

Mr. KERRY. Mr. President, I rise to make a few remarks in support of H.R. 5461, the Shark Finning Prohibition Act, which will the Senate has passed today and which will be forwarded to President Clinton for his signature.

H.R. 5461 is identical to a provision I authored, along with Senator SNOWE, in Senate Amendment 4320. That provision was then introduced in the House by Representative CUNNINGHAM as a stand alone bill and passed the House on October 30, 2000. I want to thank Senators HOLLINGS and SNOWE, who helped move this legislation through the Commerce Committee and the Senate. And, I thank Representative CUNNINGHAM for his work.

Shark finning is the practice of catching a shark, removing its fins and returning the remainder of the shark to the sea. It is highly wasteful practice since only a very small portion of the shark is consumed and the rest is dumped back into the sea. The National Marine Fisheries Service already prohibits shark finning in the Atlantic and Gulf of Mexico. This legislation would expand that ban into the Pacific and create a consistent national policy by amending the Magnuson-Stevens Fishery Conservation and Management Act.

Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity and small number of offspring leave them exceptionally vulnerable to over fishing and slow to recover from depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea. While many of our other highly migratory species such as tunas and swordfish are subject to rigorous management regimes, sharks have largely been overlooked until recently. By ending the wasteful practice of finning, we will, I hope, protect shark populations.

However, it is important that the passage of this legislation is only the beginning of national efforts to protect sharks and their marine ecosystems. There are other threats to sharks in addition to finning in domestic waters. These include directed fisheries, bycatch and the use of non-selective gear. And, importantly, we must recognize that shark finning takes place in foreign and international waters, not just the United States waters. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world. We must tackle these issues, as well.

I want to note that in the Commerce Committee we tried to address the issue of international shark finning more aggressively and, I believe, more appropriately. Senator HOLLINGS and I introduced S. 2831, the Shark Conservation Act of 2000. This proposal would have (1) mandated that the Secretary of Commerce report to Congress on progress being made domestically and internationally to reduce shark fin-

ning; (2) established a procedure to certify whether governments have adopted shark conservation measures; (3) banned the import of sharks or shark parts from countries that do not meet these certification procedures; and (4) provided technical assistance to foreign nations in an attempt to promote compliance.

Unfortunately, this comprehensive proposal was rejected by the House. We therefore sought the middle ground of the proposal in H.R. 5461. The legislation we will pass today (1) calls on the Administration to initiate or continue discussions with other countries to ban shark finning; (2) requires the collection of information on trade in shark fins and directing the Secretary of Commerce to report the findings to Congress; and (3) establishes a research program to help improve shark stock assessments, reduce incidental catch, and better utilize shark captured legally. This is a start, but only a start. I hope that my colleagues and the advocacy groups that advocated for this proposal will continue to work for additional international conservation measures.

Finally, my bill would authorize a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments, identify fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and provide data on the international shark fin trade.

Mr. President, the United States is a global leader in fisheries conservation and management. I believe this legislation provides us the opportunity to further this role, and take the first step in addressing an international fisheries management issue. In addition, I believe the U.S. should continue to lead efforts at the United Nations and international conventions to achieve coordinated international management of sharks, including an international ban on shark-finning. I look forward to working with Committee members on this important legislation.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5461) was read the third time and passed.

#### CONGRATULATING REVEREND CLAY EVANS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 385 introduced earlier today by Senators DURBIN and FITZGERALD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 385) congratulating the Reverend Clay Evans of Chicago, Illinois, on the occasion of his retirement.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HAGEL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 385) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 385

Whereas the Reverend Clay Evans was ordained as a Baptist minister 50 years ago, in 1950, and founded and served as the Pastor of the Fellowship Missionary Baptist Church in Chicago, Illinois, for 49 years;

Whereas Reverend Evans has been happily married to Lutha Mae Hollinshead Evans for over 50 years, and with her is the proud parent of five children;

Whereas Reverend Evans has been responsible for helping launch the ministerial careers of 93 individuals, including 6 female ministers;

Whereas Reverend Evans received Honorary Doctorate of Divinity Degrees from Arkansas Baptist College and Brewster Theological Clinic and School of Religion;

Whereas Reverend Evans has been an active participant in the Civil Rights Movement since 1965;

Whereas Reverend Evans is the founding National Board Chairman of Operation P.U.S.H. and currently serves as its Chairman Emeritus;

Whereas Reverend Evans is Founding President of the Broadcast Ministers Alliance of Chicago, Founding President of the African American Religious Connection, Trustee Board Chairman of Chicago Baptist Institute, and Board member of the National Baptist Convention, U.S.A., Inc.;

Whereas Reverend Evans is a featured soloist on numerous albums of the 250 Voice Choir of Fellowship Missionary Baptist Church and 1996 Stellar Award winner of the #1 Gospel Album "I've Got A Testimony";

Whereas Reverend Evans authored a 1992 autobiographical book, "From Plough Handle to Pulpit," which sold thousands of copies and was rewritten in 1997; Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Reverend Clay Evans on his retirement as Pastor of the Fellowship Missionary Baptist Church;

(2) acknowledges the affection that Reverend Evans' congregation shares for him; and

(3) extends its best wishes to Reverend Evans and his family on the occasion of his retirement.

#### NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. HAGEL. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 386, submitted earlier by Senator BOB SMITH.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 386) expressing the sense of the Senate regarding National Pearl Harbor Remembrance Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HAGEL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 386) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 386

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas 2,403 members of the Armed Forces of the United States were killed in the attack on Pearl Harbor;

Whereas there are currently more than 12,000 members of the Pearl Harbor Survivors Association;

Whereas the 60th anniversary of the attack on Pearl Harbor will be on December 7, 2001;

Whereas on August 23, 1994, Public Law 103-308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day;

Whereas Public Law 103-308, reenacted as section 129 of title 36, United States Code, requests the President to issue a proclamation each year calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and for all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor;

Whereas many citizens remain unaware of National Pearl Harbor Remembrance Day; and

Whereas many Federal offices do not lower their flags to half-staff each December 7: Now, therefore, be it

*Resolved*, That the Senate—

(1) pays tribute to the citizens of the United States who died in the attack on Pearl Harbor, Hawaii, on December 7, 1941, and to the members of the Pearl Harbor Survivors Association; and

(2) urges the President to take more active steps—

(A) to inform the American public of the existence of National Pearl Harbor Remembrance Day; and

(B) to ensure that the flag of the United States is flown at half-staff in accordance

with section 129 of title 36, United States Code.

#### ORDERS FOR FRIDAY, DECEMBER 8, 2000

Mr. HAGEL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Friday, December 8. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each with the time equally divided in the usual form.

Mr. REID. Mr. President, reserving the right to object, I say to my friend from Nebraska, the acting leader, it is my understanding we are going to try to extend the CR until Monday. I hope in the spirit that was felt around here today, that we were going to try to complete this session's work sometime next week, we can continue that.

I do say, just as a warning to everyone, we have been to this point on a number of occasions before with this session of Congress. It seems we can never quite get over the goal line.

I hope all Members, Democrats and Republicans, will do their utmost to try to work this out. We have four appropriations bills that are badly needed. In my opinion—and I think everyone in the minority agrees—it would be a shame if we were unable to complete those bills and have to go forward with a continuing resolution, in effect dumping all that in the lap of the new President and new Congress.

Of course, I am not going to object to my friend's unanimous consent request, but I do say we should really try to put our shoulders to the wheel and push this session over the goal line.

Mr. HAGEL. I thank the Senator. I know that is the intent of the leadership.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### PROGRAM

Mr. HAGEL. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10:30 a.m. tomorrow. The House is

expected to consider a continuing resolution that would continue funding through Tuesday, December 12 early tomorrow morning. It is the intention of the Senate to pass the continuing resolution by voice vote as soon as it is received from the House. Therefore no votes are expected prior to Tuesday, December 12, at a time to be determined.

#### EXECUTIVE SESSION

Mr. HAGEL. Mr. President, in executive session I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of the nomination of Richard N. Gardner, the Senate immediately proceed to his consideration, the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF STATE

Richard N. Gardner, of New York, to be an Alternate Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### RECESS UNTIL 10 A.M. TOMORROW

Mr. HAGEL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:24 p.m., recessed until Friday, December 8, 2000, at 10 a.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate December 7, 2000:

#### DEPARTMENT OF STATE

RICHARD N. GARDNER, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.