

can reshape Government so that we can provide rural Americans the tools they need to meet the challenges of our global marketplace.

I commend Senator DASCHLE for his work in the development of these bills. The priority that he has given to agriculture in introducing these bills as part of his leadership package is most welcome and most appropriate. I am proud to be part of his leadership team and a cosponsor of these two bills.

Both of these bills recognize that our Nation's family farmers and ranchers are the economic lifeblood of rural America. When they do well, rural America does well.

FAMILY PLANNING FUNDS

Mr. KERRY. Mr. President, I want to make available to all my colleagues and their staff an article by Wernor Fornos, president of the Population Institute, which articulates the importance of a vote that Congress will cast in February. This vote will affect the lives of thousands of families worldwide. This vote will determine whether previously appropriated fiscal year 1997 funds for international family planning will be released only 5 months after the fiscal year for which they were provided has begun, or 9 months after it has begun. Releasing these funds in March as opposed to July is critical—international family planning programs have sustained massive cuts over the past year and a half. These reductions have been punitive and unprecedented. They are, quite literally, threatening the health of women and children.

I ask my colleagues to consider this article when they cast their vote in February. I ask unanimous consent that the full text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Jan. 22, 1997]

NEEDED: FAMILY PLANNING FUNDS

(By Wernor Fornos)

By Feb. 1, President Clinton is expected to present to the new Congress a finding that the current method of dispensing international population assistance is harmful and counterproductive to US program efforts, and unquestionably it is.

In an outrageous attempt to watch United States family planning efforts overseas die a slow death, Congress last year approved \$385 million for these vital humanitarian programs in 1997. Congress further specified that the money could not be dispensed until July of this year, and even then at a rate of no more than 8 percent a month.

Since the 1997 fiscal year began on Oct. 1, 1996, and ends on Sept. 30, 1997, it is obvious that the legislation was calculated to undermine US efforts to assist developing countries with their family planning needs. The measure is an especially cruel hoax considering that some 500 million women need and want to regulate their fertility but lack access to contraceptives.

Moreover, 585,000 women die annually from causes related to pregnancy and childbirth.

The World Health Organization believes that the provision of family planning to those who need and want it will reduce maternal mortality by one-fifth.

Sources at the Office of Population in the US Agency for International Development (AID) say the funding restrictions and delays are adding up to millions of dollars in administrative costs. The result is that fewer family planning services are being provided, the health of a great number of women is jeopardized, and government funds are wasted because of unwarranted micromanagement by Congress.

Meanwhile, other development programs—such as child survival, championed by Rep. Chris Smith (R) of New Jersey, Congress's leading opponent of international family planning aid—will be adversely affected because their administrative costs are derived from AID's overall operations budget.

Perhaps the most reprehensible element of the Byzantine metering of international population funds is that it is expected to increase abortions in the world's poorest countries, though its principal architects, Congressman Smith and House Appropriations chairman Bob Livingston (R) of Louisiana, purport to be abortion opponents.

It doesn't take a rocket scientist to figure out that reducing family planning funds is a sure-fire way to increase abortions. A 35 percent reduction of population spending last year was estimated to have caused 1.6 million additional abortions, and a nine-month moratorium plus metering may lead to an even greater number.

If both the US Senate and House of Representatives concur with Mr. Clinton's findings that the strange disbursement schedule for international population funds is detrimental to our family planning efforts overseas, the money can be released starting as early as March 1, rather than July 1.

Though it still will be squeezed out at the rate of 8 percent a month, at least the funds would be delayed five months rather than nine. Neither the federal budget nor the national deficit will be increased by the earlier release date. Congress has already agreed to spend the \$385 million on family planning programs overseas. The question is when.

In a world where the population is climbing toward 5.9 billion and increasing by nearly 90 million annually, with 95 percent of the growth in the poorest countries, playing a legislative shell game with human lives is unworthy of a country that prides itself on its humanitarianism. Members of this Congress should take the opportunity to at least partially erase the shame perpetrated by the strident congressional henchmen of the antichoice movement in the last Congress.

TUNA-DOLPHIN BILL

Mrs. BOXER. Mr. President, last week, Senators STEVENS and BREAUX introduced a bill S. 39, that would significantly weaken protections for dolphins in the eastern tropical Pacific Ocean by rewriting—gutting—the “dolphin safe” tuna labeling law that Senator BIDEN and I wrote and urged into law in 1990.

Today, the \$1 billion U.S. canned tuna market is a dolphin safe market. Consumers know that the dolphin safe label means that dolphins were not chased, harassed, captured, or killed.

Our definition of dolphin safe became law for all the right reasons. Those reasons are still valid today:

First, for the consumers, who were opposed to the encirclement of dol-

phins with purse seine nets and wanted guarantees that the tuna they consume did not result in harassment, capture, and killing of dolphins; second, for the U.S. tuna companies, who wanted a uniform definition that would not undercut their voluntary efforts to remain dolphin-safe; third, for the dolphins, to avoid harassment, injury and deaths by encirclement; and fourth, for truth in labeling.

Our law has been a huge success. Annual dolphin deaths have declined from 60,000 in 1990 to under 3,000 in 1995. Why mess with success?

The Stevens-Breaux bill would permit more dolphins to be killed than are killed now.

The bill promotes the chasing and encirclement of dolphins, a tuna fishing practice that is very dangerous to dolphins. It does so by gutting the meaning of dolphin safe, the label which must appear on all tuna sold in the United States. The “dolphin safe” label has worked; it doesn't need to be updated, as the bill's sponsors claim.

A number of arguments have been made in support of the Stevens-Breaux bill which I would like refute at this time.

1. ENVIRONMENTAL SUPPORT

Bill supporters claim that it is supported by the environmental community. In fact, only a few environmental groups support the Stevens-Breaux bill, while over 85 environmental, consumer, animal protection, labor, and trade groups oppose the Stevens-Breaux bill. I ask unanimous consent to insert a list of these groups in the RECORD at the conclusion of my remarks. The fact is that the vast majority of environmental organizations in this country and around the world oppose the Stevens-Breaux bill.

2. EMBARGO ON TUNA

The bill's supporters say that it is unreasonable for the United States to continue to impose a unilateral embargo on other fishing nations that wish to sell tuna in our country. I agree. It is time to lift the embargo. That is why Senator BIDEN and I, and a number of our colleagues, introduced legislation in the last session of Congress that would lift the country by country embargo against tuna that is caught by dolphin safe methods. Our bill would give all tuna fishermen the opportunity to export to the U.S. market as long as they use dolphin safe practices. In other words, we would open the U.S. market and comply with international trade agreements without gutting U.S. dolphin protection laws.

We have offered repeatedly over the past year to sit down and negotiate a compromise with the administration. We have stated repeatedly that we agree it is appropriate to lift the embargo. We want to reach a compromise that is in the best interest of the American consumer, dolphins, and our U.S. tuna processing industry.

3. SCIENCE

Supporters of the Stevens-Breaux bill believe that we should return to chasing and setting nets on dolphins because bycatch of other marine species is minimized. I believe that in order to sustain our renewable marine resources, we need to take a comprehensive ecosystem approach. I also recognize that management of a single species does not always produce benefits for the entire ecosystem. The bycatch of juvenile tuna and other marine species including endangered turtles, is an issue of concern that must be addressed. However, the bycatch arguments used by supporters of this bill are not based on solid science. We need more research before we can establish that bycatch is a problem.

4. OBSERVERS ON BOATS

Under the scheme supported by this bill, tuna fishing boats would continue to have only one observer on each. Currently, that one observer only has to observe whether or not a purse seine net was used on dolphins. If a net was deployed, the tuna caught on that fishing trip cannot be labeled "dolphin safe". Under the scheme in the Stevens-Breaux bill, an observer would have to see whether there are any dead dolphins in the nets that are used to catch tuna. These nets are huge—1½ miles long. How can we expect one single observer to know whether or not a dolphin died in a mile-and-a-half long net? This observer scheme would be unworkable and unenforceable. It also ignores all injuries to dolphin during the chase and encirclement process which can lead to eventual death.

5. INTERNATIONAL OBLIGATION

During the last session, the Panama Declaration was repeatedly referred to as a tuna-dolphin treaty, and it was suggested that unless the Senate passed the Stevens-Breaux bill, the United States was somehow reneging on a binding international agreement. This is simply untrue. It is a completely inaccurate characterization of the issue.

Mr. President, there is no tuna-dolphin treaty.

No treaty was signed by the United States or any other nation on the subject of tuna fishing and the killing of dolphins in the eastern tropical Pacific.

No treaty was submitted to the Senate for ratification, as required by the Case-Zablocki Act.

No treaty was referred to the Senate Foreign Relations Committee.

None of these things happened because there is no treaty.

The agreement that the Stevens-Breaux bill relates to is neither a treaty nor an international agreement. The so-called Panama Declaration is only a political statement—an agreement to agree in the future on a binding international agreement.

The declaration sets forth a series of principles which will ultimately be contained in this yet-to-be-drafted international agreement. But these

principles are so vague and largely hortatory that they cannot possibly be read as imposing legal obligations.

If there were any doubt that the United States did not intend to be bound by this declaration, we need only turn to the statement issued by the United States representative to the meeting in Panama.

The U.S. Administration supports this initiative which is an important step on the road to a permanent, binding instrument . . . The initiative . . . is contingent upon changes in U.S. legislation . . . The U.S. Administration needs to work with our Congress on this . . . We do not want to mislead anyone here as to what the final outcome of that process might be.

It is clear that the administration was not binding the United States to anything, other than to work with the Congress to enact this legislation.

That is the commitment of the United States. It is nothing more. If we don't pass the Stevens-Breaux bill, no binding agreement will have been broken, no international treaty obligation will have been violated.

In summary, the arguments made by the supporters of the Stevens-Breaux legislation—arguments of fact as well as arguments of law—are unsupportable. The bill is not needed for any convincing scientific or environmental purpose, and is not needed to meet any binding obligation of the United States.

I remain committed to blocking this legislation in its current form. I also remain committed to reaching a compromise solution.

We have stated repeatedly that we agree it is appropriate to lift the embargo. We want to reach a compromise that is in the best interest of the American consumer, dolphins, and our U.S. tuna processing industry.

I ask unanimous consent that the following material be printed in the RECORD immediately following my statement: First a letter to Senator BOXER from internationally renowned marine scientist Jacques-Yves Cousteau opposing the Stevens-Breaux proposed change of the definition of dolphin safe; second, a set of opinion pieces and a letter to the editor from Time magazine, the Washington Post, and the Journal of Commerce, and third, the list of bill opponents referred to earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPponents OF THE STEVENS-BREAUX BILL

Action for Animals, California; Americans for Democratic Action, American Society for the Prevention of Cruelty to Animals, American Oceans Campaign, American Humane Association, Animal Protection Institute, Ark Trust, Australians for Animals, Bellerive Foundation, Italy & Switzerland; Born Free Foundation, Brigantine New Jersey Marine Mammal Stranding Center, BREACH, UK; Cetacea Defense, Chicago Animals Rights Coalition, Clean Water Action, Coalition for No Whales in Captivity, Coalition Against the United States Exporting Dolphins, Florida; Coalition for Humane Legislation, Colorado Plateau Ecology Alli-

ance, Committee for Humane Legislation, Community Nutrition Institute.

Defenders of Wildlife, Dolphin Project Interlock International, Dolphin Connection, California; Dolphin Freedom Foundation, Dolphin Defenders, Florida; Dolphin Data Base, Dolphin Alliance, Inc.; Doris Day Animal League, Earth Island Institute, EarthTrust, Education and Action for Animals, Endangered Species Project, Inc.; European Network for Dolphins, Federation for Industrial Retention and Renewal, Fondation Brigitte Bardot, France; Friends of the Earth, Friends of Animals, Friends for the Protection of Marine Life, Friends of the Dolphins, California; Fund for Animals, Fundacion Fauna Argentina, Hoosier Environmental Council, Humane Society of Canada, Humane Society of the Midlands, Humane Society International, Humane Society of the United States.

In Defense of Animals, Institute for Agriculture and Trade Policy, Interhemispheric Resource Center, International Brotherhood of Teamsters, International Dolphin Project, International Wildlife Coalition, International Union of Electronic Workers, Irish Whale and Dolphin Society, LifeForce Foundation, Maine Green Party, Marine Mammal Fund, Massachusetts Audubon Society, Midwest Center for Labor Research, National Consumers League, National Family Farm Coalition, Oil Chemical and Atomic Workers International, Pacific Orca Society, Canada; People for the Ethical Treatment of Animals, Performing Animal Welfare Society, Progressive Animal Welfare Society.

Public Citizen's Global Trade Watch, Pure Food Campaign, Researth, Reseau-Cetaces, France; San Diego Animal Advocates, Sierra Club, Society for Animal Protective Legislation, South Carolina Association for Marine Mammal Protection, South Carolina Humane Society of Columbia, The Free Corky Project, UNITE, Vier Pfoten, Austria and Germany; Whale Tales Press, Whale Rescue Team, Whale and Dolphin Welfare Committee of Ireland, Whale and Dolphin Society of Canada, Working Group for the Protection of Marine Mammals, Switzerland; Zoocheck, Canada.

THE COUSTEAU SOCIETY,

Chesapeake, VA, July 12, 1996.

Hon. BARBARA BOXER,

U.S. Senate,

Washington, DC.

DEAR SENATOR BOXER: Thank you for your letter about the Panama Declaration. Here at The Cousteau Society/Equipe Cousteau, my staff has been following the heated discussions among environmental organizations about the Declaration and pertinent legislation in the United States.

We agree with the proponents of the Panama Declaration that it is time to move away from trade sanctions and toward engaging all tuna-fishing nations in a commitment to techniques that are truly dolphin-safe. At the same time, we cannot accept a compromise that approves of catching tuna by chasing and encircling dolphins. We have faith that the nations involved can find a better solution.

Our best wishes to you in your work.

Sincerely,

JACQUES-YVES COUSTEAU.

[From the Monitor, Mar. 4, 1996]

CHICKEN OF THE SEA?—A "DOLPHIN-SAFE"

TUNA FLAP MAKES THE U.S. SQUIRM

(By Eugene Linden)

Call it the flipper flip-flop. A squabble over attempt to amend the Marine Mammal Protection Act is forging some strange alliances even as it opens up a bitter rift in the environmental movement. In the end, it may be business interests—once the villains in the

piece but now terrified of a boycott by dolphin-loving consumers—that decide the matter.

At issue are amendments to the 1972 act, which forbade imports of tuna caught using nets to encircle dolphins that for unexplained reasons swim together with tuna in parts of the Pacific. Before the act, this method suffocated as many as 500,000 of the marine mammals each year. After 1972, American fishermen drastically reduced their dolphin kill, but in the 1980s the number of dolphins killed by foreign boats rose dramatically.

Then in 1989, environmental activist Sam LaBude galvanized public opinion by releasing dramatic videos of drowning dolphins. In 1990, StarKist, the world's largest tuna canner, responding to consumer sentiment, announced that it would buy only tuna caught by other methods. That same year, LaBude's group, Earth Island Institute, successfully sued the Bush Administration to bar tuna imports from Mexico and other Latin American countries that failed to protect dolphins. European nations followed suit, which extended the embargo to an estimated 80% of the canned-tuna consumer market.

Mexico promptly filed an international trade complaint. But it also took steps to reduce dolphin deaths, and by 1995 the number of dolphins killed by tuna fishermen annually had dropped below 5,000 worldwide—demonstrating, Mexicans assert, that fishing boats can encircle dolphins without killing the animals. The U.S. and a coalition of green groups met with Latin nations in Panama last October to hammer out new guidelines for environmentally sound tuna fishing. Their declaration permits encirclement so long as onboard observers certify that no dolphin drowned during the netting operation, and its provisions became the basis for a bill introduced by Alaska Senator Ted Stevens that would, among other things, lift the U.S. embargo. California Senator Barbara Boxer, a Democrat, has introduced a competing bill that would also lift the sanctions on the Latin nations but maintain them on individual vessels that catch tuna by encirclement of dolphins.

Proving once again that politics makes strange bedfellows, the Clinton Administration has sided with Stevens—a leader of Republican efforts to roll back environmental regulations—as have the Environmental Defense Fund, the World Wildlife Federation and the Center for Marine Conservation. They argue that unless the Latin nations are given credit for their efforts, they will simply resume their bad old ways. Meanwhile, Earth Island Institute, the Sierra Club, the Humane Society and Friends of the Earth vehemently oppose the Stevens bill and support Boxer's charging that the delegation in Panama sold out the dolphins to free trade.

Proponents of the Boxer bill say complicated enforcement procedures and the potential for corruption under the Stevens bill will mean that dolphin deaths will rise again. Proponents of the Stevens bill argue that the alternatives to encircling dolphins have proved destructive to both tuna populations and other species, such as sea turtles and sharks. All that leaves Anthony O'Reilly, chairman of H.J. Heinz Co., which owns StarKist, loath to make any change that might be misinterpreted by dolphin-loving consumers. "I believe the definition should not be changed in the absence of consensus of scientists and public opinion," he says. And he's the one who has to move the goods.

[From the Washington Post, July 23, 1996]

"DOLPHIN-SAFE" CLAIM IS IN DANGER

(By Colman McCarthy)

On the label of every can of tuna sold in the United States is the phrase "dolphin safe." This means that tuna were not caught by intentionally setting encircling nets on dolphins. In the Eastern Pacific Ocean, fleets locate the deeper-swimming tuna by tracking dolphins.

The story of how "dolphin safe" came to be imprinted on labels is proof that environmentally harmful practices can be turned around when enough well-organized citizens demand it. Credit is shared by schoolchildren, their parents and teachers who threatened to boycott tuna because dolphins were also killed in the catch, and by such groups as the Humane Society of the United States, which has been toiling on this marine issue for more than 20 years.

Legislatively, the Dolphin Consumer Information Act was passed in 1990. Then came the International Dolphin Conservation Act, which bans the import and sale of tuna caught in nets that encircle dolphins. Both laws represent years of work by progressive politicians to ensure that dolphins are nearly as safe as they were before tuna fleets took to the high seas in 1959 with deadly mile-long purse seine nets. Over three decades, more than 7 million died in the nets. Under the laws, dolphin mortality has been reduced by 96 percent.

In politics, success in one thing, defending it another.

The integrity of the legislation, as well as the safety of dolphins, is at serious risk. The problem is not with the domestic tuna fleet. California-based, it amounts to only a half-dozen boats and with the owner eschewing settings nets on dolphins. It is the fleets of a few foreign nations—Mexico mainly, which has nearly 40 factory boats in the eastern Pacific—that want to market dolphin-unsafe tuna in the United States.

Mexico's fishers and their lobbyists in Washington are taking comfort in legislation offered by Sens. Ted Stevens (R-Alaska) and John Breaux (D-La.). Their bill, which recently was approved by a Republican controlled committee, would redefine "dolphin safe" to something like "Well, pretty safe." Dolphins would be fair game for nets, along with the practice of helicopters and speedboats chasing the traumatized creatures into them.

To ward off troublesome school kids who like dolphins and might take to boycotting again, the Stevens-Breaux bill requires the fishers to "back down"—release dolphins from the nets while still tightening them around tuna. If no dolphins were "observed" dead in the nets, the dolphin-safe claim could be made.

Now the waters murk up. Even if an independent-minded observer can be found and be given the run of the factory boat by the Mexican captain, how precisely can one person monitor a mile's worth of nets in a waving sea? What about when they are sleeping or down below eating? What if the captain who isn't likely to be a dues-paying member of the Humane Society, disputes the observer's count of dead dolphins? Whose word is to be believed?

And then there is the effectiveness of enforcement. Jeffrey Pike of the Dolphin Safe Fair Trade Campaign, a group opposed to Stevens-Breaux, testified before Congress on the lack of enforcement powers by the Inter-American Tropical Tuna Commission, a regulatory group. When observers have cited the deaths of dolphins, "the reports are not acted on" by the commission. "To date, despite the fact that hundreds of violations have been reported, no monetary fines have

been collected or penalties assessed. . . . In 1994, during four trips IATTC observers reported that they were prohibited by the vessel captain from carrying out their duties, an offense for which . . . a penalty of \$50,000 each for the captain and vessel owners [is recommended]. In no case was the penalty collected."

Congress and U.S. courts are powerless to regulate Mexican and other Latin fleets in international waters. They do have power—and are exerting it through legislation—to ban the import and sale of dolphin-unsafe tuna. Legislation offered by Sen. Barbara Boxer (D-Calif.) does not lower dolphin protection standards. Stevens-Breaux supporters argue that if U.S. laws aren't modified, Mexico will drop its economic anchor in countries that lack dolphin-safe requirements.

This argument drowns in a deep sea of facts. The United Nations Food and Agriculture Organization reports that 90 percent of the world's consumers of tuna live in the United States, Canada and Europe, which impose dolphin-safe requirements. Mexico, like the U.S. tuna fleet before it, had better face economic reality, even as it may find the environmental kind unpalatable.

It comes down to language on labels. The public wants the factual words "dolphin safe" on the cans. It doesn't want dolphin deadly.

[From the Journal of Commerce, Jan. 2, 1997]

DOLPHINS, TUNA AND TRADE

(By Rodger Schlickeisen)

A Dec. 16 editorial endorsed the Stevens-Breaux bill as the best approach for continuing the decline in dolphin mortalities and implementing the Panama Agreement for an enforceable fishery management policy in the eastern Pacific Ocean. As members of Congress long involved with this issue, we take exception to this statement of support.

Despite popular sentiment behind the current "dolphin safe" label—which means what it says—the Stevens-Breaux bill would allow tuna caught using deadly netting and encirclement techniques to be sold as "dolphin safe" as long as no one saw any dolphins die. Supporters of the Stevens-Breaux bill argue that because an international observer will be on each tuna boat in the eastern Pacific Ocean, dolphin mortality will be easily monitored and controlled. That argument just doesn't hold water. One observer cannot possibly monitor the entire catch of a 100-foot vessel or investigate the contents of a mile-long purse seine net, particularly when the deadly dolphin chase is being carried out by speedboats traveling ahead of the mother ship with no observers on board.

Another assertion by the bill's proponents—that unless we weaken our laws substantially, international fishing operations will soon abandon the U.S. market and its dolphin-safe fishing techniques in favor of the lucrative and permissive Asian and Latin American markets—also lacks any credibility. The fact is that the U.S. market remains the world's largest, accounting for more than 60 percent of global tuna sales. And the European Community, the second-largest market, has dolphin-safe tuna practices that practically mirror the Boxer-Biden bill. Together, the United States and European Community dominate the world's tuna market.

Ultimately, the victim of this extreme effort to gut dolphin protection laws would be not only the dolphins, but also American consumers. By changing the definition of "dolphin safe," as the Stevens-Breaux bill proposes, even tuna caught by killing hundreds or thousands of dolphins could conceivably receive this label.

There is a better way: The Boxer-Biden International Dolphin Protection and Consumer Information Act of 1995. This bill maintains every word of the current dolphin-safe definition, while continuing the existing ban on selling all other types of tuna. Our bill also makes the necessary changes in current law to incorporate the Panama Agreement (a broad management plan for the eastern Pacific Ocean recently signed by the United States and 11 other countries).

Most significantly, our bill provides an important incentive for foreign and domestic tuna fishermen to fish in a dolphin-safe manner: access to the U.S. market. Under our bill, the ban on all tuna imports from countries that don't exclusively follow dolphin-safe practices will be amended to allow fishermen who use these methods to sell that tuna in the vast \$1 billion U.S. market. This important modification will reward those who have altered their fishing methods and encourage the rest to follow suit.

[From the Journal of Commerce, Aug. 2, 1996]

DOLPHINS, TUNA AND TRADE

(By Rodger Schlickeisen)

The debate over tuna-dolphin legislation, which reached the floor of the House of Representatives this week, has become as tangled as an old fishing net. But it unravels to one basic reality: The Clinton administration and a few environmental groups are pushing legislation that would weaken the "dolphin-safe" program and allow the slaughter of thousands of dolphins annually. While this harmful legislation passed the House this week, there is still time to stop it when a companion bill reaches the Senate floor after the August congressional recess.

Thanks to the efforts of millions of schoolchildren and a coalition of conservation groups, since 1990 U.S. law has provided labels on cans to let consumers know whether tuna was caught by dolphin-safe methods.

Tuna in the eastern tropical Pacific tend to school beneath dolphins, so historically fishermen set nets on the dolphins to catch the tuna below, killing at least 7 million dolphins since the 1950s. Dolphin mortality has dropped dramatically, however, since the U.S. embargo of dolphin-unsafe tuna imports.

After its string of environmental victories against a hostile Congress, why would the administration seek to weaken such a popular environmental program and hand opponents an opportunity to regain ground on the environment? Considering that the majority of environmental organizations support the current dolphin-safe standard, why would a few support regression to a discredited method of fishing?

The answer is that Flipper has become entangled in deadly trade politics. Latin American countries are pressuring the administration to lift the embargo, which Mexico has challenged successfully before the World Trade Organization. They not only want to settle this longstanding dispute, but help boost the Mexican economy before the November election, in which NAFTA will be an issue. Some want to appease Mexico's demands because they fear foreign tuna boat operators otherwise will abandon any safeguards.

Mexican lobbyists have convinced the administration that only changing the definition of dolphin-safe can ensure them access to the U.S. market, despite the fact that roughly a dozen Mexican tuna boats already fish dolphin-safe. The bill promoted by the administration would change the current definition to allow a dolphin-safe label on tuna caught by encircling, harassing and chasing dolphins—as long as no "observed" dolphin deaths occurred.

The assumptions of bill proponents are based on misleading industry information. For example, although they say 10 million dolphins exist in the eastern tropical Pacific, the tuna mostly follow two imperilled populations—spotted and spinner dolphins—which represent only a tiny fraction of the claimed millions. Although these two populations were recently listed as "depleted" under the Marine Mammal Protection Act, the administration proposal would allow setting nets on them.

Bill proponents claim that dolphin-safe fishing methods cause by-catch of other marine life such as sea turtles and sharks. They also claim that "new" techniques have been developed that make netting dolphins safer.

Marine biologist and tuna boat owner John Hall scoffs at those claims. He says the method of releasing dolphins from nets was developed by U.S. fishermen three decades ago and their recent adoption by some foreign fishermen has brought about no measurable protection for spotted and spinner dolphins. Moreover, the United Nations' Food and Agriculture Organization states that this fishery's by-catch under the present dolphin-safe definition is among the lowest in the world.

Furthermore, "observed" dolphin deaths under the new definition would not account for all deaths, according to Albert Myrick, who has coordinated U.S. research on dolphin stress. Current data strongly suggest that dolphins experience physiological damage and death after release from nets.

We lack viable means of ensuring that dolphins will not be killed when fishing nets are set on them. This year Mexican fishermen are known to have thrown observers off their boats. Many involved in the fishery are unconvinced that the present observer system can handle the intensive monitoring that enforcement of the new definition would require.

A grass-roots coalition of more than 80 environmental, consumer and animal welfare groups oppose weakening the present dolphin-safe standard.

U.S. tuna canneries, which six years ago went dolphin-safe in the face of unprecedented public pressure, also are concerned.

They rightly fear that they not only could lose their hard-won competitive advantage over foreign dolphin-unsafe canneries, but also again face boycotts over the misleading new label.

Ironically, if the president would abandon his attempt to change the definition of dolphin-safe, improvements could be made.

All agree that the present practice of embargoing all tuna from a country like Mexico for the behavior of a few bad fishermen is counterproductive.

We could allow the dolphin-safe tuna from Mexican fishermen to gain access immediately to the U.S. market.

This politically smart move also would be the right one.

KEEP THE CURRENT DOLPHIN-SAFE LABEL

Mr. BIDEN. Mr. President, today I join with my longtime colleague in this endeavor, Senator BOXER, to restate our continuing opposition to legislation changing the current dolphin-safe standard. As usual, she has explained the issue much better than I could, so my remarks will be brief.

Throughout the 1960's, 1970's, and 1980's, hundreds of thousands of dolphins were senselessly killed every year because of the use of gigantic

purse seine fishing nets. Our efforts to require that each nation wishing to export tuna to the United States document that it possessed a dolphin protection program and a dolphin mortality rate comparable to ours largely failed, resulting in unilateral embargoes against noncomplying nations.

The senseless slaughter of dolphin justifiably outraged many Americans. Literally tens of thousands of letters, telegrams, and phone calls poured into tuna companies' offices and Capitol Hill. The message heard was loud and clear: Don't allow this needless massacre to continue.

Then, in 1990, something remarkable happened. American tuna companies, environmentalists, and consumers came together and revolutionized an entire industry. That April, Starkist, and shortly after that Chicken of the Sea, and Bumblebee—which combined sold more than 80 percent of the tuna in America—announced voluntary purchasing bans against all tuna caught in association with dolphins.

On the heels of this campaign, then-Congresswoman BOXER and I wrote and shepherded into law the Dolphin Protection Consumer Information Act—a landmark statute that set one very simple, uniform standard: No tuna caught by purse seine net fishing, or by a boat capable of purse seine net fishing, can be labeled as dolphin-safe.

Our labeling law immediately transformed the decades-long controversy. Dolphin mortalities caused by both American and foreign tuna boats plummeted from more than 52,000 in 1990, to just under 3,000 in 1995. A tremendous decrease.

Millions of consumers now purchase tuna with a clear conscience, knowing that the deadly purse seine net method was not used.

Simply put, the Dolphin Protection Consumer Information Act remains a remarkable success story. It does not mandate anything. It does not require thousands of bureaucrats. It merely requires accurate, truthful labeling.

From the nutritional information printed on boxes of cereal, to salt content listings on low-sodium crackers, honesty in labeling is a well-established principle of law.

This does not necessarily mean that all types of a given product must conform to the requirements of a particular labeling law. All milk is not required to contain 2 percent milkfat, for example. But, if a dairy company wishes to label its product as 2 percent milkfat, it must meet that standard. In essence that is the concept underlying the current dolphin safe standard.

Unfortunately, legislation (S. 39) introduced recently by Senator STEVENS and Senator BREAUX changes the criteria for the current label, thereby eliminating the protection and honesty now provided. While the proposed no-mortalities requirement sounds good on its face, it is for all practical purposes unworkable and unenforceable. One observer, equipped with a pair of