

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2889 would amend the Central Utah Project to authorize the Secretary of Interior to use up to \$60 million in unexpended budget authority to acquire water and water rights, complete project facilities, and implement water conservation measures within the CUP. Since the 1992 enactment of the CUP Completion Act, issues regarding endangered species, water conservation and minimum flows in the lower Provo River have arisen that need to be adequately addressed and funded. During completion of the CUP, changes in modifications to project features resulted in excess funds in some accounts and shortages in others.

□ 2030

This requires this amendment to complete this project.

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

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 2889 would permit the use of savings achieved in certain areas of the Central Utah Project to be spent on other projects and programs where needed and without further Congressional approval. The administration supports the bill and it is not considered controversial. I urge my colleagues to support H.R. 2889.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, first of all, I would like to express my gratitude to the gentleman from California (Chairman DOOLITTLE), the gentleman from Alaska (Chairman YOUNG) and the House leadership for bringing this legislation before the House.

The Central Utah Project has allowed for the development and delivery of Utah's water for decades. The Bureau of Reclamation and the Central Utah Water Conservancy District have nearly completed the planning of the project components and water conservation measures have surpassed expectations, while Federal dollars have been saved at various stages.

H.R. 2889 simply allows resources to be shifted from one project to the next as they are needed. This will ensure that the remaining projects can be completed in a timely and cost effective manner. The legislation provides no additional Federal dollars. It only provides flexibility to transfer already authorized dollars and resources as they are needed throughout the project.

H.R. 2889 does not increase Federal spending, nor does it increase any Federal spending authority. H.R. 2889 incorporates the changes sought by the

administration, and, therefore, we do not expect opposition from the White House. Companion legislation has been introduced by Senator BENNETT and consideration by the other body is expected soon.

Mr. Speaker, I urge my colleagues to support H.R. 2889.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2889.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2632 and H.R. 2889.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

#### SENSE OF CONGRESS REGARDING SHARK FINNING

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 189) expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning, as amended.

The Clerk read as follows:

H. CON. RES. 189

Whereas shark finning is the practice of removing the fins of a shark and dumping its carcass back into the ocean;

Whereas demand for shark fins is driving dramatic increases in shark fishing and mortality around the world;

Whereas the life history characteristics of sharks, including slow growth, late sexual maturity, and the production of few young, make them particularly vulnerable to overfishing and necessitate careful management of shark fisheries;

Whereas shark finning is not prohibited in the waters of the Pacific Ocean in which fisheries are managed by the Federal Government;

Whereas according to the National Marine Fisheries Service, the number of sharks killed in Central Pacific Ocean and Western Pacific Ocean fisheries rose from 2,289 in 1991 to 60,857 in 1998, an increase of over 2,500 percent, and continues to rise unabated;

Whereas of the 60,857 sharks landed in Central Pacific Ocean and Western Pacific Ocean fisheries in 1998, 98.7 percent, or 60,085, were killed for their fins;

Whereas shark fins comprise only between 1 percent and 5 percent of the weight of a shark, and shark finning results in the unconscionable waste of 95 percent to 99 percent (by weight) of a valuable public resource;

Whereas the National Marine Fisheries Service has stated that shark finning is

wasteful, should be stopped, and is contrary to United States fisheries conservation and management policies;

Whereas shark finning is prohibited in the United States exclusive economic zone of the Atlantic Ocean, the Gulf of Mexico, and the Caribbean;

Whereas the practice of shark finning in the waters of the United States in the Pacific Ocean is inconsistent with the Magnuson-Stevens Fishery Conservation and Management Act, the Federal Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks, and the shark finning prohibitions that apply in State waters in the Atlantic Ocean and Pacific Ocean;

Whereas the United States is a global leader in shark management, and the practice of shark finning in the waters of the United States in the Pacific Ocean is inconsistent with United States international obligations, including the Code of Conduct for Responsible Fishing of the Food and Agriculture Organization of the United Nations, the International Plan of Action for Sharks of such organization, and the United Nation's Agreement on Straddling Stocks and Highly Migratory Species; and

Whereas establishment of a prohibition on the practice of shark finning in the Central Pacific Ocean and Western Pacific Ocean would result in the immediate reduction of waste and could reduce shark mortality by as much as 85 percent: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—*

(1) the practice of removing the fins of a shark and dumping its carcass back into the ocean, commonly referred to as shark finning, is a wasteful and unsportsmanlike practice that could lead to overfishing of shark resources;

(2) all Federal and State agencies and other management entities that have jurisdiction over fisheries in waters of the United States where the practice of shark finning is not prohibited should promptly and permanently end that practice in those waters; and

(3) the Secretary of State should continue to strongly advocate for the coordinated management of sharks and the eventual elimination of shark finning in all other waters.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

#### GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 189.

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

There was no objection.

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

Mr. Speaker, H. Con. Res. 189, authored by my friend the gentleman from California (Mr. CUNNINGHAM), expresses the sense of Congress that the practice of shark finning is wasteful and unsportsmanlike. In addition, it calls on the Western Pacific Regional Fisheries Management Council, the National Marine Fisheries Service and the State Department to take action to

ban the practice in U.S. waters and to work for a global ban on the practice.

The issue that we are talking about here, shark finning, may not be one that is familiar to all Members. I would just like to say a word about what this is, because, as the gentleman from California (Mr. CUNNINGHAM) so well points out in H. Con. Res. 189, it is a practice which I believe would be tasteless, at best, and perhaps many other things at worst.

It is very simply this: Catching, through the process that we generally refer to as long lining, sharks, in this case in the western Pacific Ocean, bringing them alongside the boat and removing with a knife their fins, and then turning them loose to die. That is shark finning.

Members of this House will remember that in the last reauthorization of the Magnuson Fisheries Conservation and Management Act, now known as the Magnuson-Stevens Act, we added a new standard with the goal of reducing bycatch; that is, catching fish other than the targeted species in a fishery.

In the meantime, shark finning has been discouraged and made illegal in the Atlantic Ocean, in the Caribbean and in the Gulf of Mexico, leaving only the American waters in the Pacific Northwest in our country where shark finning is permitted. The Magnuson-Stevens Act requires Fishery Management Councils to develop fishery management plans which are consistent with national standards, and I believe that a national standard has been set by outlawing this practice in the Atlantic, the Caribbean and the Gulf of Mexico.

The new national standard requires Councils to develop fishery management plans which minimize bycatch to the extent practicable, and to the extent that bycatch cannot be reduced, the mortality of such bycatch should be reduced.

The practice of shark finning appears not only to encourage the retention of bycatch, but also encourages the mortality of the bycatch. In fact, information from the National Marine Fisheries Service suggests that while in 1991 only 3 percent of the sharks were retained, that is right, 3 percent of the sharks were retained, by 1998 60 percent of the sharks brought to the boat were killed for their fins rather than being released. The only portion of the shark that is retained are the fins, which obviously are kept for economic reasons.

This is a wasteful practice and should not be allowed. In addition, it is inconsistent with the rules governing the harvest of sharks on the East Coast, in the Gulf of Mexico, and, as I pointed out, in the Caribbean.

Some have complained that this resolution undermines the authority of the regional fisheries councils. This is not true, at least in my opinion. This does nothing more than send a signal to the Western Pacific Council, a shot across the bow, if you will, as well as to others, that Congress does not like the

practice of shark finning and that those management bodies that manage sharks should take action to prohibit it.

The Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on this resolution on October 21, 1999, and heard testimony from a number of interested parties, including the Western Pacific Regional Fish Management Council. While the council did take action at their last meeting to reduce the overall retention of sharks in the longline fisheries, they took no action to reduce or eliminate the practice of shark finning.

The full Committee on Resources passed this resolution with an amendment by voice vote on October 27 of this year.

I believe Congress should continue to express our strong opposition to this practice and should pass this resolution.

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

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution and I concur in the remarks of the subcommittee chairman. We had a good hearing and all points of view were presented. I want to commend the gentleman from California (Mr. CUNNINGHAM) for bringing this matter to us in the form of a resolution.

I support this resolution. In fact, I would support a lot more, to not just provide a sense of Congress, but to in fact act to prevent this outrageous type of activity that is taking place in our fisheries.

What it amounts to, Mr. Speaker, as the chairman pointed out, is a practice of longlining and catching tuna and other types of valuable economic species of fish. At the same time there is some bycatch or incidental catch of sharks.

The fact is that the economic value total of the shark is and could be quite significant, but the most valuable portion of it is, of course, the fins on that shark, which are often used for gourmet recipe of shark fin soup. As we know, as its popularity has grown, this particular practice of incidental bycatch, of stripping the fins off of the sharks to be used for this purpose, is increasingly taking place.

I think, Mr. Speaker, it is ethically and morally wrong. I think many parts of the shark, including the skin, the liver for its oil and other qualities, and other materials that are present in the shark have some economic value. But to take out the most valued part, which are the fins, of course, that leaves a carcass of a large fish in the ocean to be wasted. I think this is an outrage, and I hope that we can change such practice with this resolution as the chairman said, a shot across the bow. I would hope that would be the case.

I think that when we talk about the numbers here, it has been banned in

the Atlantic Ocean but continues to persist in the Pacific Ocean. 60,000 to 70,000 Pacific sharks, and this number has risen over the years to the point where in the last 5 years it has grown exponentially, but risen to the point where nearly 70,000 animals are in fact mistreated in this manner, which is worth I guess a couple million dollars to those that are doing the shark finning. But I think that the destruction of that type of resource screams for some type of public policy action, and certainly this resolution is in step with that. I hope that it results in actions that correct this outrageous practice.

I know the Western Fisheries Council had made a goal of reducing the number to 50,000. Quite frankly, Mr. Speaker, I think that type of change of policy path by itself is not enough, because I think it misses the point as to what is taking place here with the destruction of these species. Some of the species are very common, like the blue shark, but there is indiscriminate treatment of these majestic fish and the sharks that we have in the ocean that are being treated in this way, and I think that the USA should be leading in terms of making the policy changes in the Pacific regarding this deplorable practice. Hopefully we could enlist other nations to follow us in terms of ending this improper practice and exploitation of this valued fish species, the shark. I urge Members to support this resolution.

Mr. Speaker, I support this resolution which urges the Western Pacific Fishery Management Council, the National Marine Fisheries Service, and the State of Hawaii to ban shark finning in all Federal and State waters in the Pacific Ocean.

Finning is a wasteful practice that is already prohibited in U.S. waters in the Atlantic, the Gulf and the Caribbean, in part, because it leads to the overfishing of shark resources in those areas. It is time for that prohibition to be in effect nationwide.

In addition, the U.S. has played a leadership role in promoting shark conservation efforts internationally. Our continued efforts in this arena will be hampered if this wasteful practice is allowed to continue in our own waters.

This resolution does not override the authorities of the Western Pacific Fishery Management Council. It simply tells them that this Congress believes it is time for them to bring this wasteful practice to an end, and I support its passage.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), who brought this issue to our attention and who told us inasmuch as shark finning had already been outlawed, if you will, in the Atlantic, the Caribbean and the Gulf of Mexico, it made no sense to permit the practice to continue in the western Pacific. I thank the gentleman for his great effort in bringing this to our attention and making sure that we address the problem.

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank the gentleman

from New Jersey (Chairman SAXTON) and the gentleman from Minnesota (Mr. VENTO). I would also like to thank them for their support, both Republicans and Democrats alike. This is an issue on which we can come together.

Mr. Speaker, I introduced H. Con. Res. 189 to send a clear message that shark finning is wasteful and unsportsmanlike. The destructive practice of shark finning in the American waters off the central and western Pacific must stop.

Mr. Speaker, years ago this country destroyed buffalo herds only for the hides of those buffalo and left the meat to rot in the sun. What a waste of a resource. They nearly decimated the herds for the Native Americans. The same thing is done today with elephant tusks. To just shoot an elephant and take the tusk and leave the meat rotting is wrong. Or whether it is a seal pup for its hide, to take the hide and let the carcass sit there in the snow is wrong. Shark finning is a practice of removing shark fins and discarding the carcass into the sea.

Mr. Speaker, I am a sportsman. I love to hunt and fish, but it is under a managed system to make sure that our resources are here for our children and their children and our grandchildren down the line.

I am also a diver, and I am not necessarily fond of sharks. I have had a couple of occasions where I wished they had not have been so close around. But they have been part of our ecosystem for millions of years, and I think we need to manage that resource so that they are not depleted. They went from taking 2,300 to nearly 61,000 sharks in very short order. I think we ought to stop and take a look.

The gentleman from New Jersey (Mr. SAXTON) covered much of this material, so I will submit a lot of it for the RECORD. But the action that WestPac took was merely to cut from 60,000 to 50,000 the number of sharks from finning.

□ 1445

Yet, Mr. Speaker, 95 percent of those sharks are finned and just dumped back into the water, some alive, left to drown, and some dead. In any regard, it is inhumane, it is cruel, and it is wasteful.

The United States has emerged as a global leader in shark fisheries management. Yet, as Ms. Sonya Fordham of the Center for Marine Conservation notes, "Our inability to address an egregious finning problem within our own waters threatens to undermine the U.S. role in these important international initiatives."

I would also like to thank a gentleman who came all the way from Hawaii, Ms. Brooke Burns, a young 21-year-old from the series of Baywatch. She, I think, articulated in a most professional way the support of the American people in why this practice should not continue.

This spring, the gentleman from New Jersey (Mr. SAXTON) and myself plan to

introduce legislation. And if Members can imagine, the gentleman from New Jersey (Mr. SAXTON), the gentleman from California (Mr. CUNNINGHAM), and the gentleman from Minnesota (Mr. VENTO), if he will join us, on a bill together on this floor, that will be a day. I would say to my friend, we plan this spring, under the Magnuson Act, to have legal and binding law to act accordingly.

Mr. Speaker, I include for the RECORD correspondence regarding this matter:

OCEAN WILDLIFE CAMPAIGN,  
Washington, DC, September 22, 1999.

Hon. RANDY CUNNINGHAM,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: We are writing to express serious concern regarding the management and health of shark populations in U.S. Pacific waters, specifically in areas under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). Driven by the international demand for shark fin soup, the practice of shark finning—cutting of a shark's fins and discarding its carcass back into the ocean—is a rapidly growing problem that is directly responsible for huge increases in the number of sharks killed annually and appalling waste of this nation's living marine resources. The National Marine Fisheries Service has prohibited shark finning in the U.S. Atlantic, Gulf of Mexico, and Caribbean. It is time to ban finning in the Pacific.

Between 1991 and 1998, the number of sharks "retained" by the Hawaii-based swordfish and tuna longline fleet jumped from 2,289 to 60,857 annually. In 1998, over 98 percent of these sharks were killed for their fins to meet the demand for shark fin soup. Because shark fins typically comprise only one to five percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste. Sharks are particularly vulnerable to overfishing because of their "life history characteristics"—slow growth, late sexual maturity, and the production of few young. Once depleted, a population may take decades to recover.

The National Marine Fisheries Service, conservationists, fishermen, scientists, and the public have pressured WESPAC to end the practice of shark finning. Nevertheless, WESPAC and the State of Hawaii recently failed to take action to end or control finning.

This issue of shark finning is characterized by a dangerous lack of management, rampant waste, and egregious inconsistencies with U.S. domestic and international policy stances. It is the most visible symptom of a larger problem: a lack of comprehensive management for sharks in U.S. Pacific waters. The history of poorly or unmanaged shark fisheries around the world is unequivocal: rapid decline followed by collapse. Sharks are not managed in U.S. Central and Western Pacific waters, and with increased fishing pressure there may be rapidly growing problems.

We urge your office to take whatever action is necessary to immediately end the destructive practice of shark finning in U.S. waters and encourage WESPAC to develop a comprehensive fishery management plan for sharks that will, among other things:

1. Immediately prohibit the finning of sharks;
2. Immediately reduce shark mortality levels by requiring the live release of all bycatch or "incidentally caught" animals brought to the boat alive;

3. Immediately reduce the bycatch of sharks;

4. Prevent overfishing by quickly establishing precautionary commercial and recreational quotas for sharks until a final comprehensive management plan is adopted that ensures the future health of the population. Given the dramatic increase in the number of sharks killed in the Hawaiian longline fishery, WESPAC should cap shark mortality at 1994 levels as a minimum interim action, pending the outcome of new population assessment.

Thank you for your attention to this urgent matter.

DAVID WILMOT, PH.D.,  
Ocean Wildlife Campaign.

CARL SAFINA, PH.D.,  
National Audubon Society.

LISA SPEER,  
Natural Resources Defense Council.

TOM GRASSO,  
World Wildlife Fund.

SONJA FORDHAM,  
Center for Marine Conservation.

KEN HINMAN,  
National Coalition for Marine Conservation.

ELLEN PIKITCH, PH.D.,  
Wildlife Conservation Society.

CENTER FOR MARINE CONSERVATION,  
Washington, DC, September 22, 1999.

Hon. RANDY CUNNINGHAM,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: On behalf of the Center for Marine Conservation (CMC), I am writing to express our grave concern for Pacific sharks, specifically those under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). High demand for shark fin soup has driven a dramatic surge in shark finning (the practice of slicing off a shark's valuable fins and discarding the body at sea) by the Hawaiian longline fleet. This appalling waste of America's public marine resources is tied to alarming yet unrestricted increases in mortality of some of the ocean's most biologically vulnerable fish.

Shark conservation has long been a key element of CMC's fisheries program due in large part to the life history characteristics that leave sharks exceptionally susceptible to overfishing. In general, sharks grow slowly, mature late and produce a small number of young. Once depleted, shark populations often require decades to recover. In the U.S. Atlantic, for example, several overfished shark stocks will require four decades to rebuild to healthy levels, even with strict fishing controls. Indeed, nearly every large scale shark fishery this century has ended in collapse.

Off Hawaii, the number of sharks killed and brought to the dock (landed) has increased by more than 2500 percent, skyrocketing from just 2,289 sharks in 1991 to 60,857 sharks in 1998. In 1998, over 98 percent of these sharks were killed solely for their fins. Considering that shark fins typically comprise only one to five percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste.

CMC has been calling upon Western Pacific fishery managers to restrict shark fisheries and ban finning for more than 5 years. More recently, similar demands have been made by many other national conservation organizations as well as local Hawaiian environmental and fishing groups, international scientific societies, concerned citizens, and several Department of Commerce high-ranking officials. A recent poll by Seaweb found that finning was among the ocean issues most disturbing to the American public. Nevertheless, WESPAC and the State of Hawaii have yet to take action to control finning or limit shark mortality.

Shark finning in particular runs counter not only to the will of the American public, to which these resources belong, but also to U.S. domestic and international policy as expressed in:

the Sustainable Fisheries Act (SFA);  
the Fishery Management Plan (FMP) for Sharks of the Atlantic Ocean; the United Nations Food and Agricultural Organization (FAO) Code of Conduct for Responsible Fisheries; and

the FAO International Plan of Action for Sharks.

In addition, as you are likely aware, California is just one of many coastal states to ban finning within their waters.

In the U.S. Atlantic, the lucrative market for shark fins drove an intense fishery that led to severe depletion of several shark populations within less than 10 years. Citing "universal and strong support" for a ban on finning on behalf of the non-fishing American public, the National Marine Fisheries Service (NMFS) banned the practice in U.S. Atlantic in 1993, stating that:

NMFS believes that finning is wasteful of valuable shark resources and poses a threat to attaining the conservation objectives of fishery management under the Magnuson Act.

This year, NMFS expanded the existing finning ban from the 39 regulated species to all sharks in the Atlantic while Department of Commerce officials have repeatedly, yet unsuccessfully, called upon WESPAC to halt finning.

In recent years, the United States has emerged as a world leader in crafting and promoting landmark, international agreements pertaining to sharks and continues to lead efforts to raise global awareness of their plight and special management needs. Yet, our inability to address an egregious finning problem within our own waters threatens to undermine the U.S. role in these important international initiatives.

CMC asks for your assistance in ensuring an immediate end to the wasteful practice of finning, accompanied by a requirement that all incidentally-caught sharks brought to the boat alive be released alive. In addition, a comprehensive Pacific shark management plan that prevents overfishing and reduces bycatch is absolutely crucial to safeguarding these especially vulnerable animals; precautionary catch limits in the Western Pacific (no higher than 1994 mortality levels) are needed until such a plan is complete.

Thank you for your attention to this urgent matter.

Sincerely,

SONJA V. FORDHAM,  
*Fisheries Project Manager.*

AMERICAN SPORTFISHING  
ASSOCIATION,

*Alexandria, VA, September 23, 1999.*

Hon. RANDY "DUKE" CUNNINGHAM,  
*House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CONGRESSMAN CUNNINGHAM: On behalf of the nearly 500 members of the American Sportfishing Association, I wish to express my strong support for your resolution to ban the wasteful practice of shark finning. I commend your initiative in tackling this important, yet easily dismissed issue.

For far too long, we have neglected to take action to stop this most unsportsmanlike fishing activity. We now know that the best shark is not a dead shark; that these oft maligned fish play critical roles in preserving balance in the marine ecosystem. Healthy shark populations help maintain robust fisheries. Your effort to ban finning will not only benefit depressed shark populations, but many other species of commercially and recreationally important fish.

Thank you for your leadership in this area.  
Sincerely,

MIKE HAYDEN,  
*President/CEO.*

THE COUSTEAU SOCIETY,  
*Chesapeake, VA, October 8, 1999.*

Hon. RANDY CUNNINGHAM,  
*Rayburn House Office Building, Washington, DC.*

DEAR CONGRESSMAN: The Cousteau Society, on behalf of its 150,000 members, strongly supports H. Con. Res. 189, expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning.

The Cousteau Society's own lengthy expedition to film the white shark in Australia confirmed vividly how little is known about even this well-publicized species; even less data are available for the hundreds of shark species that have not caught public or commercial attention. Whenever enough information is gathered about a given kind of shark to confirm a judgment on its status, that judgment is almost inevitably that the species is over-fished and must be protected to survive. Lack of information is obviously no good reason to delay conservation.

The Cousteau Society fully endorses your recommendation to the Western Pacific Fishery Management Council, the State of Hawaii and the National Marine Fisheries Service to ban finning in the central and western Pacific Ocean. Conservation must not wait for perfect science nor unanimous agreement. Please hold absolutely firm in insisting on an end to this destructive practice.

Yours truly,

CLARK LEE S. MERRIAM.

WESTERN PACIFIC  
FISHERIES COALITION,  
*Kailua, HI, September 30, 1999.*

Hon. RANDY "DUKE" CUNNINGHAM,  
*Rayburn House Office Building, Washington, DC.*

DEAR CONGRESSMAN CUNNINGHAM. First let me thank you for introducing H. Con. Res. 189 and for taking an interest in the blatant waste of one of our natural resources here in the Western Pacific. The Shark Finning issue here has brought a new awareness to the problem not only in the Western Pacific region, but on a global scale. We have been involved in fisheries management here in Hawaii for over 15 years and have represented, on some Council issues, more than 18,000 Hawaiian fishermen and concerned individuals. I have been a commercial and recreational fisherman and hunter for over 40 years, but I've never seen such irresponsible actions by fishermen, much less Federal fishery managers, who continue to be proponents for shark finning.

The NMFS has already implemented a "full utilization" plan in the Atlantic and the Gulf, has justified the record and the basis for it. The Atlantic Highly Migratory Species FMO and Final Regulations, 15 CFR Part 902, published May 28, 1999, in vol. 64 Federal Register, pp. 29090 et seq. NMFS' response to public comments on proposed regulations to implement Atlantic HMS FMP (at pp. 29108-09):

#### *Anti-Finching of Sharks*

Comment 1: NMFS should implement the proposed total prohibition on finning. Response: NMFS agrees. Extending the prohibition on finning to all species of sharks will greatly enhance enforcement and contribute to rebuilding or maintenance of all shark species.

Comment 2: NMFS should not extend the prohibition on finning sharks because it disadvantages U.S. fishermen relative to for-

eign competitors and NMFS should allow a tolerance for blue shark fins to be landed. Response: NMFS disagrees. Finning of sharks within the Federal management unit has been prohibited since the original shark FMP was implemented in 1993 due to excessive waste associated with this practice. NMFS extends the prohibition on finning to all sharks to enhance enforcement and facilitate stock rebuilding and maintenance.

In a June 21, 1999 letter to the Chairman of the Western Pacific Council, Mr. Terry Garcia directs the Council to "take immediate action to ban the practice of shark finning". In the letter, Mr. Garcia points out that the US has been a leading proponent of international shark conservation measures at the United Nations FAO meetings this year. He goes on to say that "The US position during development of the International Plan of Action for the Conservation and Management of Sharks was that the FAO should affirmatively address this issue, even to the extent of putting in place a global ban on shark finning". Mr. Garcia's letter concludes by saying that "The Council should amend the Western Pacific Pelagic Fishery Management Plan to require full utilization of all sharks harvested in this fishery".

NMFS and the Department of Commerce's position is clear. Is finning any less of a waste in the Pacific as opposed to the Gulf or Atlantic? The Council unfortunately has known about this problem since 1993 and have repeatedly been told to stop finning by NMFS as early as 1995, without any action being taken. Now the Council, as a result of your resolution, is trying to justify their position in Congress by claiming that NMFS has not given them the funding to gather the necessary information nor has NMFS supplied the Council with the necessary data that would allow them to take action. Obviously these excuses are merely a way to shift the responsibility of the Council to NMFS.

NMFS has been very consistent in their position that shark finning is a "waste" issue and not a biological one. The Council has gone so far as to ask NMFS to define "waste" even though the Council Chairman has at one point himself, called shark finning a "wasteful practice". If people are going to try and confuse the issue of finning over the definition of waste, we've all digressed to the point where our fisheries are in serious trouble. Look at the history of the fisheries that have collapsed. Have they collapsed because people called for more management? Have they collapsed because people called for a precautionary approach and a reduction of waste? Or have they collapsed because people used excuses like, we don't have enough data yet, we don't have the enforcement, it's a complex issue or many others that all had one thing in common, they all lead to overfishing. A U.S. Supreme Court Justice once said during a Hearing on Pornography . . . "I don't know the definition of pornography, but I know it when I see it". I suspect his opinion of waste might go along these same lines.

In a recent response from the NMFS Honolulu Lab, Dr. Michael Laurs indicated that they HAVE NOT even begun a biological assessment of blue sharks and will not have any preliminary information until Spring 2000. Based on this information we are very concerned that no one seems to actually know the status of these stocks. The Council's claims that Japanese Data has been used by the Council to determine that the stocks are healthy is somewhat disturbing as the United States could not depend on Japanese data with regard to High Seas Driftnetting or Whaling, which in both cases the Japanese data once again claimed that these practices were not threatening the stocks.

I've asked the State Representative, who introduced our Shark finning legislation here in Hawaii last year, to forward you all the testimony his committees received in support of a ban which clearly shows the widespread support this issue had here in the Islands. Native Hawaiians have written in protest, testified and have written letters calling for a halt to finning. Charter Boat Captains in Hawaii, Commercial fishermen in Hawaii (both native and non-native) have supported a ban and they in fact catch sharks. Recreational fishermen, conservationists, scientists, State politicians and some of the Hawaii Congressional Delegation in Washington have supported a ban on finning, as well as the State of Hawaii.

Please don't let people confuse this issue as this isn't about a biological assessment or cruel practice, it is all about waste. Releasing the sharks that are caught as incidental catch alive or fully utilizing the shark, would not increase by-catch as much as it would reduce waste and by-catch mortality.

Once again thank you for your support and if there is anything we can do to support your initiative, please don't hesitate to contact us.

Best personal regards,

BOB ENDRESON.

STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS,  
Honolulu, HI, October 8, 1999.

Hon. RANDY "DUKE" CUNNINGHAM,  
Rayburn House Office Building,  
Washington, DC.

Re: Support for H. Con. Res. 189 on Shark Finning.

DEAR CONGRESSMAN CUNNINGHAM: I am writing to thank you for introducing H. Con. Res. 189 to stop the wasteful practice of shark finning in the Central, South, and West Pacific. The Administration of the Office of Hawaiian Affairs (OHA), acting consistently with Board of Trustees policies and views, supports H. Con. Res. 189. We would also like to suggest some amendments to strengthen the arguments already made in H. Con. Res. 189. OHA is a quasi-state agency tasked with working toward the betterment of Native Hawaiians, by advocating for the recognition and continuation of Hawaiian culture and identity.

As you are no doubt aware, there has been considerable outcry among the Native Hawaiian population, as well as the population at large in Hawaii, about the practice of shark finning. This public disdain for this wasteful fishing practice was most recently debated both in our State legislature and at a meeting of the Western Pacific Regional Fishery Management Council (WPRFMC).

#### *Cultural Significance*

Because Hawaiian culture is integrally tied to the health, abundance, and access to indigenous natural resources, Hawaiians have always striven to play a stewardship role by sound management and protection of the natural environment on which the culture relies. Unfortunately, Hawaii is constantly endangered by the imposition of Western beliefs, customs, religions, and economic desires that do not necessarily hold similar views about the importance of the natural environment. Taking a small portion of a shark or any animal and wasting the remainder clearly runs counter to Hawaiian stewardship views. Traditional use of sharks in Hawaiian culture meant whole utilization of the animal.

Equally as important to Hawaiians is the cultural and spiritual significance of the shark itself. Many Hawaiian families hold the shark in special esteem as the physical manifestation (called Kinolau) of their family guardian (aumakua), who was also re-

garded as a family ancestor. There are many other kinolau in Hawaiian culture, including the owl, lizard, dog, rocks, and clouds. Imagine the uproar that would arise if the Spotted Owl were to be taken, even as "bycatch," for its wings. The intensity of feeling about shark finning among Hawaiians is a hundred-fold magnified because of the special spiritual significance of the shark. To hurt or destroy the shark wantonly and intentionally is for many families equivalent to desecrating one's own ancestors and heritage. As forcefully stated by respected Hawaiian cultural practitioner and member of WPRFMC's Native and Indigenous Rights Advisory Panel Charles Kauluwehi Maxwell Sr. at a recent WPRFMC meeting, the practice of shark finning is "very offensive" to Hawaiians.

OHA believes that shark finning should not be allowed to continue, and that the U.S. government should not allow landings of shark fins unless it is taken from a shark landed whole.

#### *Suggested Amendments to Bill*

We feel that H. Con. Res. 189 can be strengthened by including language to express the culturally offensive nature of shark finning, as described above. Therefore, we suggest inserting the following language or similar:

" . . . Whereas shark finning in the Western Pacific occurs in and around the waters of Hawaii, among other U.S. Pacific holdings;

Whereas the indigenous Native Hawaiian people regard sharks highly as being culturally and spiritually important to their heritage;

Whereas wasteful use of a culturally significant animal such as the shark is offensive to Native Hawaiians; . . ."

#### *The Council's Role*

In an interview with a reporter during the WPRFMC meeting several months ago, Council Chair James D. Cook stated that environmentalists' concerns and native Hawaiians' cultural concerns should not influence decisions made by the Council on decisions about shark finning. OHA feels that Mr. Cook's culturally insensitive comment warrants attention and clarification about WPRFMC's position on cultural issues. Perhaps WPRFMC's duties and responsibilities towards indigenous peoples and their cultural/traditional fishing practices under the Magnuson-Stevens Act needs to be reassessed.

As the full name of the Magnuson-Stevens Act indicates, its objective is to conserve and manage fisheries. Moreover, the Act clearly places importance on cultural considerations. Section 104-297 of the Act states the following regarding community development programs:

" . . . the Western Pacific Council shall base such criteria on traditional fishing practices in or dependence on the fishery, the cultural and social framework relevant to the fishery, and economic barriers to access to the fishery," and

"Notwithstanding any other provision of this Act, the Western Pacific Council shall take into account traditional indigenous fishing practices in preparing any fishery management plan."

OHA feels that Mr. Cook's comment then begs the question of what the Council's priorities are in managing fisheries, and specifically if it is truly taking cultural considerations into account.

We hope that you will consider this need to scrutinize WPRFMC's priorities and culturally sensitive issues like shark finning when you introduce legislation to amend the Magnuson-Stevens Act later this year.

If we can be of further assistance, please do not hesitate to contact Sebastian Aloom, Ha-

waiian Rights Officer, or Nami Ohtomo, Natural Resources Policy Analyst, at 594-1755.

Sincerely,

RANDALL OGATA,  
*Administrator.*

Mr. Speaker, I thank the gentleman from Minnesota (Mr. VENTO), the gentleman from New Jersey (Mr. SAXTON), the committee members, and the gentleman from Alaska (Mr. YOUNG) for expediting this to the floor.

Mr. UNDERWOOD. Mr. Speaker, I would like to thank the Resources Subcommittee Chairman JIM SAXTON and the Ranking Democrat Mr. FALEOMAVAEGA for their work on this resolution. Indeed, H. Con. Res. 189 is important because it has helped elevate the awareness of shark finning practices in the Pacific. I'm sure that many Americans have been moved, as I have, by television images showing workers aboard fishing vessels, both foreign and domestic, slicing off the fins of caught sharks and throwing the carcasses back into the ocean. It's easy to understand why we are moved by these pictures. They are very powerful and appeal to our sense of human decency and respect for "not wasting our kill."

The resolution before us however, does not take any comprehensive approach to end the practice of shark finning. Though it presents us with statistical data showing us the enormous increase of shark finning activity in the Pacific over the past eight years, it neglects to address the volume of U.S. imports which helps to support the demand for shark finning to occur. If we want this resolution to offer meaningful and substantive changes in the treatment of sharks, this resolution should address a ban on importation.

Moreover, the authority of the Western Pacific Regional Fishery Management Council—which is the federally recognized regional council responsible for developing management plans for fisheries for the exclusive economic zones of the State of Hawaii and the U.S. Pacific territories—will be usurped with the passage of this resolution. These regional councils are in place to develop sound and responsible fishery management plans while being mindful of the unique circumstances of the presiding region. I am concerned that passing this resolution sets a precedent which can call in to question the integrity and authority of all federally mandated regional fishery management councils in the U.S.

Mr. Speaker, the practice of shark finning is unfortunate. We should not, however, avert the authorities of regional councils in lieu of our unwillingness to address this issue in a comprehensive manner.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of House Concurrent Resolution 189, relating to the practice of shark finning.

There is no question that the practice is wasteful of a resource and should be discontinued. This issue has been on the agenda of the Western Pacific Regional Fishery Management Council (WESPAC), which is responsible for managing our Western Pacific fisheries resources. WESPAC has been studying this issue, and I encourage them to continue to do so in order to compile the necessary data to take definitive action. In that regard, I would note that the Council has requested additional funds from NMFS during the past three years to do so, and as evidenced by our endorsement of this resolution today, there is a critical

need for NMFS to comply with the request. I want to work closely with Representatives ENI FALEOMAVAEGA, JIM SAXTON, WAYNE GILCHRIST, GEORGE MILLER, DON YOUNG and the Appropriations Committee to make sure there is adequate federal support for the broad and extensive responsibilities for which WESPAC is charged. The fisheries of the Western Pacific economic zones for which WESPAC is responsible comprises approximately forty-eight percent of the entire area NMFS regulates, but WESPAC receives only twelve percent of the total funding all the commissions receive. We must make certain that we give the Commission the tools, resources and support they need in order to credibly discharge their formidable responsibilities.

Secondly, I would like to point out that even with enactment of this resolution or additional legislation amending the Magnuson-Stevens Act to ban shark finning, this is an international problem, and follow-up action must be initiated and undertaken in order to effectively end the practice internationally. Far more fins are unloaded in California ports, Hong Kong and other sites than in Hawaii, and the issue of transshipping of fins must also be addressed. If we are serious about ending finning, we need to act on several fronts.

By citing the waste inherent in finning, the resolution raises the issue of full utilization of the products harvested from sharks. Fins should not be the only part of animal used and we need to develop refined products and markets in order to more fully make good use of shark parts. The resolution cites the waste inherent in finning, and yet there is an implicit level of utilization in other marine products. For example, to what extent is taking solely roe from fish or sea urchins wasteful? NMFS should address these utilization issues as it undertakes regulatory actions impacting shark catches.

The last matter I would like to raise is that of compensation for lost income which will be sustained by Hawaii fishermen and industry. Shark fins generate significant revenue, and traditionally most of its goes directly to the crews of the fishing fleet. The resolution does not address lost compensation for crews, but I am pointing out the issue to indicate the complexity of the issue, and equity in addressing the economic consequences of fisheries regulatory decisions, based on precedents set by previous NMFS actions and decisions.

Again, Mr. Speaker, I urge adoption of the resolution, as well as addressing the underlying and associated issues it raises.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 189, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 862) to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District, as amended.

The Clerk read as follows:

H.R. 862

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

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Clear Creek Distribution System Conveyance Act".

### SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) DISTRICT.—The term "District" means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) AGREEMENT.—The term "Agreement" means Agreement No. 8-07-20-L6975 entitled "Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District".

(4) DISTRIBUTION SYSTEM.—The term "Distribution System" means all the right, title, and interest in and to the Clear Creek distribution system as defined in the Agreement.

### SEC. 3. CONVEYANCE OF DISTRIBUTION SYSTEM.

In consideration of the District accepting the obligations of the Federal Government for the Distribution System, the Secretary shall convey the Distribution System to the District pursuant to the terms and conditions set forth in the Agreement.

### SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.

Nothing in this Act shall be construed to authorize the District to construct any new facilities or to expand or otherwise change the use or operation of the Distribution System from its authorized purposes based upon historic and current use and operation. Effective upon transfer, if the District proposes to alter the use or operation of the Distribution System, then the District shall comply with all applicable laws and regulations governing such changes at that time.

### SEC. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

Conveyance of the Distribution System under this Act—

(1) shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14-06-200-489-IR3), as it may be amended or supplemented; and

(2) shall not deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or to renewal by entering into a long-term water service contract.

### SEC. 6. LIABILITY.

Effective on the date of conveyance of the Distribution System under this Act, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the subject of Bureau of Reclamation facility transfers has been of particular interest to the Congress, local irrigation districts, and the administration in recent years. Facility transfers represented an effort to shrink the Federal government and shift the responsibilities for ownership into the hands of those who can more efficiently operate and maintain them.

Much of the momentum for these transfers comes from local irrigation districts that are seeking title to these projects. The Federal government holds title to more than 600 Bureau of Reclamation water projects throughout the West. A growing number of these projects are now paid out and operated and maintained by local irrigation districts. The districts seek to have the facilities transferred to them, since many of the districts now have the expertise needed to manage the systems and can do so more efficiently than the Federal government.

H.R. 862 transfers title of the Clear Creek distribution system in California to the Clear Creek Services District without affecting the underlying water services contract, and it relieves the Federal government of all liability for its role in owning and constructing the water distribution system.

This transfer should be supported for two reasons. In the case of the Clear Creek distribution system, the government will reduce its risk of future liabilities associated with the project due to faulty project design. The district has indicated that it is prepared to accept responsibility for the system.

Second, the district believes that it has the expertise and financial capability to manage this project more efficiently than the Federal government.

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

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. UNDERWOOD. Mr. Speaker, this legislation directs the transfer of the Bureau of Reclamation water distribution system to the Clear Creek Community Services District in California. The transfer will be carried out pursuant to a cooperative agreement that has already been negotiated.

The Bureau of Reclamation has worked closely with local interests on this transfer proposal, and it is my understanding that the manager's amendment is acceptable to the administration. This legislation is noncontroversial. Mr. Speaker, I urge support of the legislation of the gentleman from California (Mr. HERGER), H.R. 862.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.