first time be a firm, binding international commitment to the goal of completely eliminating dolphin loss resulting from tuna fishing in the eastern Pacific Ocean. In addition, the declaration would provide new, effective protection for individual dolphin species—biologically based mortality caps that will provide important new safeguards for the most depleted dolphin populations. And the Panama declaration provides for the world's strongest dolphin monitoring program, with independent observers on every fishing boat.

Implementation of the Panama Declaration depends upon the changes in United States law that would be made by this bill. Among other things, these changes will lift restrictions on access to our markets for tuna caught in compliance with the new agreement, including revision of the criteria for labeling tuna as dolphin safe. That change is the most controversial part of the bill, but it is an essential part and should be approved.

Remember, right now, under current law that the dolphin safe label on a can of tuna doesn't necessarily mean that no dolphins died in connection with the catching of those fish. Instead, it just means that the fishermen did not use a school of dolphins as their guide for setting their nets. If that condition is met, the dolphin safe label can be applied even if in fact dolphin were killed.

In contrast, under the Panama Declaration—as implemented by H.R. 408—the term dolphin safe may not be used for any tuna caught in the eastern Pacific Ocean by a purse seine vessel in a set in which a dolphin mortality occurred—as documented by impartial, independent observers.

In other words, it's not true that this bill would destroy the meaning of the dolphin safe label—instead it would make its meaning more specific and more accurate, by imposing a no-mortality standard, while providing for further study of the effects of dolphin-encirclement and a mechanism to again stop that fishing technique if it's determined to have an adverse impact on dolphins.

I think this is a desirable change in the law, one that should be made even if the current law was completely consistent with international trading rules—which it isn't.

And that isn't just my opinion, or the opinion of other supporters of NAFTA and the World Trade Organization. For example, Greenpeace strongly opposed NAFTA, but supports H.R. 408 because they recognize that the Panama Declaration is good conservation policy and this bill to implement that agreement is a good conservation measure—one with sanctions that would be effective because they are part of a binding international agreement, unlike the restrictions in our current dolphin safe law.

Furthermore, we need to recognize that fishing can't be truly dolphin safe unless it's safe for the ecosystem.

Because it focuses on fishing methods, not dolphin mortality, the current labeling law has had serious unintended consequences. Some of the dolphin safe methods tend to result in a catch of primarily juvenile tuna—harmful to the viability of the fishery—or result in numerous catches of other species such as endangered sea turtles or billfish.

In fact, it well may be better for the ocean ecosystem for tuna fishermen to set their nets on dolphins and then to release the dolphins safely when the tuna are harvested—something that is strongly discouraged by the current labeling standard.

So, Mr. Chairman, while I respect the views of its opponents, I think this is a good bill—good for dolphins, good for the ocean ecosystem, and good for our relations with other tuna-fishing countries. It's supported by the administration and the U.S. fishing industry as well as by a number of environmental and conservation groups, including the National Wildlife Federation, the World Wildlife Fund, the Environmental Defense Fund, the Center for Marine Conservation, and Greenpeace. It deserves the support of the House.

Mr. PALLONE. Mr. Chairman, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Chairman, today we will hear this bill is good for the environment, good for the dolphins, good for other species of fish, and good for the U.S. consumers. I respectfully disagree with such an assessment.

Mr. Chairman, when annual dolphin deaths were 100,000 per year, the U.S. consumers revolted and said they would not buy tuna caught while dolphins were being killed in record numbers, I remind my colleagues. Mr. Chairman, this came about not because of the politicians, not because of the environmentalists, not because of the scientists, but the American consumers. They were the ones that were up in arms.

The record numbers that I mentioned, 100,000 recorded dolphin deaths per year, an estimated 7 million dolphin deaths total, and dolphin stocks depleted to 25 percent of prior levels with no signs of increasing numbers, these numbers were and are staggering, Mr. Chairman.

As a result of the U.S. consumer boycott of canned tuna, the major tuna companies took the lead in changing the methods and locations in which tuna were caught. The result of these changes has been a significant reduction in the number of dolphin deaths from 100,000 per year to less than 2,500 this year. This has been accomplished under current law, and every indication is that the number of dolphin deaths will continue to decline under current law. With a record like that, Mr. Chairman, I find little reason to change the current law.

Mr. Chairman, the history of this legislation is clear. It resulted from negotiations between foreign governments in Central and South America and five environmental groups.

Why do these foreign governments support this legislation? Because they want the money that can be earned from selling their canned tuna in the United States. In fact, Mexico is so concerned about its perceived right to sell canned tuna in the United States that it is prepared to renew a trade action against the United States because our laws currently do not permit tuna caught by chasing and encircling dolphins to be sold here.

Mr. Chairman, from Mexico's perspective our effort to protect the lives of dolphins is an illegal trade barrier, and the Mexican Government has told the United States Government in no uncertain terms that if we do not

change our laws, and I want to emphasize, if we do not change or amend our laws so more dolphins can be killed each year, Mexico will file an action against the United States with the World Trade Organization.

Mr. Chairman, I submit, Congress is presented with the agreement, and is told now, take it or leave it. I respectfully ask my colleagues, vote this legislation down.

Mr. Chairman, I rise today in strong opposition to H.R. 408, a bill which will legalize an increase in the number of dolphin deaths and deceive U.S. consumers who have learned to trust the dolphin safe label as a sign that dolphins were not harmed during the capture of tuna canned carrying that label. H.R. 408 nearly doubles the number of dolphins which can be killed, and lowers the standards behind the dolphin-safe label.

The supporters of this bill say we need this legislation to further reduce dolphin mortality in future years. If that is true, then I ask why does the legislation permit dolphin deaths to rise to 5,000 per year? This increase will not benefit the dolphins, so I ask you who will benefit from this provision?

I said earlier that one way the dolphin mortality was reduced significantly was that the U.S. tuna fleet changed its location. U.S. tuna boats stopped catching tuna in the eastern tropical Pacific, where the tuna swim under the dolphins, and moved to the western tropical Pacific, where the tuna do not swim under schools of dolphins.

The supporters of this legislation want you to believe that if their legislation is adopted, the fishing fleet will return to southern California, and that tuna canning plants will reopen in southern California. The truth is that cleaning and canning tuna is a labor-intensive industry, and those jobs are not going to go to southern California as long as NAFTA and GATT are in force. In fact, the U.S. tuna industry is one more example of well-paying jobs currently held on U.S. soil which are expected to move to foreign soil over the next few years.

If this legislation is enacted into law, the U.S. tuna fishing fleet will move to Mexico, new cleaning and canning plants will be constructed in Mexico, and then the canned tuna will be shipped into the United States duty-free under NAFTA. Now I ask you, who do you think will benefit from that development?

In an effort to ease tensions between Mexico and the United States, the administration is supporting this agreement, an agreement to which they weren't even a party.

Mr. Chairman, this legislation is about saving dolphins, this is trade legislation masquerading as environmental legislation. What makes the bill even worse is that from the U.S. perspective, this is bad trade legislation. Who benefits from this legislation? Not our constituents.

What the U.S. consumer gets is a watered down definition of the dolphin safe label. Keep in mind that the label does not change, only the meaning of the label. So the typical American consumer will be able to go to a grocery store and see a variety of canned tuna for sale. Some will have the current dolphin safe label and some will not. Unfortunately, because the dolphin safe label will not have changed, many consumers will be deceived into believing that the tuna was caught in a truly dolphin safe manner when in fact that is not the case.

So, I get back to my recurring question: Who benefits from this legislation? Well, the immediate beneficiary of this bill would be Mexico. The Mexican fishing industry gets access to the lucrative United States market for canned tuna. This means more jobs for Mexican fishermen, more jobs for Mexican fish cleaners, more jobs for Mexican truck drivers, more business for the Mexican ports which translates to increased fees paid to the Mexican state and federal governments.

It turns out a lot of people will benefit from this legislation. Unfortunately, none of them are our constituents. What do we get out of this legislation? We get fewer jobs and increased dolphin kills. Some call this win-win legislation.

Last year when we considered this legislation I spoke at length about Samoan culture and my personal experience with dolphins. I mentioned then that the dolphins were not able to speak for themselves, so I would try to look out for their safety. The dolphins still don't have a representative here in Congress. The dolphins didn't have a representative in Panama either when this agreement was negotiated. Maybe that's why some call this win-win legislation. The Mexican fishing industry wins. And I guess, since many of the modern Mexican fishing boats are owned by known drug traffickers, they win too.

So all along I've been asking who wins, when maybe the better question is who loses with this legislation? The U.S. worker loses, the U.S. consumer loses, and the U.S. cities where tuna is shipped from and landed lose, too. That sounds pretty one-sided to me.

Is this win-win legislation? I guess it depends on your perspective, doesn't it?

Mr. Chairman, I include for the RECORD a letter from Gwen Marshall.

The letter referred to is as follows:

In Re: H.R. 408 regarding the Dolphin Safe Tuna issue Scheduled for House Floor Vote, Thursday, May 22, 1997

Attn. those dealing with Environmental & Foreign Trade Issues

Congressional Quarterly has had two great articles on this issue recently, April 12th page 841–2 and April 19th page 908–9 that are required reading for anyone new to this issue. The main reason for this vote is to bring a popular U.S. environment law into compliance with GATT (General Agreement on Tariffs and Trade). Both articles were under the title of Environment so as one considered both an environmental and trade activist I'm hoping to help clarify the environmental position on this issue.

As you know, Greenpeace was one of the larger environmental groups opposed to NAFTA. I worked for them as a canvasser out of the Cincinnati office the summer of the NAFTA campaign. The word at that time was that Greenpeace was feeling financial pressure from the large grantors because of its stand against NAFTA. The environmental community was considered split during the NAFTA campaign but in general the local grassroots type groups were opposed to NAFTA and the larger grant funded groups were in support of NAFTA—the money trail was obvious. Greenpeace has closed its Cincinnati office and many other local offices so they are obviously hurting for money. As sad as it is, it came as no surprise that Greenpeace was willing to sell out their previous position against allowing foreign trade agreements to weaken U.S. environmental law by condoning the results of the 1995 Panama Agreement regarding the Dolphins. Environmental groups, like politicians, can be guilty of finding ways to justify a position for the right amount of money. I'm glad that I've been able to arrange my finances so that I'm not likely to get myself in that unfortunate position.

I know that supporters of H.R. 408 say it will be better for dolphins if the U.S. market is changed as it recommends but they don't account for the fact that the main reason the foreign countries support H.R. 408 is that it would increase their tuna exports to the U.S. market. Increased fishing for tuna in the tropical waters will increase the dolphin mortality over current numbers because more tuna will be caught to sell to the large U.S. market. As you know from the CQ articles, it is not likely that the observer system will actually work since one observer can't be everywhere he needs to be and for financial reasons could probably be paid to look the other way anyway. I apologize for my cynicism but I just can't condone the position that H.R. 408 is what is right for the dolphins. As a mammal, dolphins don't reproduce at the abundant rate that fish do and each dolphin mother has to spend time feeding and raising its young, as do all mammals, so dolphins do need to be protected from fishing techniques that basically mine the sea.

The real reason for H.R. 408 is to help the U.S. avoid embarrassing WTO (World Trade Organization) sanctions and/or fines. Those of us who opposed NAFTA and the creation of the WTO and expansion of GATT said that it would be no time at all before the U.S. started changing its laws to comply with lower international standards. During the debate over GATT expansion, one pro-GATT trade staffer assured me that she was sure the U.S. would pay the fine before they'd ever consider overturning the popular Dolphin Safe Tuna laws. It appears she was wrong. As you know the U.S. Clean Air Act lost in the recent WTO challenge regarding gasoline refined in foreign countries and the EU lost the U.S. challenge regarding their refusal of hormone laden beef. A vote for H.R. 408 is a vote for the U.S. Congress to give away their right to make laws that are popular with the U.S. public.

I understand that some people have adopted ''free trade'' as a religion just as I have adopted ''the right to a healthy existence for all species'' as my religion. Free trade agreements' ability to change popular national, regional, and local laws is the real reason for this vote. The complaint with the current Dolphin Law is not that it kills too many dolphins, but that it is in violation of GATT. There is no definite proof that a vote for H.R. 408 would be better for the dolphin as its proponents claim. As an environmentalist, I know we need to look for the truth behind the rhetoric and ask you to do the same and oppose H.R. 408. The religion of ''free trade no matter what'' does need to be challenged objectively. We can't afford to sacrifice our popular laws to the alter of free trade. Please vote against H.R. 408.

Please feel free to contact me if you want to discuss this further. Leave a message on my answer machine and I can return your call after 3:30 PM. Your support would be appreciated.

Sincerely,

GWEN MARSHALL.

Mr. SAXTON. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I ask the gentleman from American Samoa if he knows that Greenpeace, the World Wildlife Fund, the Center for Marine Conservation, the National Wildlife Federation, and the Environmental Defense Fund all strongly support the bill.

Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, it never ceases to amaze me that some people on the other side of this issue state their opinions as fact. I would say they are factually challenged. That is refuted in every single document that we have. When we go into the full House I will submit for the RECORD documents from the Coast Guard, from the Office of Drug Policy, from the DEA, from General McCaffery, stating that their claims are false. Why would they do that?

Well, we have fund-raising letters here from some of their organizations that would like to put money into their campaigns, but there are some general people, I think, that are misinformed. First of all, I would like to say that dolphin-safe is not dolphin-safe under the current system. There is a certain amount and percentage that can actually go into that.

I would like to state to the Members and show them exactly in the rule, in this bill, it says and I quote, No tuna will be labeled dolphin-safe unless absolutely no dolphins were killed. This is verified by an on-board international IATTC observer. These observers are made up of 35 scientists. Some of those are like Scripps Oceanographic and the natural association. These are trained observers, trained, in every single boat.

When Members talk about drug boats, the one they talk about with the cocaine was from Ecuador. That was a dolphin-safe label. They did not even have observers on it. It did not even have fishing equipment on it. It was a drug boat. It had no observers.

When they pull up to a dock, under the current system, it is checked there. We have 100-percent trained observers on every single boat. If there is one dolphin killed in that, then it cannot be dolphin-safe.

Mr. Chairman, we have many officials in other countries that are pro-America, pro-reform. A classic example is Secretary Comacho in Mexico. He is trying to make some changes, to move toward the United States. Do we slap Mexico in the face for positive movements in that? I say no.

Many of our American consumers still mistakenly believe that the dolphin-safe policies protect the labels. It does not. Earth Island gets millions of dollars every year for managing it. That is what is at issue here. They forego that if these countries go in. This is a show-me-the-money debate, not for the debate, what they are talking about.

The groups who are opposed to the bill have conducted one of the most blatant misinformation campaigns I have ever seen. I think it is unfair to the American people. To do this, they would sacrifice the healthy conservation of the entire 8 million miles of the eastern tropical Pacific ecosystem.

Our bill has support by all the diverse groups. Vice President AL GORE, I have the letter here, says that this will strengthen and make safe dolphin mortality, as well as the President, the Secretary of State, and the rest of them.

Mr. SAXTON. Mr. Chairman, if the gentleman will yield to me, I want to emphasize the point the gentleman was making about dolphin-safe. People believe the label on the can actually means dolphin-safe. Is the gentleman aware that in 1993, 4,500 dolphins died as a result of the current practice in the eastern tropical Pacific, and between 9,000 and 13,000 dolphins died in the Sri Lanka fishery during the same year?

Mr. CUNNINGHAM. I am, and it was also put into the dolphin-safe labels.

Mr. SAXTON. Our new system has a target of zero dolphin deaths?

Mr. CUNNINGHAM. Zero.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I rise today in opposition to H.R. 408, a bill that many of my constituents have termed the Dolphin Death Act. Let me begin by saying that I do not impugn the intentions of the bill's sponsors. We all support the goals of a strong economy and the protection of animals.

Let us be clear about what this bill does. It changes the definition of dolphin-safe tuna. H.R. 408 changes the definition of dolphin-safe tuna to allow tuna to be sold under the dolphin-safe label even if dolphins were chased, harassed, or seriously injured by encirclement nets during the tuna catch.

Proponents argue that the bill maintains the validity of the dolphin-safe label because it requires vessel captains to certify that no dolphins were observed dead in the nets.

□ 1600

Aside from the obvious imperfections in human judgments, dolphin-safe means more than just no dolphins died during the catch. There is a mounting body of scientific evidence that suggests that chasing and encircling dolphins with purse seine nets leads to delayed mortality and decreased reproductive potential. Both essentially weaken dolphin stocks; hardly, I suggest to my colleagues, dolphin-safe.

Several years ago Congress passed laws to embargo the import of tuna caught by setting nets on dolphins. We took this action because it was bad for dolphins then. Nothing has changed, chasing dolphins down with helicopters and speed boats and encircling them with nets is inhumane. It not only causes distress and physical injury, it can also lead to dead dolphins in the future, long after the traumatic chases have ended. Now we are being asked to change our laws because of pressure from other countries and then, to add insult to injury, compound the mistake by selling dolphin deadly tuna under the dolphin-safe label. This is simply wrong.

Mr. Chairman, when someone goes to the supermarket, picks up a can of tuna and sees the dolphin-safe label, he or she expects it to mean what it says. This bill removes, I think, that certainty. I urge my colleagues to oppose passage of this bill. It sets a dangerous precedent that we should soundly reject.

Mr. Chairman, I rise today in opposition to H.R. 408—a bill many of my constituents have termed ''The Dolphin Death Act.''

Let me begin by saying that I do not impugn the intentions of the bill's sponsors. We all support the goals of a strong economy and the protection of animals. Unfortunately, this bill falls short on the second count. In fact, not only does it fail to adequately protect dolphins, it will contribute to confusion and may mislead consumers about what ''dolphin safe'' tuna actually means.

Let us be clear about what this bill does: it changes the definition of dolphin safe tuna.

H.R. 408 changes the definition of dolphin safe tuna to allow tuna to be sold under the dolphin safe label even if dolphins were chased, harassed, or seriously injured by encirclement nets during the tuna catch.

Proponents of H.R. 408 argue that the bill maintains the validity of the dolphin safe label because it requires vessel captains to certify that no dolphins were ''observed'' dead in the nets. Aside from the obvious imperfections in human judgments, dolphin safe means more than just no dolphins died during the catch.

There is a mounting body of scientific evidence that suggests that chasing and encircling dolphins with purse seine nets leads to delayed mortality and decreased reproductive potential. Both essentially weaken dolphin stocks. Hardly dolphin safe.

Several years ago, Congress passed laws to embargo the import of tuna caught by setting nets on dolphins. We took this action because it was bad for dolphins then. Nothing has changed—chasing dolphins down with helicopters and speed boats and encircling them with nets is inhumane. It not only causes distress and physical injury—it can also lead to dead dolphins in the future, long after the traumatic chases have ended.

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I would urge my colleagues to oppose passage of this bill. It sets a dangerous precedent that we should soundly reject.

Mr. SAXTON. Mr. Chairman, I yield myself 30 seconds.

I would like to say to the gentleman from Florida that we were also concerned about this issue, and we found after months of study no evidence that there is any delayed mortality from animals encircled and harvested in nets. No evidence at all, none, zero, zilch, nada. And so in spite of that, we are authorizing $1 million to study this very issue because we remain concerned about it. But the fact is, there is no evidence.

Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from San Diego, CA [Mr. BILBRAY].

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Chairman, this issue invokes a lot of emotion. We all feel very strongly about our bond with dolphins and porpoises. As somebody who spends a lot of time in the ocean, I, no less than anybody else, feel strongly about it.

But this issue really needs to be looked at in the strong light of science. Two major components that we have recognized in the last decade that we have to do if we are going to be responsible to the environment is first abandon the monospecies concept of species management and use multispecies management; look at the big picture from nature's point of view. The other issue is to go from the mononational to the international strategies when we are addressing environmental problems. H.R. 408 makes that transition from the old law that basically only looked at dolphins, only related to the impacts of the environment based on dolphins, but de facto, unintentionally encouraged and actually made basically the only economic opportunity a thing called log fishing, which as many scientists will document, has caused the deaths of endangered species and subspecies that were never meant to be hurt by the original law.

I do not think we should have to make a choice between Flipper over here and the Ninja Sea Turtles over there. I think everyone recognizes that we should look at the big picture from the species management point of view.

The second item is the global approach.

Mr. Chairman, we all remember the gross and graphic photos of dolphins being pulled up in nets and being dragged down. I would ask us all to remember, please remember, that graphic photo was not of an American tuna boat. It was of a foreign tuna boat. We can vote no on this proposal and act like we have washed our hands of the responsibility, but if we walk away from an international agreement to finally make the rest of the world responsible for addressing this problem with us, we will be walking away from an opportunity to save those dolphins for the future.

It is all fine to play Pontius Pilate and wash our hands and say we are so pure because we kept with the old law when we have walked way from this opportunity. I ask Members not to walk away from the opportunity of doing what is right for science, right for the dolphins, right for good environment.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I rise in opposition to H.R. 408.

Mr. Chairman, I believe this legislation allows for the altering of the dolphin-safe definition and permits fishermen to chase and net dolphins. Under H.R. 408, tuna would be labeled as dolphin-safe and permitted to enter the United States even if dolphins were chased, netted or harmed, seriously injured or even killed, as long as the dead dolphin was not observed. I think that was brought home by the gentlewoman from Oregon in what she said.

The current U.S. embargo on nondolphin-safe products has been effective in reducing the number of dolphin deaths. Last year there were only 2,374 dolphin deaths. Unfortunately, the enactment of H.R. 408 will allow for a doubling of last year's mortality rate to be at 5,000. If we look at this chart here, we can see basically the difference between the two piles of dolphins that were killed in 1996 as opposed to the numbers that would be authorized by H.R. 408. Obviously, it is a doubling, a significant difference.

Mr. Chairman, I think that it needs to be stressed that there are other options. The gentleman from California [Mr. MILLER] has introduced the Dolphin-safe Fishing Act, which I have cosponsored. The Miller bill would retain the current definition of dolphin-safe, ensuring that dolphin-safe cannot appear on cans of tuna in which the dolphins were chased, netted, killed, or seriously injured.

So we are not talking about something that is pie in the sky. There is an option. We do not need this bill. And I have to say that, as in the 104th Congress, I will not support a bill that does not include the dolphin-safe definition that I voted for under the Dolphin Protection Consumer Information Act. This is deception. People expect that, when they see the dolphin-safe label, that it means that dolphins are not being killed or seriously harmed or the other things that are going to be allowed under this bill.

I would urge Members of this House not to buckle to foreign demands and not to change our laws without the input from those who fought so hard to make sure the consumer safety standards and environmental concerns are enacted. I feel very strongly that what is going on here is a serious deception to the American public. When they take that can of tuna and it says dolphin-safe, it should mean that.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, CA [Mr. BILBRAY].

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Chairman, let me just say the 5,000 number is being bandied around as if whatever is on paper ends up being reality. The House of Representatives has to recognize it is a real world out there. The 5,000 number exists in the law today. The mortality rate is half of that. If the industries and the fishermen out there now are not killing at the rate of limit, how can we assume that somehow by keeping the same number it will double the kill? It is irrational. It is trying to play to emotions. Let us try to keep it to science.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, it is also true, is it not, that because of the observers on the boats that will be pursuant to the new law, that we have a realistic target of zero dolphins?

Mr. BILBRAY. That is the goal. Do not accept the old law that has basically caused things that we did not know, but take it one step further and go to zero. Zero option is the goal here. The fact is it is unfair for somebody to take a look at a number that exists today and then try to blame this legislation for possible killings that are not going on today.

Mr. MILLER of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the reason we are here is because we fully understand what is attempting to be done in this legislation; that is, to go from the current dolphin kill of 2,400 up to 5,000 with the intent of zero. I appreciate the intent to zero. The 5,000 is not in the law. That is an agreement. That is a voluntary agreement that we have.

The other thing that we know is not real about this is, again, there is an intent to reduce bycatch but there is no requirement that the bycatch be reduced. That is why over 80 organizations, labor organizations, organizations concerned about the humane treatment of animals, environmental organizations have all come out against this legislation.

I appreciate you have five environmental organizations. These are the same people that went out and negotiated along with this administration on NAFTA, told us this would never happen. And now as a result, we are back here because the Mexicans threaten either to kill more dolphins or to go the World Trade Organization and tell us to overturn American laws designed to protect consumers and to protect dolphins. That is why we are here today, because of the arrogance of these people in Mexico who have been fishing dolphins unsafe for the last 10 years.

Mr. SAXTON. Mr. Chairman, may I inquire of the Chair as to the time remaining on each side?

The CHAIRMAN. The gentleman from New Jersey [Mr. SAXTON] has 13½ minutes remaining, and the gentleman from California [Mr. MILLER] has 14½ minutes remaining.

Mr. SAXTON. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Maryland [Mr. GILCHREST], who worked so hard on this bill.

Mr. GILCHREST. Mr. Chairman, I will take a little more time later to explain all of the accusations by the other side of the aisle, but very quickly now, the reason there are fewer dolphin deaths in the eastern tropical Pacific is precisely because of this legislation. Twelve countries have agreed to use the regime, the structure to ensure that dolphins are not killed.

Prior to this legislation, prior to this agreement, if Members look at this photograph, this is the bycatch that we

were living under before. This agreement, if we sign into it, eliminates the bycatch problems. We were up to this number of dolphin deaths.

If we look on the top of this graph, each of these dolphins represent 5,000 dolphins dead. The Panama agreement, as it is now working, reduces this number down to this number. Because of this agreement, a few years ago the maximum number of acceptable dolphin deaths by the Panama agreement was 9,000. There were about 2,500 killed. Who pushed it down to a 5,000 maximum level? The United States.

What is the biological accepted limit for the number of dolphin deaths in the eastern tropical Pacific without endangering the species? Sixty thousand. Not only have we reduced it from 100,000 to 60,000 to 9,000 to 5,000, this legislation and this international agreement is going to push it down to lower than that.

Mr. MILLER of California. Mr. Chairman, I yield myself 15 seconds, to say that the gentleman has the sequence mixed up. It is current law that is driving that down. If we pass this law, we can add a dolphin on the bottom of the chart for the 5,000.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [(Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I thank my colleague, the gentleman from California [Mr. MILLER] for yielding me the time.

When consumers buy a can of tuna fish, American consumers, they buy this can labeled dolphin safe. That label means something to them. It means that they are not, through their purchase, killing dolphins. That is a guarantee that people care about, because after all it was the consumer, it was people who put pressure on the Congress to create the dolphin safe designation in 1990. The label has worked. As tuna fleets have catered to public demands for dolphin safe tuna, the number of dolphins killed each year has dropped from tens of thousands to just over 2,000.

But today we are being asked to pull a fast one on the American public. The bill under consideration would more than double the number of dolphin deaths but leave the dolphin safe label untouched. Consumers will not be told a thing about it. That is wrong.

It would also set a dangerous precedent in our relationships with our neighbor to the south, Mexico, and other trading partners who claim that America's high standards for environmental and consumer protection restrain trade.

At its core this bill is not designed to help the American tuna fleet, which is relatively small. It is designed to head off a contentious encounter with Mexico whose fishing fleet would rather not concern itself with dolphin safety when hauling in tuna. And as bad as this is for dolphins, it sets a precedent for Americans that is even worse.

If we let Mexico and other trading partners dictate our standards, we not only sacrifice our own sovereignty, we sacrifice our safety. We cannot afford to go backwards. We have come forward over the years. This takes us backwards.

America maintains high standards for a reason. Just 2 months ago, nearly 200 school children in my State of Michigan contracted hepatitis A virus from contaminated Mexican strawberries. These poison berries had been illegally slipped into our school lunch program. As a result, health officials had to give shots to more than 11,000 students in Michigan and California who might have been exposed to the virus.

□ 1615

We need to tighten our safety standards, not weaken them.

During the NAFTA debate 4 years ago, treaty proponents promised that the agreement would not be used to weaken U.S. environmental protections. The gentleman from Pennsylvania, [Mr. MURTHA], WHO WALKS IN FRONT OF ME NOW, KNOWS VERY WELL. HE WAS THERE ARGUING WITH ME ON THIS VERY POINT. BUT TODAY, UNDER THIS AGREEMENT AND UNDER GATT, COMMONSENSE MEASURES SUCH AS INCREASING INSPECTION OF IMPORTED FOOD, REQUIRING LABELS NOTING COUNTRY OF ORIGIN, AND PROVIDING CONSUMERS WITH THE OTHER RELEVANT INFORMATION ARE CONSIDERED TANTAMOUNT TO RESTRICTING TRADE.

So this is an issue we confront with dolphin-safe tuna labeling. Mexico first challenged our labeling law 6 years ago and is still demanding we lower our standards. This bill would do exactly that, and set a bad precedent in the process. It would send a signal to the world that America will weaken our consumer protection if we are challenged by a trading partner.

This is not a precedent we want nor is it one I will accept. America is the leader; we are not a follower. Our environmental and consumer standards are the highest in the world. Let us keep them that way, and I encourage others to meet them.

This bill asks us to condone the slaughtering of thousands of dolphins, then hide the truth from the American public. It will undermine our sovereignty, it will undermine our safety, it will perpetuate this crazy trade scheme we are now involved in around the world.

I urge my colleagues to vote ''no'' on this bill, and I commend my colleague from California for his leadership in opposition to it.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, the last speaker, and the gentleman managing the bill, this was so very important to them that under the rule, while they had another half-hour, they spent the whole time on another issue. So this must not be that important an issue for them to support, but it is to the American people.

Under the current system we can actually have a percentage of dolphin that go into a tuna safe label, and the American people are saying no, that is wrong. If we want to turn our heads to that, then we should go ahead and say we protect the old system. If we want to protect the old system that allows us to kill billfish and allows us to kill turtles, allows us to kill endangered species and bycatch, then we should go ahead and do not turn around because the current fishing methods they use damage those systems.

We are trying to improve it. Twelve other nations came together. That is pretty respectable. They are trying to make a change not just because of trade but because they are trying to protect the species for future generations. They understand this is how they make their livelihood and they want that to continue, not to end.

If we take a look at General McCaffrey and every organization, including the Vice President and the President of the United States, they say the gentlemen on the other side are wrong.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, we are here because of GATT and we need to acknowledge that. We are really here because of GATT telling the United States and telling this Congress and telling the American people that we have to follow a certain procedure in terms of dolphin safety.

I want to talk a little bit very quickly about specifics. This bill, if it passes, will allow a procedure in terms of catching tuna which uses dolphins, literally uses dolphins by helicopter sighting, and wraps around the necks of the dolphins, which openly is incredibly disturbing. The way the bill sets up the procedure to allow that fishing method to exist, with observers on tuna boats, is that if they do not kill a dolphin, then it can be labeled safe. And then the next catch, if they kill a dolphin, the next catch is not safe.

If we know the specifics of this legislation, it defies logic. It defies logic to think that it will work. It just cannot work. It is a bad deal for the American people, it is a bad deal for GATT, it is a bad deal for the dolphins. We can negotiate a better deal, and I urge its defeat.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from the State of Florida [Mr. DEUTSCH] and if he would yield to me for a question, I would ask him this.

We have a domestic law currently which regulates U.S. fishermen. There are 11 other countries in this fishery. What would the gentleman suggest that we do to domestic law to protect dolphins in the international fishery?

We have tried to put in place this international agreement. What would the gentleman suggest if he is opposed to our effort?

Mr. DEUTSCH. Mr. Chairman, I am really talking about the practical

level. And hopefully my colleague and I, both of us are well-intentioned with our desires.

But I think on a practical level the Mexicans, and that is what we are really talking about, the Mexican fishermen who want to enter the United States market, which they have not been able to do because of the marketing aspect of dolphin safe tuna, this really changed it.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the gentleman makes an important point. The fact is that the availability is there, as we have suggested, to renegotiate this. Half of the Mexican fleet, in fact, fishes dolphin-safe. The other half has chosen not to do that. And what they would prefer, rather than fish dolphin-safe, is to drive down the laws of the United States.

Mr. SAXTON. Mr. Chairman, I yield myself 10 seconds to say that the gentleman from California just proved my point. He said that half of the international community is not complying. Those were his words. And this agreement brings them voluntarily into compliance.

Mr. MILLER of California. I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Chairman, why are we giving away our national sovereignty in the name of global trade?

H.R. 408 is a giveaway of our national right to self-determination. What it does is, it repeals the U.S. ban on tuna caught by methods that kill dolphins and depletes the meaning of the dolphin-safe label which American consumers want and count on.

The reason we are here today to consider repealing an important United States law, is because an international panel of trade bureaucrats determined, in a case brought against the United States by Mexican fishing and governmental interests, that the American dolphin-safe standard was a barrier to trade. Get that, a barrier to trade. And a barrier to America's high trade standards.

I believe that the American people do not want to erase significant achievements in consumer workplace and environmental protection. America's high standards should not be for sale nor should they be for trade.

Vote ''no'' on H.R. 408 and let us preserve our sovereignty. Protect our democratic institutions and carry out our constitutional duties to represent the wishes and the best interests of our constituents rather than international trade bureaucrats.

PARLIAMENTARY INQUIRY

Mr. SAXTON. Mr. Chairman, may I make a parliamentary inquiry at this point?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SAXTON. Mr. Chairman, is it not this Member's right to close the debate?

The CHAIRMAN. The gentleman is correct.

Mr. SAXTON. And may I ask for the time remaining on each side?

The CHAIRMAN. The gentleman from New Jersey [Mr. SAXTON] has 9¾ minutes remaining, and the gentleman from California [Mr. MILLER] has 8¾ minutes remaining.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Maryland, [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to respond to the gentleman from New Jersey about his statement where the United States is giving up its sovereignty.

A couple of quick points. When the gentleman from California [Mr. CUNNINGHAM] and myself began to work on this particular issue, to us, to the gentleman from California and myself, this had nothing to do with GATT, it had absolutely nothing to do with NAFTA, it had nothing to do with the World Trade Organization, it had nothing to do with sovereignty of anybody. We knew we were going to retain our sovereignty.

We came up with this regimen, with this idea, with this structure with many other groups, including our U.S. State Department and including Greenpeace, an environmental organization that opposes GATT.

This is not about GATT or NAFTA, this is about protecting dolphins in the eastern tropical Pacific Ocean. This is about protecting the marine ecosystem in the eastern tropical Pacific with an international agreement. This has nothing to do with the U.S. giving up our sovereignty. We, in fact, are imposing this structure on 11 other countries.

So this is about the United States retaining our sovereignty and entering into an international agreement to protect the marine ecosystem in the Pacific Ocean.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I differ with my colleagues on the other side. I think, in fact, we are here because of the international trade agreements. I believe we are here because there are those who insist that somehow that American environmental labor standards will be destroyed on the altar of what is called free trade.

This is a bad bill. It is bad environmental policy, it is bad trade policy, and it is bad foreign policy. It does precisely what we were told NAFTA and GATT would not do: It demands that U.S. sovereignty play second stage to the demands of our trading partners.

I appreciate why the gentleman is involved, and he is involved in good faith in this legislation, but we are here today because of those international agreements, because of those demands of our trading partners that somehow we change the label because they view this as a trade barrier to free trade. Rather than them change the manner in which they fish, rather than their engaging in fishing as our fleet does, as a good portion of the Mexican fleet does, they have chosen to go ahead and to decide to fish in a manner which is dolphin unsafe.

Less than a decade ago, millions of American consumers, led by the schoolchildren of this Nation, demanded the creation of the dolphin protection law because of the needless slaughter of hundreds of thousands of marine mammals by tuna fishermen. The U.S. tuna industry responded by announcing they would only sell dolphin-safe tuna.

The Congress, after lengthy deliberations that included all the stockholders, passed a law establishing dolphin-safe labeling standards. Those efforts have had a dramatic success. That is the current law. Dolphin deaths last year were less than 2,400 dolphins compared to more than 100,000 a few years ago.

The dolphin protection law has worked, but because the bill before us today would renounce the very program that has achieved the goals we sought when the dolphin protection law was enacted, I do not think we should go along with those calls for repeal.

Why on Earth would we so grievously weaken the very law that has worked so well? Not on behalf of American consumers, not on behalf of dolphin protection, no, it is on behalf of Mexico, Venezuela, Colombia, and other nations that are trying a little bit of environmental blackmail. They have said that if we do not weaken our laws, if we do not allow dolphin unsafe tuna into this country, they will go out and slaughter more dolphins.

That is the blackmail. If we do not change our laws that American consumers demand, they reserve the right to go out and fish in a manner that would cause the slaughter of thousands and thousands, tens of thousands of dolphins. What they will find out is that product is not welcome here and it is not welcome anywhere. We cannot become a party to that deception.

There are some very serious problems with this legislation, and the most important is that it would do exactly what the proponents of the trade agreements pledged it would not do, driving down these environmental standards through pressures from countries who do not want to meet those standards.

Let us be clear. The driving force is Mexico, that does not want to meet these standards for dolphin-safe labeling. The fact is that H.R. 408 allows the dolphin deaths to double. On its way to zero it insists it has to go to 5,000.

The fact is it is a little bit like the balanced budget amendment last night. On our way to a balanced budget in the year 2002, we have to increase the deficit in 1998 and 1999. I do not get it, the

American people do not get it, but that is why 80 labor, environmental, animal rights organizations from all across the country and all across the world have joined to oppose this legislation, and we ought to stand with those individuals.

We understand that it is not just about dolphins being killed, it is about, as allowed under this legislation, the continued harassment, the encircling and the injuring of those dolphins. If they can kick a live dolphin overboard, if they can throw them out of the net, then somehow it is all dolphin-safe.

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Yet, we do not know that to be true. That is why they have a study. We would suggest maybe they would want to do the study and find out in fact whether it is true or not before they decide to change the label and allow people to fish in the dolphin unsafe fashion.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank the gentleman from California [Mr. MILLER], who was on a pretty good roll. I think he was making some very good points, and I appreciate him taking the time to yield to me.

The bottom line for me, Mr. Chairman, is that the Americans, as the gentleman from California [Mr. MILLER] said, made a decision and, in fact, they said we are not going to buy tuna, we are going to boycott this product until we are sure that these dolphins are not being killed. At least it is held at a minimum. So the Americans decided and this Congress decided that we were going to enact a law. We took a course of action.

Mexico did not like that course of action. But you know what? They do not control the United States Congress in Mexico. We control the United States Congress. At least, I thought we did, until we finally came up with something that was passed back in 1994 by a lame-duck Congress called GATT. And this has really left us with the situation right now where, in order to try to comply with the terms of the new GATT, we have some people in this country, in Washington, DC, that are saying, let us lower our standards in regard to the safety of dolphins, let us not be as concerned as we are with the dolphins.

But at least two stocks of dolphins, the eastern spinner dolphin and the northern offshore spotted dolphin, now are less than 25 percent of their original populations. Although the supporters of H.R. 408 claim these stocks should be recovering and this legislation would allow them to recover, the reality is they are not recovering in spite of years of lowered mortality.

And we believe that the reason for this, the complete lack of recovery, is that the stocks are severely affected by constantly being chased and netted. I agree with the gentleman from California [Mr. MILLER] that there is a threat hanging over these dolphins. The threat is, if we do not pass H.R. 408, if we do not drop our standards for dolphins, that the Mexicans are going to go out, their fisherman are going to go out and even deplete more of the dolphin stock in the eastern Pacific. This is a shame, and we should not put up with it. We should vote against H.R. 408.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would urge my colleagues to vote against this legislation. I think this is a bad bill. It is bad for the environment. It is bad for the dolphins. It is bad for American trade policy. And I urge the House to vote ''no''.

Mr. Chairman, I yield back the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to comment on one statement that my friend, the gentleman from California [Mr. MILLER] just made. He said, I believe he used these exact words, this bill will drive down environmental standards.

Greenpeace does not think so. That is why they endorsed it. The World Wildlife Fund, the Center for Marine Conservation, the National Wildlife Federation, and the Environmental Defense Fund do not think it will drive down environmental standards either. They think it will help to save endangered species like the sea turtle because of our change in fishing methods mandated under the new bill.

Mr. Chairman, I yield the remainder of our time to the gentleman from Maryland [Mr. GILCHREST].

The CHAIRMAN. The gentleman from Maryland [Mr. GILCHREST] is recognized for 7¾ minutes.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding. I also want to reemphasize the participation of the gentleman from California, DUKE CUNNINGHAM, in this legislation. His efforts started back in 1992.

It has been mentioned on the floor here a number of times that the United States only has a small fishing fleet related to tuna fish. The reason for that is that our fishing fleet virtually became extinct because of the embargo that we have placed on importing tuna using encirclement of dolphins.

Now while we want to protect the dolphins, and this legislation will in fact protect the dolphins, DUKE CUNNINGHAM and a number of other people along the southern coast of southern California also wanted to protect the livelihood of individuals that fished throughout the Pacific Ocean, especially the eastern tropical Pacific Ocean, to pay their mortgages and raise their children and have a quality of life and standard of living that all of us would want to achieve. And because of the mismanagement of the legislation and because of the lack of ability to come to an international agreement, most of those people lost their jobs.

So what happens? Do we ignore that? I think we, as human beings, are intelligent enough to do two things: Provide jobs for people that need to extract natural resources and, also, protect those natural resources. And that is exactly what this legislation does.

A number of people on the other side of the aisle mentioned numerous times that dolphin deaths have been reduced down to about 2,500. The reason for that is the agreement reached by these 12 countries, which the United States needs to now become a partnership with, these other 11 countries, countries like Belize, Columbia, Costa Rica, Equador, France, Honduras, Mexico, Panama, and Spain.

How do we treat these other countries in the international community? Do we insult them or do we treat them with dignity and respect? Can we solve all the world's environmental problems alone, just the United States, or do we need to have some sense of responsibility on this globe to have an agreement with our neighbors? We cannot solve the environmental problems for this world in the United States alone. We need international agreements.

This international agreement does the two things that we need to have done. It provides jobs for people. It raises their standard of living. And it also protects the environment. This protects the marine ecosystem by looking at it as a complete system.

Now, my colleagues have mentioned a number of times that the dolphin deaths have been reduced dramatically; and, yes, that is correct, because of the Panama agreement. This was under the Marine Mammal Protection Act when just the United States adhered to it.

If you look at the chart over here, each one of these dolphins represents 5,000 deaths. This is under our environmental regulations, the Marine Mammal Protection Act. But we could not do it alone. This is what it looks like now with this agreement, with 12 countries involved in understanding, yes, these 12 countries are going a long way into understanding the mechanics of natural processes. We have to do that.

The next frontier on this planet is not space. The next frontier is understanding how we live on this planet with a bulging population, we cannot do anything about that, with all our neighbors bulging even more than this country, trying to understand how we can fit in with the limited resources. With more people catching fewer fish, we need to produce more fish; and this is the agreement that will do that.

I would like to just go over some of the charges from the other side. Our State Department, our State Department, our U.S. State Department negotiated this deal, not some foreign country. Our State Department negotiated this deal with mutual respect for the countries involved.

The gentleman from Hawaii [Mr. ABERCROMBIA] said that we knuckled under to the State Department because we would not negotiate a change of

words in the agreement. Well, the two words that Mr. ABERCROMBIA is talking about is ''shall,'' and Mr. ABERCROMBIA wanted the word ''shall''; the agreement says the word ''should.'' We looked into that, and it is unconstitutional for the U.S. Constitution to tell the State Department ''you shall do this.'' It is just a matter of semantics.

Now the label dispute. If you pick up a can of tuna fish, I do not happen to have one right here, but if you pick up a can of tuna fish, it has a little dolphin on it. That dolphin means that that can of tuna fish is dolphin safe. But, in all practicality, nobody in the eastern tropical Pacific, the western tropical Pacific, or anywhere in the Pacific Ocean knows whether or not any of those tuna fish were caught without killing dolphins. There are no observers. There are no observers anywhere. So we just simply do not know.

The present regime of dolphin safe is specific to a gear or a fishing technique. It has nothing to do with whether or not dolphins were killed. What we tried to do in our bill, or what we do in our bill, is to ensure that every single boat that sells tuna fish in the United States, whether they are from Panama, or France, or Belize, or Mexico, or anywhere, every single boat must have a licensed biological observer on board. And if he or she observes a dolphin being killed, they cannot label that dolphin safe.

The gentlewoman from Oregon [Ms. FURSE] talked about the stress of dolphins. I want to show my colleagues the stress of bycatch without this legislation. If you look, you will see sharks, you will see sea turtles, you will see juvenile tuna fish, you will see a whole range of marine mammals. This is not stress, this is death.

Now about the stress of dolphins being encircled. The National Science Foundation in 1992 found absolutely no evidence that dolphins were stressed when they were encircled and then pushed out of the back of the net. California at Berkeley biologists found no evidence of stress in the dolphins. And yet we have put into this bill $1 million to further study this issue. And if we find out that there is any stress at all, then we are going to change the regime.

The issue of sovereignty has come up a number of times. This is not about sovereignty. This is about the United States imposing this regime on 12 other countries. I encourage the House to vote for H.R. 408.

Ms. ESHOO. Mr. Chairman, I rise today in opposition to H.R. 408, the International Dolphin Conservation Program Act. This bill is flawed on several counts. I have two primary concerns. First, the bill doubles the amount of dolphins allowed to be killed every year. Second, it makes a mockery of the dolphin-safe label used on all tuna sold in the United States.

As a supporter of free trade, including NAFTA, I do not believe that trade should be a reason for the United States to change its definition of ''dolphin-safe.'' We can address the specific trade concerns raised by Mexico and other countries which are subject to tuna embargo because of their fishing practices which result in the death of dolphins, without denying or lying to the American consumer.

If we pass H.R. 408, dolphin-safe will merely mean ''no dolphin killed,'' even though dolphins can be chased, encircled, injured, pulled onto a boat and dumped back in the ocean under this bill. This would be considered safe, as long as the dolphin is not seen dying on the boat or in the net. Mother dolphins can be separated from their feeding young, chased dolphins can be exhausted and fatigued to the point of death by cruel practices, but it will be called dolphin-safe under this bill.

I urge my colleagues to reject this bill. Let's keep truth in labeling. Don't lie to the American consumer.

Ms. PELOSI. Mr. Chairman, I rise in opposition to this legislation. H.R. 408 is a deeply flawed bill that threatens marine mammal populations to the benefit of foreign trading partners. This bill is bad for trade, bad for the environment, and bad for consumers.

In 1990, environmental, animal and consumer activists won a victory with the advent of the dolphin-safe label for commercially sold tuna. From that time, no product could be labeled dolphin-safe if the tuna were caught by chasing, harassing, or netting dolphins. The dolphin-safe label has worked to preserve dolphin populations. After Congress adopted its ban of imported tuna caught using enclosure nets in 1992, the dolphin mortality rate dropped from 100,000 per year to 2,754 last year.

The bill before us would change the meaning of dolphin-safe to allow activities that would include highspeed chases with boats and helicopters, the separation of mothers from their calves, the withholding of food from trapped schools and the deliberate injury of dolphins to prevent the school from escape.

In fact, almost any fishing activity would be termed dolphin-safe provided that no dolphins were observed to die during the catch. Prior to the dolphin-safe label, dolphin populations had been depleted by as much as 80 percent. The dolphin-safe label stopped this trend and proved to be one of the most successful consumer initiatives in U.S. history. Americans care about what is left of our natural environment and the threatened creatures who inhabit it.

Dolphin-safe must mean that dolphins are safe and not unnecessarily injured or killed in the hunt for tuna. H.R. 408 allows an increase in dolphin deaths and unlimited injury and harassment of dolphins. That is by no means dolphin-safe.

Proponents of H.R. 408 would have foreign trading partners define our domestic markets without congressional oversight and without public scrutiny. H.R. 408 is designed to solve a trade problem defined by foreign fisheries—not an environmental problem defined by the American public. If enacted, this law would establish a precedent for other labeling laws designed to protect and inform American consumers.

Americans rely on labeling information. We cannot allow foreign interests to determine our domestic priorities and relax our higher environmental standards. If foreign corporations are successful in relaxing our labeling laws, American consumers will not have information about the safety or origin of the products they buy. The dolphin label works and consumers have overwhelmingly supported dolphin-safe tuna at the market. H.R. 408 is an attempt by foreign interests to compete unfairly with American higher standards.

Mr. Chairman, I urge our colleagues to vote against H.R. 408 which would enable us to keep the promise made to the American people. Trade agreements should not result in the weakening of U.S. environmental laws. I urge a ''no'' vote on the bill.

Mr. STARK. Mr. Chairman, when Congress considered NAFTA, members of this committee received the unqualified assurance form Ambassador Kantor that U.S. environmental laws and standards would not be lowered if Congress approved the agreement.

Well—here we are—about to do just that as we consider the Gilcrest bill and its changes to the dolphin-safe label.

A brief explanation of the fishing techniques of the Mexicans—our trading partner pushing for the change in law—might help the Members understand what is at stake here. Schools of large yellow fin tuna swim beneath schools of dolphins in the eastern tropical Pacific Ocean. The dolphin schools—often 400–500 animals—are chased at high speeds by helicopter and speed boats for periods of 30 minutes to several hours. When the dolphins become too exhausted to swim, encircling nets are dropped around the dolphins and the tuna.

Many dolphins become trapped in the nets and drown. Others die from injury of extreme exhaustion.

After an outcry from Americans, many of them school children, U.S. tuna companies announced in 1990 that they would not buy tuna caught while harming dolphins. The U.S. tuna fleets moved to the waters of the western Pacific nations where the tuna do not swim with the dolphins. The Dolphin Protection Consumer Information Act, 1990, codified that tuna harvested with large-scale nets is not dolphin-safe.

H.R. 408 lowers our labeling standards and misleads the American people. It would allow tuna to be labeled dolphin-safe even though it was caught with encirclement techniques that we know killed and injured hundreds of thousands of dolphins before environmental laws and industry practices changed fishing techniques.

H.R. 408 would allow tuna to be certified ''dolphin-safe'' merely if an observer didn't see any dolphins die. However, nothing in this bill would preclude severely injured dolphins to be dumped back into the sea to die.

H.R. 408 would condone 5,000 dolphins deaths in 1997 in exchange for a promise of reduced dolphin mortality in future years. If this bill were a serious attempt to reduce dolphin mortality in tuna fishing, it would have started with current mortality levels of 2,574 in 1996.

American consumers—American children—deserve a dolphin-safe label that they can take at face value—one that means what it says. We have a labeling system that consumers trust. Altering the meaning of the label is nothing short of consumer fraud.

Mr. Speaker, I strongly object to our environmental laws being dictated by the Mexican fishing industry and I rise in opposition to H.R. 408.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of H.R. 408, which will lock in strong,

enforceable international dolphin protection measures, and prevent the loss of other sensitive or endangered species to ''bycatch'', such as sharks, sea turtles, and juvenile tunas.

In doing this, I don't intend to talk about sinister foreign policy conspiracies, environmental sovereignty violations, black helicopters, and the like, but rather about marine species management. I strongly believe that the battle for sound species management is never over; it is not accurate or practical to say ''well, we took care of that problem in the 1970's or the 1980's, so we don't need to revisit it to make sure it is working the way we intended it to.''

We are trying to embrace the idea of moving beyond single-species management to multispecies management, and looking at the big picture, the interrelationship of all species among themselves and the environment. As part of this, we need to pursue expansion of our domestic species management strategies into an international approach; to take the good science that we try to apply to our national environmental plans and use it to address broader concerns.

Some today would prefer to believe that dolphins and only dolphins are the issue at hand. But we have to recognize that the time has come for more global, long-term policies to assure that we address the question of dolphin protection in the big picture.

I think that the Panama Declaration is one of those rare products which recognizes that to be effective, we have to look at the whole environment, and not simply have tunnel vision, or a ''species of the month'' mentality. We have to be able to expand our perspectives, and move to a broader, more inclusive management approach. This means going beyond simple defense of the status quo.

The status quo is not something that you or I want to carry into the next century, and say ''this is the best America and the word could do for the ocean and all its wildlife.'' We have taken a world leadership role in environmental strategies up to this point. There are those who would say that isolationism, in either trade, or foreign policy, or even environmental issues is the way we should proceed.

I strongly disagree with this philosophy, and believe that we have to maintain our role as the world leader in establishing sound conservation strategies. This is essential if we are to avoid letting problems go unnoticed until they reach crisis proportions, such as a sea turtle population or fish species beginning to ''crash'' from the law of unintended consequences.

This issue of ''bycatch'' is one that has to be addressed, and will be addressed in the context of H.R. 408. I doubt that any of us mean to say ''the only priority of this Congress is dolphins and only dolphins, and we don't want to be bothered with the accidental destruction of other species other than dolphins''.

The agreement which is embodied in H.R. 408 locks in our existing successes in increased dolphin protection, and reduced mortality rates. More importantly, it expands the sophistication of our conservation strategy to take into account the impacts on endangered sea turtles, or billfish, and especially immature and nonmarketable young tuna. We shouldn't focus on one species only, at the expense of others, yet this is what is happening under existing fishing practices.

H.R. 408 does the right thing—it will continue our amazing record of success in balancing strong dolphin protection measures with progressive tuna fishing methods, and expand those protections to include other species which are now being negatively impacted by the old strategy. We need to be brave enough to take this step. We who claim to truly care about the environment have not only the right, but the responsibility, to do the right thing to improve and strengthen our environmental laws when science indicates there is a need to do so.

To my colleagues today, I say this—if we want to truly save dolphins for our children and theirs, and to take a comprehensive approach to protecting sensitive ocean species, then we need to move this bill forward. The President will sign it into law, and sound science and bipartisanship will have triumphed over emotion to do the right thing for our environment. Let's take this step to make that happen. Support H.R. 408.

[From the San Diego Union Tribune, June 7, 1996]

SCIENTIST HAILED FOR SAVING DOLPHINS

(By Steve La Rue)

Dolphin deaths in tuna fishing nets have declined by about 98 percent since 1986 in the Eastern Pacific Ocean, and a San Diego marine scientist will get a large share of the credit tonight when he receives San Diego Oceans Foundation's highest award.

The annual Roger Revelle Perpetual Award will be presented to James Joseph, director of the La Jolla-based Inter-American Tropical Tuna Commission since 1969.

With Joseph at the helm, the eight-nation commission has mounted a sustained effort to reduce drowning deaths of dolphins in tuna fishing nets. Its success could help unlock a decades-old environmental dispute and end a U.S. embargo on tuna caught by boats from Mexico and other countries that look for the popular fish under dolphin schools.

Large tuna often swim under schools of dolphin in the Eastern Pacific Ocean for reasons that are not entirely understood. Fishing boats historically have encircled these surface-swimming schools with their nets, cinched the nets shut at the bottom, then reeled in their catch.

Air-breathing dolphins drowned in vast numbers, because they were snared in the nets and dragged under water. As estimated 133,174 dolphins died this way in 1986, but the total fell to an estimated 3,274 last year, according to the commission.

The decline has come through a variety of measures, including placement of observers on every tuna boat in the Eastern Pacific, newer equipment for some boats, better training of tuna crews and captains, special attention to individual boats with high-dolphin kills and other measures.

Joseph said the dolphin mortality level is now so low that it cannot affect the survival of any of the dolphin species.

''The dolphins increase at a rate of from 2.5 to 3.5 percent per year. The mortality for every (dolphin) stock as a percentage of every stock is less than one-tenth of 1 percent.'' he said.

In other words, a great deal more young dolphins are born and survive each year than die in tuna nets. There are about 9.5 million dolphins in Eastern Pacific populations in all, and none of their several species—including common, spinner and spotted dolphins—is endangered.

''We continue to take the approach that we can bring it lower, and we continue to work in that direction. It is essential that we keep all of the countries involved in this fishery cooperating in our program,'' Joseph said.

Commission members include Costa Rica, France, Nicaragua, Panama, the United States, the Pacific island-nation of Vanuatu and Venezuela.

Frank Powell, executive director of Hubbs-Sea World Research Institute and last year's award winner, praised Joseph in a prepared statement as ''A first-class biologist who has devoted his entire career to the ocean. He has been instrumental in reducing the number of dolphin fatalities related to tuna fishing.''

The award—a wood sculpture of a garibaldi fish that remains in Scripps Bank's La Jolla office—will be presented tonight at the San Diego Oceans Foundation benefit dinner.

The foundation is a volunteer organization committed to preserving San Diego's bays and ocean waters. The Roger Revelle Perpetual Award is named for the late scientist who was a founder of UCSD and director of the Scripps Institution of Oceanography.

Lowering the dolphin kill also was a prelude to the introduction of proposed federal legislation to allow tuna caught by setting nets around dolphin schools to be sold in the United States as ''dolphin-safe''—but only if the commission's onboard observers certify that no dolphins were killed.

Under current law, no tuna can be sold as ''dolphin-safe'' in this country if they are caught by setting nets around dolphin schools.

The issue also has split environmental groups, Greenpeace, the Center for Marine Conservation, the Environmental Defense Fund, and the National Wildlife Federation support the proposed law. The Earth Island Institute, the Sierra Club, the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals oppose it.

Because of the current law and other factors, the U.S. tuna fishing fleet, which once numbered 100 vessels and was prominent in San Diego, has shrunk to 40 vessels operating in the Western Pacific and 10 in the Eastern Pacific.

The Earth Island Institute said in a statement that the legislation would allow, ''Foreign tuna attained by the blood of dolphins to be sold on U.S. supermarket shelves'' and allow ''chasing, harassing, injuring, and encircling dolphins as long as no dolphins were 'observed' to be killed outright.''

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 408, a bill to amend the Marine Mammal Protection Act of 1972.

It is unfortunate that after over 20 years the progress made by the United States tuna industry regarding technology and methods of how to best harvest tuna with the goal of saving dolphins is at risk. It is in the nature of dolphins to swim along with schools of tuna and if the nets are not designed to prevent dolphin capture and subsequent drowning, then many more dolphins will die. The provisions of the Marine Mammal Protection Act of 1972 which protect these dolphins is now on the endangered legislation list by the consideration of H.R. 408.

I would like to remind my colleagues that it is not good public policy to go along to get along, especially in the form of this International Dolphin Conservation Program which would cost more than just the lives of thousands of dolphins. This legislation would renege on an agreement with the American tuna consumer by allowing the dolphin-safe label to be reduced to a ridiculous meaningless state.

Charlie Tuna's proud announcement that Starkist tuna would carry the safe-for-dolphins label heralded the end to consumer boycotts

and protests regarding the plight of dolphins as a result of industrial tuna fishing.

Our children have grown up learning to love dolphins from the popular television shows and aquatic attractions around the Nation which feature dolphin exhibitions. Their outstanding abilities to learn and remember complicated tasks have been compared to human beings. The remarkable thing about dolphins is that they harbor no harm toward human beings and have been an aid to us as we attempt to better understand the oceans which comprise three-fifths of the Earth's surface.

Today, this Congress should not leave the dolphins' fate to the four winds. The American consumer demonstrated their commitment to the preservation of the dolphins during the 1970's with boycotts of tuna sales and public demonstrations indicating a willingness to pay more per can for tuna if that is what it would take to save them. The American consumer insisted on knowing which companies were and were not complying with better methods of harvesting tuna by the display of the tuna safe symbol.

I ask that my colleagues vote against this measure and work to move other countries to our environmental high ground.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 pursuant to clause 6 of rule XXIII is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 408

OFFERED BY: MR. YOUNG OF ALASKA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''International Dolphin Conservation Program Act''.

(b) REFERENCES TO MARINE MAMMAL PROTECTION 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 Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purposes of this Act are—

(1) to give effect to the Declaration of Panama, signed October 4, 1995, by the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States of America, Vanuatu, and Venezuela, including the establishment of the International Dolphin Conservation Program, relating to the protection of dolphins and other species, and the conservation and management of tuna in the eastern tropical Pacific Ocean;

(2) to recognize that nations fishing for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with that fishery; and

(3) to eliminate the ban on imports of tuna from those nations that are in compliance with the International Dolphin Conservation Program.

(b) FINDINGS.—The Congress finds the following:

(1) The nations that fish for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortalities associated with the purse seine fishery from hundreds of thousands annually to fewer than 5,000 annually.

(2) The provisions of the Marine Mammal Protection Act of 1972 that impose a ban on imports from nations that fish for tuna in the eastern tropical Pacific Ocean have served as an incentive to reduce dolphin mortalities.

(3) Tuna canners and processors of the United States have led the canning and processing industry in promoting a dolphin-safe tuna market.

(4) 12 signatory nations to the Declaration of Panama, including the United States, agreed under that Declaration to require that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with a commitment and objective to progressively reduce dolphin mortality to a level approaching zero through the setting of annual limits.

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

''(28) The term 'International Dolphin Conservation Program' means the international program established by the agreement signed in La Jolla, California, in June 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama, that requires—

''(A) that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with the commitment and objective to progressively reduce dolphin mortality to levels approaching zero through the setting of annual limits;

''(B) the establishment of a per-stock per-year mortality limit for dolphins, for each year through the year 2000, of between 0.2 percent and 0.1 percent of the minimum population estimate;

''(C) beginning with the year 2001, that the per-stock per-year mortality of dolphin not exceed 0.1 percent of the minimum population estimate;

''(D) that if the mortality limit set forth in subparagraph (A) is exceeded, all sets on dolphins shall cease for the fishing year concerned;

''(E) that if the mortality limit set forth in subparagraph (B) or (C) is exceeded sets on such stock and any mixed schools containing members of such stock shall cease for that fishing year;

''(F) in the case of subparagraph (B), to conduct a scientific review and assessment in 1998 of progress toward the year 2000 objective and consider recommendations as appropriate; and

''(G) in the case of subparagraph (C), to conduct a scientific review and assessment regarding that stock or those stocks and consider further recommendations;

''(H) the establishment of a per-vessel maximum annual dolphin mortality limit consistent with the established per-year mortality caps; and

''(I) the provision of a system of incentives to vessel captains to continue to reduce dolphin mortality, with the goal of eliminating dolphin mortality.

''(29) The term 'Declaration of Panama' means the declaration signed in Panama City, Republic of Panama, on October 4, 1995.''.

SEC. 4. AMENDMENTS TO TITLE I.

(a) AUTHORIZATION FOR INCIDENTAL TAKING.—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended as follows:

(1) By inserting after the first sentence ''Such authorizations may also be granted under title III with respect to the yellowfin tuna fishery of the eastern tropical Pacific Ocean, subject to regulations prescribed under that title by the Secretary without regard to section 103.''.

(2) By striking the semicolon in the second sentence and all that follows through ''practicable''.

(b) DOCUMENTARY EVIDENCE.—Section 101(a) (16 U.S.C. 1371(a)) is amended by striking so much of paragraph (2) as follows subparagraph (A) and as precedes subparagraph (C) and inserting:

''(B) in the case of yellowfin tuna harvested with purse seine nets in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

''(i) the tuna or products therefrom were not banned from importation under this paragraph before the effective date of the International Dolphin Conservation Program Act;

''(ii) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, such harvesting nation is either a member of the Inter-American Tropical Tuna Commission or has initiated (and within 6 months thereafter completed) all steps (in accordance with article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission) necessary to become a member of that organization;

''(iii) such nation is meeting the obligations of the International Dolphin Conservation Program and the obligations of membership in the Inter-American Tropical Tuna Commission, including all financial obligations;

''(iv) the total dolphin mortality permitted under the International Dolphin Conservation Program will not exceed 5,000 in 1997, or in any year thereafter, consistent with the commitment and objective of progressively reducing dolphin mortality to levels approaching zero through the setting of annual limits and the goal of eliminating dolphin mortality; and

''(v) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, and such harvesting nation has not vetoed the participation by any other nation in such Program.''.

(c) ACCEPTANCE OF EVIDENCE COVERAGE.—Section 101 (16 U.S.C. 1371) is amended by adding at the end the following new subsections:

''(d) ACCEPTANCE OF DOCUMENTARY EVIDENCE.—The Secretary shall not accept documentary evidence referred to in section 101(a)(2)(B) as satisfactory proof for purposes of section 101(a)(2) if—

''(1) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary to allow a determination of compliance with the International Dolphin Conservation Program;

''(2) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary in a timely manner

for the purposes of tracking and verifying compliance with the minimum requirements established by the Secretary in regulations promulgated under subsection (f) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)); or

''(3) after taking into consideration this information, findings of the Inter-American Tropical Tuna Commission, and any other relevant information, including information that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the International Dolphin Conservation Program, the Secretary, in consultation with the Secretary of State, finds that the harvesting nation is not in compliance with the International Dolphin Conservation Program.

''(e) EXEMPTION.—The provisions of this Act shall not apply to a citizen of the United States who incidentally takes any marine mammal during fishing operations outside the United States exclusive economic zone (as defined in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(6))) when employed on a foreign fishing vessel of a harvesting nation which is in compliance with the International Dolphin Conservation Program.''.

(d) ANNUAL PERMITS.—Section 104(h) is amended to read as follows:

''(h) ANNUAL PERMITS.—(1) Consistent with the regulations prescribed pursuant to section 103 and the requirements of section 101, the Secretary may issue an annual permit to a United States vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

''(2) Annual permits described in paragraph (1) for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 304, subject to the regulations issued pursuant to section 302.''.

(e) REVISIONS AND FUNDING SOURCES.—Section 108(a)(2) (16 U.S.C. 1378(a)(2)) is amended as follows:

(1) By striking ''and'' at the end of subparagraph (A).

(2) By adding at the end the following:

''(C) discussions to expeditiously negotiate revisions to the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 UST 230, TIAS 2044) which will incorporate conservation and management provisions agreed to by the nations which have signed the Declaration of Panama;

''(D) a revised schedule of annual contributions to the expenses of the Inter-American Tropical Tuna Commission that is equitable to participating nations; and

''(E) discussions with those countries participating or likely to participate in the International Dolphin Conservation Program, to identify alternative sources of funds to ensure that needed research and other measures benefiting effective protection of dolphins, other marine species, and the marine ecosystem;''.

(f) REPEAL OF NAS REVIEW.—Section 110 (16 U.S.C. 1380) is amended as follows:

(1) By redesignating subsection (a)(1) as subsection (a).

(2) By striking subsection (a)(2).

(g) LABELING OF TUNA PRODUCTS.—Paragraph (1) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(1)) is amended to read as follows:

''(1) It is a violation of section 5 of the Federal Trade Commission Act for any producer, importer, exporter, distributor, or seller of any tuna product that is exported from or offered for sale in the United States to include on the label of that product the term 'Dolphin Safe' or any other term or symbol that falsely claims or suggests that the tuna contained in the product was harvested using a method of fishing that is not harmful to dolphins if the product contains any of the following:

''(A) Tuna harvested on the high seas by a vessel engaged in driftnet fishing.

''(B) Tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (2).

''(C) Tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (3).

''(D) Tuna harvested by a vessel engaged in any fishery identified by the Secretary pursuant to paragraph (4) as having a regular and significant incidental mortality of marine mammals.''.

(h) DOLPHIN SAFE TUNA.—(1) Paragraph (2) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(2)) is amended to read as follows:

''(2)(A) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the vessel is of a type and size that the Secretary has determined, consistent with the International Dolphin Conservation Program, is not capable of deploying its purse seine nets on or to encircle dolphins, or if the product meets the requirements of subparagraph (B).

''(B) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the product is accompanied by a written statement executed by the captain of the vessel which harvested the tuna certifying that no dolphins were killed during the sets in which the tuna were caught and the product is accompanied by a written statement executed by—

''(i) the Secretary or the Secretary's designee;

''(ii) a representative of the Inter-American Tropical Tuna Commission; or

''(iii) an authorized representative of a participating nation whose national program meets the requirements of the International Dolphin Conservation Program,

which states that there was an observer approved by the International Dolphin Conservation Program on board the vessel during the entire trip and documents that no dolphins were killed during the sets in which the tuna concerned were caught.

''(C) The statements referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be valid only if they are endorsed in writing by each exporter, importer, and processor of the product, and if such statements and endorsements comply with regulations promulgated by the Secretary which would provide for the verification of tuna products as dolphin safe.''.

(2) Subsection (d) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)) is amended by adding the following new paragraphs at the end thereof:

''(3) For purposes of paragraph (1)(C), tuna or a tuna product that contains tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if—

''(A) it is accompanied by a written statement executed by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested; or

''(B) in any fishery in which the Secretary has determined that a regular and significant association occurs between marine mammals and tuna, it is accompanied by a written statement executed by the captain of the vessel and an observer, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the particular voyage on which the tuna was harvested.

''(4) For purposes of paragraph (1)(D), tuna or a tuna product that contains tuna harvested in a fishery identified by the Secretary as having a regular and significant incidental mortality or serious injury of marine mammals is dolphin safe if it is accompanied by a written statement executed by the captain of the vessel and, where determined to be practicable by the Secretary, an observer participating in a national or international program acceptable to the Secretary certifying that no marine mammals were killed in the course of the fishing operation or operations in which the tuna were caught.

''(5) No tuna product may be labeled with any reference to dolphins, porpoises, or marine mammals, unless such product is labeled as dolphin safe in accordance with this subsection.''.

(i) TRACKING AND VERIFICATION.—Subsection (f) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)) is amended to read as follows:

''(f) TRACKING AND VERIFICATION.—The Secretary, in consultation with the Secretary of the Treasury, shall issue regulations to implement subsection (d) not later than 3 months after the date of enactment of the International Dolphin Conservation Program Act. In the development of these regulations, the Secretary shall establish appropriate procedures for ensuring the confidentiality of proprietary information the submission of which is voluntary or mandatory. Such regulations shall, consistent with international efforts and in coordination with the Inter-American Tropical Tuna Commission, establish a domestic and international tracking and verification program that provides for the effective tracking of tuna labeled under subsection (d), including but not limited to each of the following:

''(1) Specific regulations and provisions addressing the use of weight calculation for purposes of tracking tuna caught, landed, processed, and exported.

''(2) Additional measures to enhance observer coverage if necessary.

''(3) Well location and procedures for monitoring, certifying, and sealing holds above and below deck or other equally effective methods of tracking and verifying tuna labeled under subsection (d).

''(4) Reporting receipt of and database storage of radio and facsimile transmittals from fishing vessels containing information related to the tracking and verification of tuna, and the definition of sets.

''(5) Shore-based verification and tracking throughout the transshipment and canning process by means of Inter-American Tropical Tuna Commission trip records or otherwise.

''(6) Provisions for annual audits and spot checks for caught, landed, and processed tuna products labeled in accordance with subsection (d).

''(7) The provision of timely access to data required under this subsection by the Secretary from harvesting nations to undertake the actions required in paragraph (6) of this subsection.''.

SEC. 5. AMENDMENTS TO TITLE III.

(a) HEADING.—The heading of title III is amended to read as follows:

''TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM''.

(b) FINDINGS.—Section 301 (16 U.S.C. 1411) is amended as follows:

(1) In subsection (a), by amending paragraph (4) to read as follows:

''(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have demonstrated their willingness to participate in appropriate multilateral agreements to reduce, with the goal of eliminating, dolphin mortality in that fishery. Recognition of the International Dolphin Conservation Program will assure that the existing trend of reduced dolphin mortality continues; that individual stocks of dolphins are adequately protected; and that the goal of eliminating all dolphin mortality continues to be a priority.''.

(2) In subsection (b), by amending paragraphs (2) and (3) to read as follows:

''(2) support the International Dolphin Conservation Program and efforts within the Program to reduce, with the goal of eliminating, the mortality referred to in paragraph (1);

''(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught with driftnets or caught by purse seine vessels in the eastern tropical Pacific Ocean that are not operating in compliance with the International Dolphin Conservation Program;''.

(c) INTERNATIONAL DOLPHIN CONSERVATION PROGRAM.—Section 302 (16 U.S.C. 1412) is amended to read as follows:

''SEC. 302. AUTHORITY OF THE SECRETARY.

''(a) REGULATIONS TO IMPLEMENT PROGRAM REGULATIONS.—(1) The Secretary shall issue regulations to implement the International Dolphin Conservation Program.

''(2)(A) Not later than 3 months after the date of enactment of this section, the Secretary shall issue regulations to authorize and govern the incidental taking of marine mammals in the eastern tropical Pacific Ocean, including any species of marine mammal designated as depleted under this Act but not listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), by vessels of the United States participating in the International Dolphin Conservation Program.

''(B) Regulations issued under this section shall include provisions—

''(i) requiring observers on each vessel;

''(ii) requiring use of the backdown procedure or other procedures equally or more effective in avoiding mortality of marine mammals in fishing operations;

''(iii) prohibiting intentional deployment of nets on, or encirclement of, dolphins in violation of the International Dolphin Conservation Program;

''(iv) requiring the use of special equipment, including dolphin safety panels in nets, monitoring devices as identified by the International Dolphin Conservation Program, as practicable, to detect unsafe fishing conditions before nets are deployed by a tuna vessel, operable rafts, speedboats with towing bridles, floodlights in operable condition, and diving masks and snorkels;

''(v) ensuring that the backdown procedure during the deployment of nets on, or encirclement of, dolphins is completed and rolling of the net to sack up has begun no later than 30 minutes after sundown;

''(vi) banning the use of explosive devices in all purse seine operations;

''(vii) establishing per vessel maximum annual dolphin mortality limits, total dolphin mortality limits and per-stock per-year mortality limits, in accordance with the International Dolphin Conservation Program;

''(viii) preventing the intentional deployment of nets on, or encirclement of, dolphins after reaching either the vessel maximum annual dolphin mortality limits, total dolphin mortality limits, or per-stock per-year mortality limits;

''(ix) preventing the fishing on dolphins by a vessel without an assigned vessel dolphin mortality limit;

''(x) allowing for the authorization and conduct of experimental fishing operations, under such terms and conditions as the Secretary may prescribe, for the purpose of testing proposed improvements in fishing techniques and equipment (including new technology for detecting unsafe fishing conditions before nets are deployed by a tuna vessel) that may reduce or eliminate dolphin mortality or do not require the encirclement of dolphins in the course of commercial yellowfin tuna fishing;

''(xi) authorizing fishing within the area covered by the International Dolphin Conservation Program by vessels of the United States without the use of special equipment or nets if the vessel takes an observer and does not intentionally deploy nets on, or encircle, dolphins, under such terms and conditions as the Secretary may prescribe; and

''(xii) containing such other restrictions and requirements as the Secretary determines are necessary to implement the International Dolphin Conservation Program with respect to vessels of the United States.

''(C) The Secretary may make such adjustments as may be appropriate to the requirements of subparagraph (B) that pertain to fishing gear, vessel equipment, and fishing practices to the extent the adjustments are consistent with the International Dolphin Conservation Program.

''(b) CONSULTATION.—In developing regulations under this section, the Secretary shall consult with the Secretary of State, the Marine Mammal Commission and the United States Commissioners to the Inter-American Tropical Tuna Commission appointed under section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952).

''(c) EMERGENCY REGULATIONS.—(1) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the International Dolphin Conservation Program) that the incidental mortality and serious injury of marine mammals authorized under this title is having, or is likely to have, a significant adverse effect on a marine mammal stock or species, the Secretary shall take actions as follows—

''(A) notify the Inter-American Tropical Tuna Commission of the Secretary's findings, along with recommendations to the Commission as to actions necessary to reduce incidental mortality and serious injury and mitigate such adverse impact; and

''(B) prescribe emergency regulations to reduce incidental mortality and serious injury and mitigate such adverse impact.

''(2) Prior to taking action under paragraph (1) (A) or (B), the Secretary shall consult with the Secretary of State, the Marine Mammal Commission, and the United States Commissioners to the Inter-American Tropical Tuna Commission.

''(3) Emergency regulations prescribed under this subsection—

''(A) shall be published in the Federal Register, together with an explanation thereof; and

''(B) shall remain in effect for the duration of the applicable fishing year; and

The Secretary may terminate such emergency regulations at a date earlier than that required by subparagraph (B) by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for the emergency action no longer exist.

''(4) If the Secretary finds that the incidental mortality and serious injury of marine mammals in the yellowfin tuna fishery in the eastern tropical Pacific Ocean is continuing to have a significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for such additional periods as may be necessary.

''(d) RESEARCH.—The Secretary shall, in cooperation with the nations participating in the International Dolphin Conservation Program and with the Inter-American Tropical Tuna Commission, undertake or support appropriate scientific research to further the goals of the International Dolphin Conservation Program. Such research may include but shall not be limited to any of the following:

''(1) Devising cost-effective fishing methods and gear so as to reduce, with the goal of eliminating, the incidental mortality and serious injury of marine mammals in connection with commercial purse seine fishing in the eastern tropical Pacific Ocean.

''(2) Developing cost-effective methods of fishing for mature yellowfin tuna without deployment of nets on, or encirclement of, dolphins or other marine mammals.

''(3) Carrying out stock assessments for those marine mammal species and marine mammal stocks taken in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean, including species or stocks not within waters under the jurisdiction of the United States.

''(4) Studying the effects of chase and encirclement on the health and biology of dolphin and individual dolphin populations incidentally taken in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean. There are authorized to be appropriated to the Department of Commerce $1,000,000 to be used by the Secretary, acting through the National Marine Fisheries Service, to carry out this paragraph. Upon completion of the study, the Secretary shall submit a report containing the results of the study, together with recommendations, to the Congress and to the Inter-American Tropical Tuna Commission.

''(5) Determining the extent to which the incidental take of nontarget species, including juvenile tuna, occurs in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, the geographic location of the incidental take, and the impact of that incidental take on tuna stocks, and nontarget species.

The Secretary shall include a description of the annual results of research carried out under this subsection in the report required under section 303.''.

(d) REPORTS.—Section 303 (16 U.S.C. 1414) is amended to read as follows:

''SEC. 303. REPORTS BY THE SECRETARY.

''Notwithstanding section 103(f), the Secretary shall submit an annual report to the Congress which includes each of the following:

''(1) The results of research conducted pursuant to section 302.

''(2) A description of the status and trends of stocks of tuna.

''(3) A description of the efforts to assess, avoid, reduce, and minimize the bycatch of juvenile yellowfin tuna and other nontarget species.

''(4) A description of the activities of the International Dolphin Conservation Program and of the efforts of the United States in support of the Program's goals and objectives, including the protection of dolphin populations in the eastern tropical Pacific Ocean, and an assessment of the effectiveness of the Program.

''(5) Actions taken by the Secretary under subsections (a)(2)(B) and (d) of section 101.

''(6) Copies of any relevant resolutions and decisions of the Inter-American Tropical Tuna Commission, and any regulations promulgated by the Secretary under this title.

''(7) Any other information deemed relevant by the Secretary.''.

(e) PERMITS.—Section 304 (16 U.S.C. 1416) is amended to read as follows:

"SEC. 304. PERMITS.

''(a) IN GENERAL.—(1) Consistent with section 302, the Secretary is authorized to issue a permit to a vessel of the United States authorizing participation in the International Dolphin Conservation Program and may require a permit for the person actually in charge of and controlling the fishing operation of the vessel. The Secretary shall prescribe such procedures as are necessary to carry out this subsection, including, but not limited to, requiring the submission of—

''(A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof; and

''(B) the tonnage, hold capacity, speed, processing equipment, and type and quantity of gear, including an inventory of special equipment required under section 302, with respect to each vessel.

''(2) The Secretary is authorized to charge a fee for issuing a permit under this section. The level of fees charged under this paragraph may not exceed the administrative cost incurred in granting an authorization and issuing a permit. Fees collected under this paragraph shall be available, subject to appropriations, to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in issuing permits under this section.

''(3) After the effective date of the International Dolphin Conservation Program Act, no vessel of the United States shall operate in the yellowfin tuna fishery in the eastern tropical Pacific Ocean without a valid permit issued under this section.

''(b) PERMIT SANCTIONS.—(1) In any case in which—

''(A) a vessel for which a permit has been issued under this section has been used in the commission of an act prohibited under section 305;

''(B) the owner or operator of any such vessel or any other person who has applied for or been issued a permit under this section has acted in violation of section 305; or

''(C) any civil penalty or criminal fine imposed on a vessel, owner or operator of a vessel, or other person who has applied for or been issued a permit under this section has not been paid or is overdue, the Secretary may—

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

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

''(iii) deny such permit; or

''(iv) impose additional conditions or restrictions on any permit issued to, or applied for by, any such vessel or person under this section.

''(2) 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 other such matters as justice requires.

''(3) Transfer of ownership of a vessel, 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, 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 at the time of transfer.

''(4) In the case of any permit that is suspended for the failure to pay a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

''(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.''.

(f) PROHIBITIONS.—Section 305 is repealed and section 307 (16 U.S.C. 1417) is redesignated as section 305, and amended as follows:

(1) In subsection (a):

(A) By amending paragraph (1) to read as follows:

''(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 either dolphin safe or has been harvested in compliance with the International Dolphin Conservation Program by a country that is a member of the Inter-American Tropical Tuna Commission or has initiated steps, in accordance with Article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission, to become a member of that organization;''.

(B) By amending paragraph (2) to read as follows:

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

(C) By amending paragraph (3) to read as follows:

''(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(a)(2);''.

(2) In subsection (b)(2), by inserting ''(a)(5) and'' before ''(a)(6)''.

(3) By striking subsection (d).

(g) REPEAL.—Section 306 is repealed and section 308 (16 U.S.C. 1418) is redesignated as section 306, and amended by striking ''303'' and inserting in lieu thereof ''302(d)''.

(h) CLERICAL AMENDMENTS.—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 in lieu thereof the following:

''TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

''Sec. 301. Findings 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) MEMBERSHIP.—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 either the Director, or an appropriate regional director, of the National Marine Fisheries Service; and''.

(b) GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.—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.

''The Secretary, in consultation with the United States Commissioners, shall:

''(1) Appoint a General Advisory Committee which shall be composed of not less than 5 nor more than 15 persons with balanced representation from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations. 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 all meetings of the international commissions to which they are invited by such commissions.

''(2) Appoint a Scientific Advisory Subcommittee which shall be composed of not less than 5 nor more than 15 qualified scientists with 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 including 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. In addition, 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. These functions may include each of the following:

''(A) The review of data from the Program, including data received from the Inter-American Tropical Tuna Commission.

''(B) Recommendations on 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 on the coordination and facilitation of such research.

''(C) Recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments.

''(D) Consulting with other experts as needed.

''(E) Recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or equivalent).

''(3) 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) Fix the terms of office of the members of the General Advisory Committee and Scientific Advisory Subcommittee, who shall receive no compensation for their services as such members.''.

(c) BYCATCH REDUCTION.—The Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.) is amended by adding at the end the following new section:

''REDUCTION OF BYCATCH IN EASTERN TROPICAL PACIFIC OCEAN

''SEC. 15. The Secretary of State, acting through the United States Commissioners, should take the necessary steps to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The program shall include to the extent practicable—

''(1) that sea turtles and other threatened species and endangered species are released alive, to the maximum extent practicable;

''(2) measures to reduce, to the maximum extent practicable, the harvest of nontarget species;

''(3) measures to reduce, to the maximum extent practicable, the mortality of nontarget species; and

''(4) measures to reduce, to the maximum extent practicable, the mortality of juveniles of the target species.''.

SEC. 7. EQUITABLE FINANCIAL CONTRIBUTIONS.

It is the sense of the Congress that each nation participating in the International Dolphin Conservation Program should contribute an equitable amount to the expenses of the Inter-American Tropical Tuna Commission. Such contributions shall take into account the number of vessels from that nation fishing for tuna in the eastern tropical Pacific Ocean, the consumption of tuna and tuna products from the eastern tropical Pacific Ocean and other relevant factors as determined by the Secretary.

SEC. 8. POLAR BEAR PERMITS.

Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking '', including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,''.

(2) By adding the following new subparagraph at the end thereof:

''(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph''.

SEC. 9. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect upon certification by the Secretary of State to the Congress that a binding resolution of the Inter-American Tropical Tuna Commission, or another legally binding instrument, establishing the International Dolphin Conservation Program has been adopted and is in effect.

(b) PROVISIONS EFFECTIVE UPON ENACTMENT.—Section 8 and this section shall take effect on the date of enactment of this Act.

The CHAIRMAN. No amendment is in order except the amendment printed in the CONGRESSIONAL RECORD pursuant to clause 6 of rule XXIII by the gentleman from California [Mr. MILLER] or his designee. The amendment shall be considered read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

Since there are no amendments, the question is on the amendment in the nature of a substitute made in order by the rule as an original bill.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the committee rose; and the Speaker pro tempore [Mr. Gillmor] having assumed the Chair, Mr. GUTKNECHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill, (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes, pursuant to House Resolution 153, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 166, not voting 6, as follows:

[Roll No. 151]

YEAS—262

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Bilbray
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Flake
Foley
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manton
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Shadegg
Shaw
Shimkus
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)

NAYS—166

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Bilirakis
Bishop
Blagojevich
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Chabot
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dixon
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Horn
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
Lampson
Lantos
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez

Mascara	Owens	Stabenow
McCarthy (MO)	Pallone	Stark
McCarthy (NY)	Pascrell	Stokes
McDermott	Paul	Strickland
McGovern	Payne	Stupak
McHale	Pease	Tauscher
McIntosh	Pelosi	Taylor (MS)
McKinney	Poshard	Thompson
McNulty	Rahall	Thurman
Meehan	Rivers	Tierney
Meek	Rothman	Torres
Menendez	Roybal-Allard	Towns
Metcalf	Rush	Velazquez
Millender-McDonald	Sabo	Vento
Miller (CA)	Sanchez	Visclosky
Mink	Sanders	Waters
Moakley	Sanford	Watt (NC)
Moran (VA)	Schumer	Waxman
Murtha	Scott	Weller
Nadler	Serrano	Wexler
Neal	Sessions	Weygand
Neumann	Shays	Wise
Oberstar	Sherman	Woolsey
Obey	Sisisky	Wynn
Olver	Slaughter	Yates
	Spratt	Young (FL)

NOT VOTING—6

Andrews	Lewis (GA)	Schiff
Hyde	Radanovich	Snowbarger

□ 1706

Messrs. HORN, MCHALE, BILIRAKIS, Ms. ROYBAL-ALLARD, Mr. BISHOP, and Mr. BENTSEN changed their vote from ''yea'' to ''nay.''

Messrs. SKEEN, KANJORSKI, and FROST changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of Georgia. Mr. Speaker, I was not present for the vote on H.R. 408, the International Dolphin Program Act. If I had been present I would have voted ''no'' on H.R. 408.

GENERAL LEAVE.

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill just passed.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–107) on the resolution (H. Res. 155) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the committee rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute speeches.

WITHDRAWAL OF SUPPORT FOR H.R. 956, DRUG FREE COMMUNITY ACT OF 1997

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, I was an original cosponsor of H.R. 956, Drug Free Community Act of 1997, and it has been reported out of committee, but after a further review I find that I can not support that legislation and simply note for the RECORD my opposition to the legislation.

BURMA'S ARMY KEEPS ITS GRIP

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, today if my colleagues were to go to visit Nobel prize winner Aung San Suu Kyi they would be blocked at the door of her house because the militarist government of Burma has said no foreigners may visit this great Nobel Peace Prize winner. I want to commend the Clinton administration for having decided to impose new sanctions on Burma because of the increasing repression of the people of Burma.

A recent article in the Washington Post points out that hundreds of university students have been jailed, the military has jailed as many as 300 members of the National League for Democracy, which is the party that Aung San Suu Kyi heads, and she herself has been blocked from making any public statements since November.

Mr. Speaker, it is time that the militarist government of Burma treat this great peace leader with respect and treat the people of Burma who have voted for democracy, treat them with the respect that they deserve. I hope that the Government of the United States will continue to impose sanctions on the Government of Burma, and I encourage Nobel Prize winner Aung San Suu Kyi to realize that there are friends here in the United States who support her.

REPORT OF THE CONFERENCE ON OCEANS AND SECURITY

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to acknowledge that we have just concluded one of, if not the largest ever, conferences on the oceans here in Washington. This conference involved 3 days of intensive dialogue between 200 delegates from over 30 nations including large ministerial delegations, 15 ministers as well as parliamentary leaders, large delegations from Russia and Norway, the European continent, Africa, the Americas, as well as other nations, and it was an extremely successful conference. We came under the auspices of the Advisory Committee on Protection of the Seas as well as GLOBE and the Council on Oceanographic Research and Education.

Vice President GORE spoke to our conference last evening in Statuary Hall. Yesterday at lunch the Speaker, the gentleman from Georgia [Mr. GINGRICH], gave the keynote speech. The Secretary of Defense, Secretary of Navy, senior leaders of the administration and a significant number of Members of Congress, including my good friend, the gentleman from California [Mr. FARR] who stayed for the entire conference, had the chance to interact and put together a new comprehensive strategy for the world on helping to cooperate in cleaning up our oceans and our seas.

Mr. Speaker, I include for the RECORD the proceedings and the final recommendations of this conference, and I thank those Members who participated, and I thank all of those who made this conference so successful.

ADVISORY COMMITTEE ON PROTECTION OF THE SEA, DRAFT REPORT OF THE CONFERENCE—OCEANS AND SECURITY, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC, 19–21 MAY 1997

BACKGROUND

1. The international community's efforts to regulate the world's oceans in order to protect and conserve their resources and habitats, and to safeguard their potential for economic development, spans several decades. However, it has only been in recent years that a growing awareness of the pervasiveness of environmental issues has found echo in all fields of human activity. In particular, the role of environmental problems as constitutive of security concerns, in conjunction with the end of the Cold War and the relentless processes of globalisation, has opened a broad horizon for policy definition at both national and multilateral levels that the international community has only just begun to explore.

2. The Conference on Oceans and Security was organised by the Advisory Committee on Protection of the Sea (ACOPS) and was undertaken with the assistance of the office of Congressman Curt Weldon, Chairman of the Research and Development Committee of the Security Committee of the Congress of the United States of America and ACOPS' Vice-President from the United States; Governments of the United States, Canada and Norway; Commission of the European Union; International Fund for Animal Welfare (IFAW); Preston Gates, Ellis & Rouvelas Meeds LLP; Consortium for Oceanographic Research and Education (CORE); and Global Legislators Organisation for a Balanced Environment (GLOBE). The meeting was held in the United States House of Representatives, Washington, D.C. from 19 to 21 May 1997.

PARTICIPANTS

3. The Conference was attended by: the Vice-President of the United States of America, Hon. Al Gore; Speaker of the House of Representatives, Newt Gingrich; Deputy Prime Minister and Minister of National Defense of Portugal, Senhor Antonio Vitorino;