

party as well. We have a report pending on that, on the performance of the administrative officer in the last Congress and for the first few months of this Congress. We will be discussing that at some time in the future.

The selection of this administrative officer, I think, was done in a proper fashion to the extent that it was done in a bipartisan fashion with input from the chairman of the Democratic Caucus, who has been at the administration of the House for many, many years because he has been in the leadership for over a decade. I have had the pleasure of serving with him in the leadership for over a decade.

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I do not know Mr. Eagen. The gentleman from California [Mr. FAZIO] has indicated that he is a man of ability and integrity, and the gentleman from Michigan [Mr. KILDEE], for whom I have great respect indicates a man of fairness. That is the kind of administrative officer this House needs.

So, as I said, I have no intention of opposing the selection of this administrative officer. Suffice it to say, however, that the gentleman from California [Mr. THOMAS] has indicated that there was a national search for an officer. I think that was appropriate because what this House needs in a bipartisan and effectively nonpartisan way, to assure ourselves and the American public that the business of the House, the paying of our bills, the managing of our information system, all of that which has nothing to do with the formulation of policy but everything to do with the effective management of the people's House is being done in a proper fashion. I would hope and expect that that will be the result from this appointment.

With those few words, Mr. Speaker, unless there is anybody who wants additional time, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume once again to my colleague from California, Mr. THOMAS, the chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding this time to me.

I do not wish to revisit the distant past, a time when there were no independent audits, and the first ever chief financial officer on the first decision he made was not backed up and, therefore, resigned because he could not be independent. I wish to revisit the recent past, the past between the resignation of the first CAO and today because frankly someone who has not yet been recognized has performed yeoman service for the House. Jeff Trandahl, who has been the acting CAO for a period longer than he had anticipated, I believe now has a high comfort level as he leaves this temporary office and moves back to the Clerk's office where he is the Clerk's right arm. I just think it is appropriate, as Jay Eagen comes

in as the new CAO, for the House to recognize the extraordinary service of someone who was asked to help and who has never said no, and for, as I said, a longer period than anticipated has helped and helped willingly in making sure that the transition to the new CAO is as smooth as it has been, and I want the House to recognize the contribution made by Jeff Trandahl.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield such time as he may consume to the gentleman from California [Mr. FAZIO], my colleague and the chairman of the Democrat Caucus and former ranking member on the Committee on House Oversight.

Mr. FAZIO of California. Mr. Speaker, I also wanted to indicate to Jeff Trandahl the support that he has generated on the minority side. Because of the way he has conducted himself, he has been a tribute not only to his employer, the Clerk, Robin Carle, but also to his former employer, one of the more delightful Members to ever have served in the House, the Senator from Kansas, Mr. ROBERTS. He set the right tone in the job that he has performed over the last 6 months and I think has shown the way in which the job can be performed to those who succeed in it, and I want to congratulate him on the performance and indicate that those on this side of the aisle wish him well in his future, short term and long term.

Mr. BOEHNER. Reclaiming my time, Mr. Speaker, let me close this discussion by also congratulating the Acting CAO, Jeff Trandahl. Jeff is a valued employee of the House, and he worked for PAT ROBERTS for many years, and he worked for the Committee on Agriculture and then worked in the Clerk's office over the last 2 years before taking over this temporary assignment. And I think the best tribute to Jeff over the last 6 months, 7 months or so, is that we have not heard one word about the Acting CAO for this period of time that he has been there, and he has done, I think, a marvelous job running the organization, and with that I look forward to the dawning of our new CAO, Jay Eagen.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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 a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:
Strike out all after the enacting clause and insert:

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. PURPOSES AND FINDINGS.

(a) **PURPOSES.**—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 that—

(1) the nations that fish for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality 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; and

(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 animals, with the objective of progressively reducing dolphin mortality to a level approaching zero through the setting of annual limits and with the goal of eliminating dolphin mortality.

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 LaJolla, California, in June, 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama.

"(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) **EXCEPTIONS TO MORATORIUM.**—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended—

(1) by inserting after the first sentence "Such authorizations may be granted under title III with respect to purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, subject to regulations prescribed under that title by the Secretary without regard to section 103."; and

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

(b) DOCUMENTATION REQUIRED.—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is further amended—

(1) by striking subparagraph (B) and inserting the following:

"(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)(I) the tuna or products therefrom were not banned from importation under this paragraph before the effective date of section 4 of the International Dolphin Conservation Program Act; or

"(II) the tuna or products therefrom were harvested after the effective date of section 4 of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, and 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 required of applicant nations, in accordance with article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission, to become a member of that organization;

"(ii) 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; and

"(iii) the total dolphin mortality limits, and per-stock per-year dolphin mortality limits permitted for that nation's vessels under the International Dolphin Conservation Program do not exceed the limits determined for 1997, or for any year thereafter, consistent with the objective of progressively reducing dolphin mortality to a level approaching zero through the setting of annual limits and the goal of eliminating dolphin mortality, and requirements of the International Dolphin Conservation Program;"

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

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

"(C) shall not accept such documentary evidence if—

"(i) 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—

"(I) to allow determination of compliance with the International Dolphin Conservation Program; and

"(II) 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

"(ii) after taking into consideration such 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.";

(4) by striking "subparagraph (E)" in the matter after subparagraph (F), as redesignated by paragraph (2) of this subsection, and inserting "subparagraph (F)".

(c) CERTAIN INCIDENTAL TAKINGS.—Section 101 (16 U.S.C. 1371) is further amended by adding at the end the following new subsection:

"(e) ACT NOT TO APPLY TO INCIDENTAL TAKINGS BY UNITED STATES CITIZENS EMPLOYED ON FOREIGN VESSELS OUTSIDE THE UNITED STATES EEZ.—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 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) when employed on a foreign fishing vessel of a harvesting nation which is in compliance with the International Dolphin Conservation Program.".

(d) PERMITS.—Section 104(h) (16 U.S.C. 1374(h)) is amended to read as follows:

"(h) GENERAL PERMITS.—

"(I) Consistent with the regulations prescribed pursuant to section 103 of this title and to the requirements of section 101 of this title, the Secretary may issue an annual permit to a United States purse seine fishing vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

"(2) Such annual permits 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 306 of this Act, subject to the regulations issued pursuant to section 303 of this Act."

(e) INTERNATIONAL NEGOTIATIONS.—Section 108(a)(2) (16 U.S.C. 1378(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (A);

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

"(C) negotiations to revise the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 U.S.T. 230; TIAS 2044) which will incorporate—

"(i) the conservation and management provisions agreed to by the nations which have signed the Declaration of Panama and in the Straddling Fish Stocks and Highly Migratory Fish Stocks Agreement, as opened for signature on December 4, 1995; and

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

"(D) discussions with those countries participating, or likely to participate, in the International Dolphin Conservation Program, for the purpose of identifying sources of funds needed for research and other measures promoting effective protection of dolphins, other marine species, and the marine ecosystem;"

(f) RESEARCH GRANTS.—Section 110(a) (16 U.S.C. 1380(a)) is amended—

(1) by striking "(I)" in paragraph (1); and

(2) by striking paragraph (2).

SEC. 5. AMENDMENTS TO DOLPHIN PROTECTION CONSUMER INFORMATION ACT.

(a) LABELING STANDARD.—Subsection (d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)) is amended to read as follows:

"(d) LABELING STANDARD.—

"(1) It is a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) 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 were harvested using a method of fishing that is not harmful to dolphins if the product contains tuna harvested—

"(A) on the high seas by a vessel engaged in driftnet fishing;

"(B) outside the eastern tropical Pacific Ocean by a vessel using purse seine nets—

"(i) in a fishery in which the Secretary has determined that a regular and significant association occurs between dolphins and tuna (similar to the association between dolphins and

tuna in the eastern tropical Pacific Ocean), unless such product is accompanied by a written statement, executed by the captain of the vessel and an observer participating in a national or international program acceptable to the Secretary, certifying that no purse seine net was intentionally deployed on or used to encircle dolphins during the particular voyage on which the tuna were caught; and no dolphins were killed or seriously injured in the sets in which the tuna were caught; or

"(ii) in any other fishery (other than a fishery described in subparagraph (D)) unless the product is accompanied by a written statement executed by the captain of the vessel certifying that no purse seine net was intentionally deployed on or used to encircle dolphins during the particular voyage on which the tuna was harvested;

"(C) in the eastern tropical Pacific Ocean by a vessel using a purse seine net unless the tuna meet the requirements for being considered dolphin safe under paragraph (2); or

"(D) by a vessel in a fishery other than one described in subparagraph (A), (B), or (C) that is identified by the Secretary as having a regular and significant mortality or serious injury of dolphins, unless such product is accompanied by a written statement executed by the captain of the vessel and an observer participating in a national or international program acceptable to the Secretary that no dolphins were killed or seriously injured in the sets or other gear deployments in which the tuna were caught, provided that the Secretary determines that such an observer statement is necessary.

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

"(A) 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

"(B)(i) the product is accompanied by a written statement executed by the captain providing the certification required under subsection (h);

"(ii) 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 that such observer provided the certification required under subsection (h); and

"(iii) the statements referred to in clauses (i) and (ii) are endorsed in writing by each exporter, importer, and processor of the product; and

"(C) the written statements and endorsements referred to in subparagraph (B) comply with regulations promulgated by the Secretary which provide for the verification of tuna products as dolphin safe.

"(3)(A) The Secretary of Commerce shall develop an official mark that may be used to label tuna products as dolphin safe in accordance with this Act.

"(B) A tuna product that bears the dolphin safe mark developed under subparagraph (A) shall not bear any other label or mark that refers to dolphins, porpoises, or marine mammals.

"(C) It is a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to label a tuna product with any label or mark that refers to dolphins, porpoises, or marine mammals other than the mark developed under subparagraph (A) unless—

"(i) no dolphins were killed or seriously injured in the sets or other gear deployments in which the tuna were caught;

"(ii) the label is supported by a tracking and verification program which is comparable in effectiveness to the program established under subsection (f); and

"(iii) the label complies with all applicable labeling, marketing, and advertising laws and regulations of the Federal Trade Commission, including any guidelines for environmental labeling.

"(D) If the Secretary determines that the use of a label referred to in subparagraph (C) is substantially undermining the conservation goals of the International Dolphin Conservation Program, the Secretary shall report that determination to the United States Senate Committee on Commerce, Science, and Transportation and the United States House of Representatives Committees on Resources and on Commerce, along with recommendations to correct such problems.

"(E) It is a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) willfully and knowingly to use a label referred to in subparagraph (C) in a campaign or effort to mislead or deceive consumers about the level of protection afforded dolphins under the International Dolphin Conservation Program."

(b) TRACKING REGULATIONS.—Subsection (f) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)) is amended to read as follows:

"(f) REGULATIONS.—The Secretary, in consultation with the Secretary of the Treasury, shall issue regulations to implement this Act, including regulations to establish a domestic tracking and verification program that provides for the effective tracking of tuna labeled under subsection (d). 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. The regulations shall address each of the following items:

"(1) The use of weight calculation for purposes of tracking tuna caught, landed, processed, and exported.

"(2) Additional measures to enhance current observer coverage, including the establishment of criteria for training, and for improving monitoring and reporting capabilities and procedures.

"(3) The designation of well location, procedures for sealing holds, procedures for monitoring and certifying both above and below deck, or through equally effective methods, the tracking and verification of tuna labeled under subsection (d).

"(4) The reporting, receipt, 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 set.

"(5) The shore-based verification and tracking throughout the fishing, transshipment, and canning process by means of Inter-American Tropical Tuna Commission trip records or otherwise.

"(6) The use of periodic 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 paragraph.

The Secretary may make such adjustments as may be appropriate to the regulations promulgated under this subsection to implement an international tracking and verification program that meets or exceeds the minimum requirements established by the Secretary under this subsection."

(c) FINDINGS CONCERNING IMPACT ON DEPLETED STOCKS.—The Dolphin Protection Consumer Information Act (16 U.S.C. 1385) is amended by striking subsections (g), (h), and (i) and inserting the following:

"(g) SECRETARIAL FINDINGS.—(1) Between March 1, 1999, and March 31, 1999, the Sec-

retary shall, on the basis of the research conducted before March 1, 1999, under section 304(a) of the Marine Mammal Protection Act of 1972, information obtained under the International Dolphin Conservation Program, and any other relevant information, make an initial finding regarding whether the intentional deployment on or encirclement of dolphins with purse seine nets is having a significant adverse impact on any depleted dolphin stock in the eastern tropical Pacific Ocean. The initial finding shall be published immediately in the Federal Register and shall become effective upon a subsequent date determined by the Secretary.

"(2) Between July 1, 2001, and December 31, 2002, the Secretary shall, on the basis of the completed study conducted under section 304(a) of the Marine Mammal Protection Act of 1972, information obtained under the International Dolphin Conservation Program, and any other relevant information, make a finding regarding whether the intentional deployment on or encirclement of dolphins with purse seine nets is having a significant adverse impact on any depleted dolphin stock in the eastern tropical Pacific Ocean. The finding shall be published immediately in the Federal Register and shall become effective upon a subsequent date determined by the Secretary.

"(h) CERTIFICATION BY CAPTAIN AND OBSERVER.—

"(1) Unless otherwise required by paragraph (2), the certification by the captain under subsection (d)(2)(B)(i) and the certification provided by the observer as specified in subsection (d)(2)(B)(ii) shall be that no dolphins were killed or seriously injured during the sets in which the tuna were caught.

"(2) The certification by the captain under subsection (d)(2)(B)(i) and the certification provided by the observer as specified under subsection (d)(2)(B)(ii) shall be that no tuna were caught on the trip in which such tuna were harvested using a purse seine net intentionally deployed on or to encircle dolphins, and that no dolphins were killed or seriously injured during the sets in which the tuna were caught, if the tuna were caught on a trip commencing—

"(A) before the effective date of the initial finding by the Secretary under subsection (g)(1);

"(B) after the effective date of such initial finding and before the effective date of the finding of the Secretary under subsection (g)(2), where the initial finding is that the intentional deployment on or encirclement of dolphins is having a significant adverse impact on any depleted dolphin stock; or

"(C) after the effective date of the finding under subsection (g)(2), where such finding is that the intentional deployment on or encirclement of dolphins is having a significant adverse impact on any such depleted stock."

SEC. 6. AMENDMENTS TO TITLE III.

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

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM."

(b) ADDITIONAL FINDINGS.—Section 301 (16 U.S.C. 1411) is amended—

(1) by striking paragraph (4) of subsection (a) and inserting the following:

"(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have demonstrated their willingness to participate in appropriate multilateral agreements to reduce dolphin mortality progressively to a level approaching zero through the setting of annual limits, 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."; and

(2) by striking paragraphs (2) and (3) of subsection (b) and inserting the following:

"(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 not operating in compliance with the International Dolphin Conservation Program;"

(c) Title III (16 U.S.C. 1411 et seq.) is amended by striking sections 302 through 306 (16 U.S.C. 1412 through 1416) and inserting the following:

"SEC. 302. INTERNATIONAL DOLPHIN CONSERVATION PROGRAM.

"The Secretary of State, in consultation with the Secretary, shall seek to secure a binding international agreement to establish an International Dolphin Conservation Program that requires—

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

"(2) the establishment of a per-stock per-year dolphin mortality limit, to be in effect through calendar year 2000, at a level between 0.2 percent and 0.1 percent of the minimum population estimate, as calculated, revised, or approved by the Secretary;

"(3) the establishment of a per-stock per-year dolphin mortality limit, beginning with the calendar year 2001, at a level less than or equal to 0.1 percent of the minimum population estimate as calculated, revised, or approved by the Secretary;

"(4) that if a dolphin mortality limit is exceeded under—

"(A) paragraph (1), all sets on dolphins shall cease for the applicable fishing year; and

"(B) paragraph (2) or (3), all sets on the stocks covered under paragraph (2) or (3) and any mixed schools that contain any of those stocks shall cease for the applicable fishing year;

"(5) a scientific review and assessment to be conducted in calendar year 1998 to—

"(A) assess progress in meeting the objectives set for calendar year 2000 under paragraph (2); and

"(B) as appropriate, consider recommendations for meeting these objectives;

"(6) a scientific review and assessment to be conducted in calendar year 2000—

"(A) to review the stocks covered under paragraph (3); and

"(B) as appropriate to consider recommendations to further the objectives set under that paragraph;

"(7) the establishment of a per vessel maximum annual dolphin mortality limit consistent with the established per-year mortality limits, as determined under paragraphs (1) through (3); and

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

"SEC. 303. REGULATORY AUTHORITY OF THE SECRETARY.

"(a) REGULATIONS.—

"(1) The Secretary shall issue regulations, and revise those regulations as may be appropriate, to implement the International Dolphin Conservation Program.

"(2)(A) The Secretary shall issue regulations to authorize and govern the 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 (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, or serious injury to, marine mammals in fishing operations;

“(iii) prohibiting intentional sets on stocks and schools in accordance with 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 to detect unsafe fishing conditions that may cause high incidental dolphin mortality 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 sets of purse seine net on marine mammals is completed and rolling of the net to sack up has begun no later than 30 minutes before 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 making of intentional sets on 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 that may reduce or eliminate dolphin mortality or serious injury 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) ADJUSTMENTS TO REQUIREMENTS.—The Secretary may make such adjustments as may be appropriate to 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 any regulation 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 research conducted under section 304 and information 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 impact on a marine mammal stock or species, the Secretary shall—

“(A) notify the Inter-American Tropical Tuna Commission of his or her determination, 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) Before taking action under subparagraph (A) or (B) of paragraph (1), 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;

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

“(C) may be terminated by the Secretary at an earlier date 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.

“(5) Within 120 days after the Secretary notifies the United States Commissioners to the Inter-American Tropical Tuna Commission of the Secretary's determination under paragraph (1)(A), the United States Commissioners shall call for a special meeting of the Commission to address the actions necessary to reduce incidental mortality and serious injury and mitigate the adverse impact which resulted in the determination. The Commissioners shall report the results of the special meeting in writing to the Secretary and to the Secretary of State. In their report, the Commissioners shall—

“(A) include a description of the actions taken by the harvesting nations or under the International Dolphin Conservation Program to reduce the incidental mortality and serious injury and measures to mitigate the adverse impact on the marine mammal species or stock;

“(B) indicate whether, in their judgment, the actions taken address the problem adequately; and

“(C) if they indicate that the actions taken do not address the problem adequately, include recommendations of such additional action to be taken as may be necessary.

“SEC. 304. RESEARCH.

“(a) REQUIRED RESEARCH.—

“(1) IN GENERAL.—The Secretary shall, in consultation with the Marine Mammal Commission and the Inter-American Tropical Tuna Commission, conduct a study of the effect of intentional encirclement (including chase) on dolphins and dolphin stocks incidentally taken in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The study, which shall commence on October 1, 1997, shall consist of abundance surveys as described in paragraph (2) and stress studies as described in paragraph (3), and shall address the question of whether such encirclement is having a significant adverse impact on any depleted dolphin stock in the eastern tropical Pacific Ocean.

“(2) POPULATION ABUNDANCE SURVEYS.—The abundance surveys under this subsection shall survey the abundance of such depleted stocks and shall be conducted during each of the calendar years 1998, 1999, and 2000.

“(3) STRESS STUDIES.—The stress studies under this subsection shall include—

“(A) a review of relevant stress-related research and a 3-year series of necropsy samples from dolphins obtained by commercial vessels;

“(B) a 1-year review of relevant historical demographic and biological data related to dol-

phins and dolphin stocks referred to in paragraph (1); and

“(C) an experiment involving the repeated chasing and capturing of dolphins by means of intentional encirclement.

“(4) REPORT.—No later than 90 days after publishing the finding under subsection (g)(2) of the Dolphin Protection Consumer Information Act, the Secretary shall complete and submit a report containing the results of the research described in this subsection to the United States Senate Committee on Commerce, Science, and Transportation and the United States House of Representatives Committees on Resources and on Commerce, and to the Inter-American Tropical Tuna Commission.

“(b) OTHER RESEARCH.—

“(1) IN GENERAL.—In addition to conducting the research described in subsection (a), the Secretary shall, in consultation with the Marine Mammal Commission and in cooperation with the nations participating in the International Dolphin Conservation Program and the Inter-American Tropical Tuna Commission, undertake or support appropriate scientific research to further the goals of the International Dolphin Conservation Program.

“(2) SPECIFIC AREAS OF RESEARCH.—Research carried out under paragraph (1) may include—

“(A) projects to devise 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;

“(B) projects to develop cost-effective methods of fishing for mature yellowfin tuna without setting nets on dolphins or other marine mammals;

“(C) projects to carry 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; and

“(D) projects to determine 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.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) There are authorized to be appropriated to the Secretary the following amounts, to be used by the Secretary to carry out the research described in subsection (a):

“(A) \$4,000,000 for fiscal year 1998.

“(B) \$3,000,000 for fiscal year 1999.

“(C) \$4,000,000 for fiscal year 2000.

“(D) \$1,000,000 for fiscal year 2001.

“(2) In addition to the amount authorized to be appropriated under paragraph (1), there are authorized to be appropriated to the Secretary for carrying out this section \$3,000,000 for each of the fiscal years 1998, 1999, 2000, and 2001.

“SEC. 305. REPORTS BY THE SECRETARY.

“Notwithstanding section 103(f), the Secretary shall submit annual reports to the Congress which include—

“(1) results of research conducted pursuant to section 304;

“(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 bycatch of 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 stocks in the eastern tropical Pacific Ocean, and an assessment of the effectiveness of the Program;

"(5) actions taken by the Secretary under section 101(a)(2)(B) and section 101(d);

"(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; and

"(7) any other information deemed relevant by the Secretary.

"SEC. 306. PERMITS.

"(a) IN GENERAL.—

"(1) Consistent with the regulations issued pursuant to section 303, the Secretary shall 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 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 303, with respect to each vessel.

"(2) The Secretary is authorized to charge a fee for granting an authorization and 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 to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in granting authorizations and 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 307;

"(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 307; 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."

(d) Section 307 (16 U.S.C. 1417) is amended—

(1) by striking paragraphs (1), (2), and (3) of subsection (a) and inserting the following:

"(1) for any person to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product unless the tuna or tuna product is 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 and within 6 months thereafter completed all steps required of applicant nations in accordance with Article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission, to become a member of that organization;

"(2) except as provided for in subsection 101(d), 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 except in accordance with this title and regulations issued pursuant to this title; and

"(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) by inserting "(a)(5) or" before "(a)(6)" in subsection (b)(2); and

(3) by striking subsection (d).

(e) Section 308 (16 U.S.C. 1418) is repealed.

(f) 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. International Dolphin Conservation Program.

"Sec. 303. Regulatory authority of the Secretary.

"Sec. 304. Research.

"Sec. 305. Reports by the Secretary.

"Sec. 306. Permits.

"Sec. 307. Prohibitions."

SEC. 7. AMENDMENTS TO THE TUNA CONVENTIONS ACT.

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

"(c) at least one shall be either the Administrator, or an appropriate officer, of the National Marine Fisheries Service; and"

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

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

"(a) APPOINTMENTS; PUBLIC PARTICIPATION; COMPENSATION.—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;

"(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;

"(3) establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data; and

"(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.

"(b) FUNCTIONS.—

"(1) GENERAL ADVISORY COMMITTEE.—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) SCIENTIFIC ADVISORY SUBCOMMITTEE.—

"(A) ADVICE.—The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including—

"(i) the conservation of ecosystems;

"(ii) the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and

"(iii) the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean.

"(B) OTHER FUNCTIONS AND ASSISTANCE.—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—

"(i) the review of data from the Program, including data received from the Inter-American Tropical Tuna Commission;

"(ii) 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;

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

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

"(v) 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 its equivalent).

"(3) ATTENDANCE AT MEETINGS.—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."

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

"SEC. 15. REDUCTION OF BYCATCH IN THE EASTERN TROPICAL PACIFIC OCEAN.

"The Secretary of State, in consultation with the Secretary of Commerce and acting through the United States Commissioners, shall seek, in cooperation with other nations whose vessel fish for tuna in the eastern tropical Pacific Ocean, to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The bycatch reduction program shall include measures—

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

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

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

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

SEC. 8. EFFECTIVE DATES.

(a) AMENDMENTS TO TAKE EFFECT WHEN IDCP IN FORCE.—Sections 3 through 7 of this Act (except for section 304 of the Marine Mammal Protection Act of 1972 as added by section 6 of this Act) shall become effective upon—

(1) certification by the Secretary of Commerce that—

(A) sufficient funding is available to complete the first year of the study required under section 304(a) of the Marine Mammal Protection Act of 1972, as so added; and

(B) the study has commenced; and

(2) certification by the Secretary of State to Congress that a binding resolution of the Inter-American Tropical Tuna Commission or other legally binding instrument establishing the International Dolphin Conservation Program has been adopted and is in force.

(b) SPECIAL EFFECTIVE DATE.—Notwithstanding subsection (a), the Secretary of Commerce may issue regulations under—

(1) subsection (f)(2) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)(2)), as added by section 5(b) of this Act;

(2) section 303(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1413(a)), as added by section 6(c) of this Act, at any time after the date of enactment of this Act.

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendment will be considered as read and printed in the RECORD.

There was no objection.

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

Mr. ABERCROMBIE. Mr. Speaker, reserving the right to object, I will ask the gentleman from New Jersey to explain his request.

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

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

Mr. SAXTON. Mr. Speaker, I appreciate the gentleman's reservation in order that we may discuss the history and the provisions of this bill. Both the gentleman from Maryland [Mr. GILCHREST] and the gentleman from California [Mr. CUNNINGHAM] have worked exceedingly hard both in the House and in the Senate. That effort culminated just a few days ago with a 99 to 0 vote in favor of this bill in the Senate. It simply implements most of the provisions which we provided through the Subcommittee on Fisheries Conservation, Wildlife and Oceans.

Subsequently, the Committee on Resources in this House in passage on the floor here, it also implements the Panama Declaration to protect dolphins and sea life. It is a conservation measure which is extremely important to fishermen on the west coast. It is a compromise that was reached with opponents of the bill, and although it is

not perfect, I believe it is a good bill and a bill that should be supported by everyone in the Chamber this afternoon.

Mr. ABERCROMBIE. Further reserving the right to object, Mr. Speaker, might I ask? I noticed that the gentleman from California [Mr. CUNNINGHAM], who has been associated with this bill from the beginning is on the floor and at the podium, and I would like to yield to him for remarks he might make while I consider this reservation.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

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

Mr. CUNNINGHAM. Mr. Speaker, I thank my friend from Hawaii, and we have been friends for a long time, and what I would say is under the same circumstances I probably would have objected also, just receiving the information, not knowing what the bill was. The gentleman from Maryland [Mr. GILCHREST] and myself have been following this thing day by day, working with the senators from my State on the bill who had objection to it originally. There were some agreements made on the Senate side that I would have not wanted in the bill, but were placed there. I, like the gentleman from New Jersey [Mr. SAXTON] and my colleague from Maryland, agree that in the best interests of the country and of the safety of the tuna dolphin that it would be good to pass and push on this bill.

After all, it was supported last Congress. It did not make it to the Senate, it has gone through here, it has gone through the Senate, and I believe the President has lobbied strongly for this bill and will sign it, that we go forth and do that. And I thank my friend for not only his patience, but for his consideration.

Mr. ABERCROMBIE. Mr. Speaker, in order for me to be able to completely understand the situation and to have it on the record, may I ask the gentleman from Maryland, under the bill as it is before us, the conference bill as before us, does the dolphin-safe label change now?

Mr. GILCHREST. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, the dolphin-safe label does not change now from the way it is.

Mr. ABERCROMBIE. And what would be the earliest date that the label could change? Would that be March of 1999?

Mr. GILCHREST. It will be 18 months after October 1997, whatever that might be, March of 1999.

Mr. ABERCROMBIE. 18 months?

Mr. GILCHREST. Yes.

Mr. ABERCROMBIE. And could the gentleman explain the rationale for those two answers?

Mr. GILCHREST. Mr. Speaker, the reason the label does not change until March of 1999 is a compromise worked

out on the Senate side to pursue a very scientific study of what the dolphins go through under this new regime.

Now if the scientific study shows that there is no stress as a result of encirclement and other problems with the dolphins do not arise and one can catch tuna fish by encircling them and releasing the dolphins, if everything scientifically proves out within this 18-month period, then the label will reflect that dolphins can be released without harm in the process of encircling tuna fish and then the label will reflect that.

Mr. ABERCROMBIE. So we will revisit the issue in 18 months at the conclusion of the circumstances the gentleman from Maryland just outlined?

Mr. GILCHREST. Mr. Speaker, I can assure the gentleman from Hawaii that we will not only revisit this in 18 months, but that the gentleman from California (Mr. Cunningham) and myself will visit this issue on a very regular basis during the course of this study.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Maryland very much.

Considering the answers, Mr. Speaker, I want to thank the gentleman from California [Mr. CUNNINGHAM] and the gentleman from Maryland [Mr. GILCHREST] and the gentleman from New Jersey [Mr. SAXTON] for the enumeration of the conditions and circumstances of the bill.

Mr. Speaker, as a result of the information I have received, I am going to withdraw my reservation of objection.

Mr. GILCHREST. Mr. Speaker, will the gentleman yield just for a second?

Mr. ABERCROMBIE. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I would like to say that I have enjoyed working this bill with the gentleman from New Jersey [Mr. SAXTON], the gentleman from California [Mr. CUNNINGHAM], certainly the Members of the Senate, but I hold the gentleman from Hawaii in high esteem for his seriousness in legislation that comes out of this body.

Mr. MILLER of California. Mr. Speaker, the bill we are considering today—H.R. 408, the International Dolphin Conservation Program Act, as amended by S. 39—is a compromise. Normally, we would consider compromise to be the backbone of the way the congressional process works: Members with various viewpoints, representing very different constituencies from Maine to California, working to find the common ground that is necessary to national legislation.

Unfortunately, this compromise represents something very different. We are brought to this point by pressure from a foreign government, and that is not the way this institution should function.

This is not a bill to which I can lend enthusiastic support, although I will vote for it. I believe that, overall, this compromise represents a far better deal for dolphins than they would have received under the bill originally passed by the House, and that is due primarily to the untiring efforts and the commitment of Senator

BARBARA BOXER of California, who wrote the original dolphin protection law in 1990 and who has stood up to those on both sides of the Rio Grande who have sought to weaken that law.

We vigorously opposed an immediate change in the Dolphin-safe label, as was sought by Mexico and by the Administration, because there is a great deal of concern within the scientific community that the kind of fishing sanctioned by this bill will cause serious harm to dolphins. We insisted that an impartial scientific study be conducted to determine whether, as asserted, it is now possible to fish with purse seine nets and not harm dolphins.

I am therefore pleased to see that on this key point, we have been successful by requiring a three-year study on the impacts of chasing and netting on dolphin populations. Neither I nor the scientists I have consulted are comfortable with an automatic change in the meaning of "dolphin safe" after only 1 year of study unless the Secretary determines that chasing and netting dolphins has a significant adverse impact on the animals.

The scientists tell us that these dolphin populations should be growing at 4–6 percent annually, and that anything else should be considered a significant adverse impact. I assume the Secretary will base his decision on objective, independent scientific advice and not succumb to political pressure.

However, this bill now contains new language—not previously reviewed by the House and not subject to any hearings in either House or Senate—which, in my view, sets a dangerous precedent for the future of eco-labeling.

The language of this bill appears to exempt the government-defined "dolphin safe" label from FTC standards on truth in labeling. This language prohibits American citizens from suing the federal government over the accuracy and truthfulness of the label that purports to signify "dolphin safe" tuna.

The bill technically allows the use of labels other than the government label, which I support, but then contains a plethora of provisions and restrictions designed to ensure that competing labels will be all but impossible to use.

This bill requires the Secretary to make a determination on whether the use of other labels is "substantially undermining the conservation goals of the International Dolphin Conservation Program," and to then recommend to the Congress how to "correct such problems". It also contains a provision—added to the last minute at the insistence of tuna companies—making it a violation of the Federal Trade Commission Act to "use a label in a campaign or effort to mislead or deceive consumers about the level of protection afforded to dolphins under the International Dolphin Conservation Program Act."

To my knowledge, no other provision of law contains such extensive limitations on the right of the American consumer to know the impacts of their purchases on the environment or anything else, and I am extremely uncomfortable about setting this precedent at a time when eco-labeling or other labeling efforts are under tremendous fire from global big business, without hearings or time to determine the exact extent of these limitations.

I intend to remain very engaged over the next 18 months as we undertake the study to determine the safety of purse seine nets on

dolphins, and I know there are many outside Congress who will be watching this study, too. I expect that those who will engage in the study will utilize scrupulous scientific standards, and that the recommendations that result from the study will be scientifically sound rather than motivated by political or trade considerations.

Lastly, let me say that those of us who will be called upon to cast votes in the near future on fast track trade authority or on the expansion of NAFTA and other trade agreements would do well to study the history of this legislation. If there ever was a question that environmental and labor standards should be included as integral components of such agreements, not as side agreement afterthoughts, this legislation provides a clear example of why such provisions should be incorporated.

This legislation is the result of foreign governments telling American consumers and the U.S. Congress that we—and only we—must weaken our domestic product labeling laws because of this international agreement—an agreement, I might add, that not one person in this Congress had any role in drafting or approving. Trade and foreign demands are the engines of this legislation; sound science, mammal protection, consumer information all are being sacrificed on the almighty altar of free trade.

This goes far beyond the issue of tuna and dolphins. It goes to the issue of who makes the laws and the rules that govern this country and our constituents. Do we make decisions based on fact and science, or on the demands of foreign economic competitors?

The best reason to vote for this legislation is that, should this shaky compromise fail, a far worse version is waiting in the wings and undoubtedly will pass. In fact, there is some indication that the Mexican Government is already looking to weaken even this compromise.

So, I thank Senator BOXER and Senators BIDEN and SMITH for their efforts to make this bill less onerous, and I pledge to work with them in the coming year and a half to monitor the study that will determine how the label is to be written in the future.

Mr. ABERCROMBIE. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF BETTY SHABAZZ

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the resolution (H.Res. 183) honoring the life of Betty Shabazz, and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

□ 1730

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, and I will

not object, I would like to say to my friend from New York, sometimes at 700 knots you have to make a split second decision, and in this case, I think it has worked out for the best.

As I was standing before, I learned of a problem that existed and made a decision. As a matter of fact, I had rose at the other time with the reservation to allow the gentleman and the gentlewoman from New York to make their talk in support of the issue. The issue at hand had nothing to do with Betty Shabazz, and I rise in full and strong support of the gentleman from New York and the gentlewoman from New York and for what they are trying to do in this.

Mr. Speaker, under my reservation, I yield to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I thank the gentleman from California [Mr. CUNNINGHAM] for allowing his name to be included among the Members of Congress that take this time before we adjourn to pay great tribute to a great American. I recognize that the gentleman's objections had nothing to do with the life of this great woman, and I appreciate the fact that the gentleman is removing that objection.

Mr. CUNNINGHAM. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 183

Whereas the Nation honors Betty Shabazz as a wife, mother, educator, and advocate for civil and human rights, women, and the poor;

Whereas Betty Shabazz, through her life and deeds, has been an inspiration to people around the world;

Whereas Betty Shabazz was a woman of strength, resilience, perseverance, and grace who overcame the greatest of challenges;

Whereas Betty Shabazz was born Betty Sanders in Detroit, Michigan, on May 28, 1936;

Whereas Betty Shabazz met and married the controversial activist and leader El-Hajj Malik El-Shabazz (Malcolm X) in New York in 1958;

Whereas on February 21, 1965, while pregnant with twins, Betty Shabazz and their four daughters witnessed Malcolm X's assassination;

Whereas Betty Shabazz exhibited her resiliency and determination as a single mother, raising and educating her six daughters, Attallah, Qubilah, Ilyasah, Gamilah, and twins Malika and Malaak;

Whereas Betty Shabazz found the time to become certified as a registered nurse, and to later earn bachelor's and master's degrees and, finally, a doctorate in education administration from the University of Massachusetts;

Whereas Betty Shabazz joined the administrative staff of Medgar Evers College in Brooklyn, New York, rising to high positions;

Whereas, while preserving the public memory of her late husband, Betty Shabazz earned a reputation of her own, as an educator, public speaker, and advocate for women, education, and civil and human rights;