

United States Code, if obtained from a person other than a federal agency.”.

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in order to implement projects funded under section 31 3.

#### SEC. 31 8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this subtitle with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of Title XXXII of National Defense Authorization Act for Fiscal Year 2000.

#### SEC. 31 9. ARCTIC ENERGY.

(a) ESTABLISHMENT.—There is hereby established within the Department of Energy an Office of Arctic Energy. The Director of the Office shall report to the Secretary of Energy.

(b) PURPOSE.—The purposes of the Office of Arctic Energy are—

(1) to promote research, development and deployment of electric power technology that is cost-effective and especially well suited to meet the needs of rural and remote regions of the United States, especially where permafrost is present or located nearby; and

(2) to promote research, development and deployment in such regions of—

(A) enhanced oil recovery technology, including heavy oil recovery, reinjection of carbon and extended reach drilling technologies;

(B) gas-to-liquids technology and liquefied natural gas (including associated transportation systems);

(C) small hydroelectric facilities, river turbines and tidal power;

(D) natural gas hydrates, coal bed methane, and shallow bed natural gas; and

(E) alternative energy, including wind, geothermal, and fuel cells.

(c) LOCATION.—The Secretary shall locate the Office of Arctic Energy at a university with special expertise and unique experience in the matters specified in paragraphs 1 and 2 of subsection b.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out activities under this section—

(1) \$1,000,000 for the first fiscal year after the date of enactment of this section; and

(2) such sums as may be necessary for each fiscal year thereafter.

#### AUTHORITY FOR COMMITTEES TO MEET

##### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet during the session of the Senate on Friday, June 30, 2000, 9:30 a.m., for a hearing entitled “HUD’s Government Insured Mortgages: The Problem of Property ‘Flipping.’”

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

#### S. 2832—REAUTHORIZING THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

On June 29, 2000, Ms. SNOWE introduced S. 2832. The text of the bill follows:

S. 2832

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Magnuson-Stevens Reauthorization Act of 2000”.

#### TITLE I—REAUTHORIZATION AND REVISION

##### SEC. 101. AMENDMENT OF THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT 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 Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

##### SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended by striking paragraphs (1) through (4) and inserting the following:

- “(1) \$400,000,000 for fiscal year 2000;
- “(2) \$415,000,000 for fiscal year 2001;
- “(3) \$430,000,000 for fiscal year 2002;
- “(4) \$445,000,000 for fiscal year 2003;
- “(5) \$460,000,000 for fiscal year 2004; and
- “(6) \$475,000,000 for fiscal year 2005.”.

##### SEC. 103. POLICY.

Section 2(c) (16 U.S.C. 1801(c)) is amended—

(1) by striking “and” after the semicolon in paragraph (6);

(2) by striking “States.” in paragraph (7) and inserting “States; and; and

(3) by adding at the end thereof the following:

“(8) to use the best scientific information available when making fisheries management and conservation decisions, meaning information that is collected and analyzed by a process that, to the extent practicable—

“(A) is directly related to the specific issue under consideration;

“(B) is based on a statistically sufficient sample such that any conclusions drawn are reasonably supported;

“(C) has been independently peer-reviewed;

“(D) has been collected within a time frame that is reasonably related to the specific issue under consideration; and

“(E) incorporates a broad base of available sources.”.

##### SEC. 104. DEFINITIONS; NEW TERMS.

(a) NEW TERMS.—Section 3 (16 U.S.C. 1802) is amended as follows:

(1) HABITAT AREA OF PARTICULAR CONCERN.—After paragraph (18), insert the following:

“( ) The term ‘habitat area of particular concern’ means those waters and submerged substrate that form a discrete vulnerable subunit of essential fish habitat that is required for a stock to sustain itself and which is designated through a specified set of national criteria which includes, at a minimum, a requirement that designation be based on the best scientific information available regarding habitat-specific density of that fish stock, growth, reproduction, and survival rates of that stock within the designated area.”.

(2) MAXIMUM SUSTAINABLE YIELD.—After paragraph (23), insert the following:

“( ) The term ‘maximum sustainable yield’ means the largest long-term average catch or yield in terms of weight of fish caught for commercial and recreational purposes that can be continuously taken from a stock under existing environmental conditions, and which is adjusted as environmental conditions change.”.

(b) NUMERATION AND REDESIGNATION.—Section 3 (16 U.S.C. 1802), as amended by subsection (a), is amended—

(1) by moving paragraph (35) to follow paragraph (36); and

(2) by renumbering all paragraphs in numerical order from (1) through (47).

(c) REFERENCES IN OTHER LAW.—Whenever any other provision of law refers to a term defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) by its paragraph number and that paragraph was renumbered by subsection (b) of this section, the reference shall be considered to be a reference to the paragraph number given that paragraph under subsection (b) or subsequent amendment of that Act.

##### SEC. 105. ADVISORY COMMITTEE REFORM AND PEER REVIEW.

(a) REFORM.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by adding at the end of paragraph (3) the following:

“(C) For each committee established under subparagraph (A), each Council shall establish standard operating procedures relating to time, place, and frequency of meetings, a description of the type and format of information to be provided under subparagraph (A), a description of how recommendations under subparagraph (A) will be used, and other relevant factors.”;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

“(5) Each Council shall establish standard operating procedures relating to the relevant scientific review committee or committees that are responsible for conducting peer reviews of all stock assessments and economic and social analyses prepared for fisheries under the Council’s jurisdiction. Committees under this paragraph shall consist of members from the committee established under paragraph (1) of this subsection and, to the extent practicable, independent scientists qualified to peer review such assessments and analyses.”.

(b) PEER REVIEW.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

“(6) to the extent practicable conduct a peer review of any stock assessments and economic and social analyses prepared for a fishery under its jurisdiction, utilizing the procedures established under subsection (g)(5); and”.

##### SEC. 106. OVERFISHING AND REBUILDING.

(a) REBUILDING OVERFISHED FISHERIES.—Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) by striking “(1) The Secretary” in paragraph (1) and inserting “(1)(A) The Secretary”;

(2) by inserting after “overfished.” the following:

“The Secretary shall also identify which fisheries are managed under a fishery management plan or international agreement, and the estimated percentage of the total volume of all species in United States waters that are managed under a fishery management plan or international agreement.”

(3) by striking the last sentence of paragraph (1) and inserting the following: “A fishery shall be classified as approaching a condition of being overfished if, based on the best scientific information available trends in fishing effort and fishery resource size and other appropriate factors, the Secretary estimates that the fishery will become overfished within 2 years.”;

(4) by adding at the end of paragraph (1) the following:

“(B) If the Secretary determines that insufficient information is available on which to conclude that a fishery is approaching a condition of being overfished, the Secretary shall immediately notify the appropriate Council and within six months of such notification implement a research program, including cooperative research, designed to provide the information needed to determine whether or not the fishery is approaching a condition of being overfished.”;

(5) by striking paragraph (2) and inserting the following:

“(2)(A) If the Secretary determines at any time that a fishery is overfished, the Secretary shall immediately notify the appropriate Council and request that action be taken to end overfishing and to implement conservation and management measures to rebuild the stock of fish.

“(B) If a fishery harvests more than one stock of fish, the fishery shall be managed as a unit and considered as a unit for purposes of this Act, and the conservation and management targets of this Act do not require that the fishery be managed on a stock-by-stock basis.

“(C) The Secretary shall publish each notice under this paragraph in the Federal Register.”;

(6) striking clauses (i) and (ii) of paragraph (4) and inserting the following:

“(i) be as short as possible, taking into account the status and biology of any overfished stocks of fish, the need to minimize adverse social and economic impacts, including the cumulative impact of conservation and management measures on fishing communities, oceanographic and other environmental conditions that affect the stocks of fish, the interaction of the overfished stock of fish within the marine ecosystem, and be consistent with conservation and management measures adopted by an international organization in which the United States participates; and

“(ii) not exceed 10 years, except in cases where the biology of the stock of fish, or other environmental conditions dictate otherwise, or in cases where conservation and management measures adopted by an international organization in which the United States participates recommend otherwise.”; and

(7) by striking “United States.” in paragraph (4)(C) and inserting the following: “United States, and provide fair and equitable sharing of the management and conservation requirements among all contracting harvesters under such an agreement.”;

(b) ATLANTIC HIGHLY MIGRATORY SPECIES.—Section 304(g)(1) (16 U.S.C. 1854(g)(1)) is amended—

(1) by redesignating subparagraphs (A) through (G) as subparagraphs (B) through (H), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following:

“(A) consult with the commissioners appointed under section 971a of the Atlantic Tunas Convention Act (16 U.S.C. 971) during the preparation of plans, plan amendments, and regulations that implement recommendations of the International Commission for the Conservation of Atlantic Tunas to ensure that the implementation of such plans, plan amendments, and regulations is consistent with such recommendations.”;

(3) by striking “commissioners and” in subparagraph (B), as so redesignated;

(4) by redesignating clauses (iii) and (iv) in subparagraph (H), as so redesignated, as clauses (v) and (vi), respectively, and inserting after clause (ii) the following:

“(iii) do not have the effect of increasing or decreasing any allocation or quota of fish or fishing mortality level to the United

States agreed to pursuant to a recommendation of the International Commission for the Conservation of Atlantic Tunas;

“(iv) require comparable permitting, reporting, monitoring, and enforcement for all commercial and recreational fisheries;”; and

(5) by striking “species;” in subparagraph (G), as redesignated, and inserting “species and maintain the conservation leadership role of the United States through such measures;”.

#### SEC. 107. OBSERVERS.

(a) IN GENERAL.—Section 303 (16 U.S.C. 1853) is amended by adding at the end thereof the following:

“(e) OBSERVER PROGRAMS.—

“(1) When establishing any new program under this Act which utilizes observers deployed on United States fishing vessels or in United States fish processing plants for purposes of monitoring the harvesting of fish and collecting scientific information, the Council with jurisdiction over the fishery (or in the case of a highly migratory species fishery, the Secretary) in which the observers will be deployed shall establish a set of goals and objectives, an implementation schedule for the program, and a statistically reliable method for achieving the goals and objectives.

“(2) The goals and objectives required under paragraph (1) shall take into account—

“(A) equity among the various harvesting and processing sectors in the fishery;

“(B) fair and equitable sharing of the costs of the program among participants in the fishery; and

“(C) that those fishing vessels and processing plants where observers are deployed are not put at a disadvantage with respect to other harvesters or processors in that fishery or in other fisheries.

“(3) Any system of fees established under this section shall provide that the total amount of fees collected under this section not exceed the combined cost of—

“(A) stationing observers on board fishing vessels and United States fish processors;

“(B) the actual cost of inputting collected data; and

“(C) less any amount received for such purpose from another source, including Federal funds.”.

(b) PLAN REQUIREMENT.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) by striking “and” at the end of paragraph (13);

(2) by striking “fishery.” in paragraph (14) and inserting “fishery; and”; and

(3) by adding at the end thereof the following:

“(15) to the extent that observers are deployed on board United States fishing vessels or in United States fish processing plants under the provisions of a fishery management plan or regulations implementing a fishery management plan, comply with the goals and objectives required under subsection (e).”.

#### SEC. 108. CUMULATIVE IMPACTS.

(a) NATIONAL STANDARDS.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended to read as follows:

“(8) Conservation and management measures shall, consistent with the conservation requirements of this Act, take into account the importance of fishery resources to fishing communities, and the individual and cumulative economic and social impact of fishery conservation and management measures on such communities, in order to—

“(A) provide for the sustained participation of such communities; and

“(B) to the extent practicable, minimize adverse social and economic impacts on such communities.”.

(b) CONTENTS OF PLANS.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking

“describe the likely effects, if any, of the conservation and management measures on—” and inserting “describe in detail the likely effects, including the individual and cumulative economic and social impacts, of the conservation and management measures on—”.

#### SEC. 109. ESSENTIAL FISH HABITAT.

(a) FISHERY MANAGEMENT PLANS.—Section 303(a)(7) (16 U.S.C. 1853(a)(7)) is amended to read as follows:

“(7) describe and identify essential fish habitat and habitat areas of particular concern for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), and minimize to the extent practicable adverse effects on habitat areas of particular concern caused by fishing and identify other actions to encourage the conservation and enhancement of such habitat.”.

(b) FISH HABITAT REQUIREMENT.—Section 305(b)(1) (16 U.S.C. 1855) is amended by inserting “and habitat areas of particular concern” following “essential fish habitat” each time it appears in subparagraphs (A) and (B).

#### SEC. 110. REGIONAL FISHERY MANAGEMENT COUNCILS.

Section 302 (16 U.S.C. 1852) is amended—

(1) by inserting “and of the commonwealths, territories, and possessions of the United States in the Caribbean Sea” in subsection (a)(1)(D) after “States”;;

(2) by inserting “or disseminated by any other means that will result in wide publicity” in subsection (i)(2)(C) after “fishery”; and

(3) by inserting “or notify the public through any other means that will result in wide publicity” in subsection (i)(3)(B) after “ports”.

#### SEC. 111. CONTENTS OF FISHERY MANAGEMENT PLANS.

Section 303(b)(7) (16 U.S.C. 1853(b)(7)) is amended by striking “(other than economic data)”.

#### SEC. 112. ACTION BY THE SECRETARY.

Section 304 (16 U.S.C. 1854) is amended—

(1) by inserting “and any proposed implementing regulations prepared under section 303(c)(1),” in subsection (a)(1) after “plan amendment.”;

(2) by redesignating subparagraphs (A) and (B) of subsection (a)(1) as subparagraphs (B) and (C), respectively;

(3) by inserting before subparagraph (B), as so redesignated, of subsection (a)(1) the following:

“(A) immediately make a preliminary evaluation of the management plan or amendment for purposes of deciding if it is consistent with the national standards and sufficient in scope and substance to warrant review under this subsection, and

“(i) if that decision is affirmative, implement subparagraphs (B) and (C) with respect to the plan or amendment; or

“(ii) if that decision is negative, disapprove the plan or amendment and notify the Council, in writing, of the disapproval and of those matters specified in paragraph (3)(A), (B), and (C) as they relate to the plan or amendment.”;

(4) striking subparagraph (C), as so redesignated, of subsection (a)(1) and inserting the following:

“(C) by the 15th day following transmittal of the plan and proposed implementing regulations, publish in the Federal Register—

“(i) a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 50-day period beginning on the date the notice is published; and

“(ii) any proposed implementing regulations that are consistent with the fishery

management plan or amendment, this Act, and other applicable law, for a comment period of 50 days (incorporating any technical changes to the Council's proposed regulations the Secretary believes to be necessary for clarity, together with an explanation of those changes).";

(5) by striking "section 303(c)," in subsection (b)(1) and inserting "section 303(c)(2).";

(6) by striking "if that determination is affirmative, the Secretary shall" in subsection (b)(1)(A) and inserting "if the Secretary determines that the regulations are consistent, the Secretary shall, within 15 days of transmittal,";

(7) by striking "if that determination is negative, the Secretary shall" in subsection (b)(1)(B) and inserting "if the Secretary determines that the regulations are not consistent, the Secretary shall, within 15 days of transmittal,"; and

(8) by striking "paragraph (1)(A)." in subsection (b)(3) and inserting "paragraph (1)(A), and within 45 days after the end of the comment period under subsection (a)(1)(C).".

#### SEC. 113. INFORMATION COLLECTION.

Section 402 (16 U.S.C. 1881a) is amended—

(1) by striking "(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)" each place it appears in subsection (a);

(2) by striking "under this Act shall be confidential and shall not be disclosed," in subsection (b)(1) and inserting "under this Act, and that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations, shall be kept confidential and not disclosed for a period of 20 years following the year of submission to the Secretary,"; and

(3) by striking "under this Act," in subsection (b)(2) and inserting "under this Act, and that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations,".

#### SEC. 114. COOPERATIVE RESEARCH AND MANAGEMENT.

The Act is amended by adding at the end thereof the following:

##### "TITLE V-COOPERATIVE RESEARCH AND MANAGEMENT.

#### "SEC. 501. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a national cooperative research and management program to be administered by the National Marine Fisheries Service, based on recommendations by the Councils. The program shall consist of cooperative research and management activities between fishing industry participants, the affected States, and the Service.

"(b) RESEARCH AWARDS.—Each research project under this program shall be awarded on a standard competitive basis established by the Service, in consultation with the Councils. Each Council shall establish a research steering committee to carry out this subsection.

"(c) GUIDELINES.—The Secretary, in consultation with the appropriate Council and the fishing industry, shall create guidelines so that participants in this program are not penalized for loss of catch history or unexpended days-at-sea as part of a limited entry system.".

#### "SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the National Marine Fisheries Service, in addition to amounts otherwise authorized by this Act, the following amounts, to remain available until expended, for the conduct of this program:

"(1) \$15,000,000 for fiscal year 2001.

"(2) \$20,000,000 for fiscal year 2002.

"(3) \$25,000,000 for fiscal year 2003.

"(4) \$30,000,000 for fiscal year 2004.

"(5) \$35,000,000 for fiscal year 2005.".

#### SEC. 115. INDIVIDUAL FISHING QUOTAS.

Section 303(d)(1)(A) is amended by striking "before October 1, 2000," and inserting "before October 1, 2003,".

#### SEC. 116. COOPERATIVE ENFORCEMENT AGREEMENTS.

Title III is amended by adding at the end thereof the following:

##### "SEC. 315. COOPERATIVE ENFORCEMENT USES.

"(a) IN GENERAL.—The Governor of a State represented on an Interstate Fisheries Commission may apply to the Secretary for execution of a cooperative enforcement agreement with the Secretary that will authorize the deputization of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this Act or any other marine resource laws enforced by the Secretary. Upon receiving an application meeting the requirements of this section, the Secretary shall enter into the cooperative enforcement agreement with the requesting State.

"(b) REQUIREMENTS.—Cooperative enforcement agreements executed under subsection (a)—

"(1) shall be consistent with the purposes and intent of section 311(a) of this Act, to the extent applicable to the regulated activities; and

"(2) may include specifications for joint management responsibilities as provided by the first section of Public Law 91-412 (15 U.S.C. 1525).

"(c) AUTHORIZATION AND ALLOCATION OF FUNDS.—There are authorized to be appropriated to the Secretary for the purposes of carrying out this section \$10,000,000 in each of fiscal years 2001 through 2005. The Secretary shall include in each cooperative enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be equitably distributed among all States participating in cooperative enforcement agreements under this subsection, based upon consideration of the specific marine conservation enforcement needs of each participating State. Such agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.".

#### SEC. 117. STATEMENT OF POLICY REGARDING DELEGATION.

Section 2(c) (16 U.S.C. 1801(c)) is amended—

(1) by striking "and" after the semicolon in paragraph (6);

(2) by striking "States," in paragraph (7) and inserting "States; and"; and

(3) by adding at the end thereof the following:

"(8) to ensure that, notwithstanding any other provision of law, the Secretary has exclusive authority in the Federal Government for managing fishery resources (as defined in this Act), but the Secretary may delegate such authority to any other Federal official.".

#### SEC. 118. SCIENTIFIC AND STATISTICAL COMMITTEES REPORT ON ECOSYSTEM RESEARCH PRIORITIES; PILOT PROGRAM FOR FISHERY ECOSYSTEM PLANS.

Section 406 (16 U.S.C. 1882) is amended by adding at the end thereof the following:

"(f) RESEARCH.—

"(1) REPORT REQUIRED.—Within 12 months after the date of enactment of the Magnuson-Stevens Reauthorization Act of 2000 the Scientific and Statistical Committees of each regional fishery management council

shall identify and submit a report to the Secretary outlining prioritized information or research needs to support ecosystem based management of the fisheries within its jurisdiction. In determining what factors to consider, the Committees may consider the recommendations outlined in the report under section (d).

"(2) ASSISTANCE.—The Secretary shall provide assistance to the regional councils to obtain the prioritized information and conduct research identified in the reports under paragraph (1). These efforts shall not displace existing research efforts and priorities identified by the regional councils or the Secretary.

"(g) PILOT PROGRAM.—

"(1) IN GENERAL.—Within 18 months after the date of enactment of the Magnuson-Stevens Reauthorization Act of 2000, the Secretary, in consultation with the 8 regional fishery management council Chairs and affected stakeholders, shall identify at least one fishery or complex of interacting fisheries suitable for the development of a pilot Fishery Ecosystem Plan. The Secretary shall consider the reports submitted under subsection (f) when selecting the pilot program.

"(2) COORDINATION WITH APPROPRIATE COUNCIL.—After identifying the pilot Fishery Ecosystem Plan, the Secretary shall coordinate with the appropriate regional fishery management council to identify any information or conduct any research that may be needed to complete such a plan including a model of the food web, habitat needs of organisms identified in the food web, rates of mortality, identification of indicator species, and any other relevant data and monitoring needs.

"(3) FISHERY ECOSYSTEM PLAN.—Within 30 months after identification of the pilot fishery or complex of interacting fisheries, the appropriate regional fishery management council shall submit to the Secretary for approval a Fishery Ecosystem Plan. In creating such plan, the council may consider the recommendations outlined in the report under section (d)."

## TITLE II—SHARK CONSERVATION

#### SEC. 201. PROHIBITION ON SHARK-FINNING AND THE LANDING OF SHARK FINS TAKEN BY SHARK-FINNING.

(a) IN GENERAL.—Section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) is amended—

(1) by inserting "(a) IN GENERAL.—" before "It is unlawful—";

(2) by striking "or" after the semicolon in subparagraph (N);

(3) by striking the period in subparagraph (O) and inserting a semicolon and "or"; and

(4) by adding at the end the following:

"(P) to engage in shark-finning, or to land the fins of a shark that were taken by shark-finning.

"(b) SHARK-FINNING PRESUMPTION.—For purposes of subsection (a)(1)(P), there is a rebuttable presumption that shark fins landed from a fishing vessel or found on board a fishing vessel were taken by shark-finning.".

(b) DEFINITION ADDED TO ACT.—Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802), as amended by section 103, is amended—

(1) by redesignating paragraphs (38) through (48), and any reference to any such paragraph elsewhere in that Act, as paragraphs (39) through (49); and

(2) by inserting after paragraph (37) the following:

"(38) The term 'shark-finning' means the taking of a shark, removing the fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea.".

**SEC. 202. REGULATIONS.**

No later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the prohibition set forth in section 307(a)(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(a)(1)(P)) that—

(1) establish shark fin landing requirements that consider species identification needs, shark processing methods, and the nature and availability of markets for shark products in the region in which the shark fins are landed;

(2) contain procedures governing release of sharks caught but not retained by a fishing vessel that will ensure maximum probability of survival of sharks after release;

(3) contain documentation and other requirements necessary to assure the timely and adequate collection of data to support shark stock assessments and conservation enforcement efforts; and

(4) set forth the facts and circumstances under which a person may rebut the presumption established by section 307(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(b)), including the use of documentation provided through applicable fisheries observer programs and dockside inspection.

**SEC. 203. INTERNATIONAL NEGOTIATIONS.**

The Secretary of Commerce, acting through the Secretary of State, may with respect to the fishing practices on highly migratory sharks governed by regulations promulgated by the Secretary of Commerce pursuant to section 202 of this title—

(1) notify other nations whose vessels engage in fishing on highly migratory sharks, as soon as possible, about the import certification procedures and regulations under section of this title, as well as the international cooperation and assistance provisions of section 204;

(2) initiate discussions as soon as possible for purpose of developing bilateral or multilateral agreements with other nations to conserve and manage highly migratory sharks, which should include provisions prohibiting shark-finning and minimizing adverse effects of commercial fishing operations on species of highly migratory sharks;

(3) provide to the Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a full report which—

(A) includes a list of nations whose vessels conduct shark-finning or commercial fishing operations which may adversely affect highly migratory shark species;

(B) describes the efforts taken to carry out this title and evaluates the progress of those efforts;

(C) includes a determination as to whether the importation into the United States of sharks and shark products (including fins) is adversely affecting the effectiveness of national and international measures for the conservation of highly migratory sharks; and

(D) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to highly migratory shark populations, including those listed under the Convention on the International Trade in Endangered Species.

**SEC. 204. IMPORT CERTIFICATION.**

(a) IN GENERAL.—If the Secretary of Commerce, after consultation with the Secretary of State, determines that the importation of sharks or shark products into the United States is adversely affecting the effectiveness of national and international measures for the conservation of highly migratory sharks, then the Secretary shall report that

determination to the Congress and establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of nations listed by the Secretary under paragraph (6) of section 203, for determining whether those governments—

(1) have adopted regulatory programs governing shark-finning and other harvesting practices adversely affecting highly migratory sharks that are comparable, taking into account different conditions, to those of the United States;

(2) have established management plans governing release of highly migratory species of sharks caught but not retained by fishing vessels that ensure maximum probability of survival after release; and

(3) have established a management plan containing requirements that will assist in gathering species-specific data to support international and regional shark stock assessments and conservation enforcement efforts.

**(b) CERTIFICATION PROCEDURE.—**

(1) IN GENERAL.—The Secretary shall determine, on the basis of the procedure under subsection (a), and certify to the Congress not later than 90 days after promulgation of the regulations under section 202, and annually thereafter whether the government of each harvesting nation—

(A) has provided documentary evidence of the adoption of a regulatory program governing shark-finning and the conservation of highly migratory sharks that is comparable, taking into account different conditions, to that of the United States;

(B) has established a management plan governing release of highly migratory species of sharks caught but not retained by a fishing vessel that will ensure maximum probability of survival of after release; and

(C) has established a management plan containing requirements that will assist in gathering species-specific data to support international and regional shark stock assessments and conservation enforcement efforts.

(2) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of imports of highly migratory sharks or products (including fins) from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that such imports were harvested by practices that—

(A) do not adversely affect highly migratory sharks;

(B) include release of highly migratory species of sharks caught but not retained by such vessel in a manner that ensures maximum probability of survival after release;

(C) include the gathering of species-specific data that can be used to support international and regional shark stock assessments and conservation efforts; or

(D) are consistent with harvesting practices comparable, taking into account the circumstances, to those of the United States.

(c) UNCERTIFIED IMPORTS.—It is unlawful to import highly migratory sharks or products (including fins) which have been harvested by the practice of shark-finning or other commercial fishing practices that may affect adversely such populations of sharks more than 90 days after promulgation of the regulations under section 202 if such sharks or products were harvested by a vessel of a harvesting nation not certified under subsection (b)(1) unless that vessel is certified under subsection (b)(2).

(d) REINSTATEMENT OF UNCERTIFIED COUNTRY STATUS.—If the Secretary fails to make the annual certification required by subsection (b)(1) with respect to a country pre-

viously certified under that subsection, and except as provided in subsection (b)(2), then subsection (c) shall apply to imports of highly migratory sharks or products (including fins) harvested by vessels of that nation beginning 90 days after the date in any year on which the Secretary fails to make the scheduled annual certification required by subsection (b).

**SEC. 205. SHARK-FINNING DEFINED.**

For the purposes of this title, the term “shark-finning” means the taking of a shark, removing the fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea.

**SEC. 206. INTERNATIONAL COOPERATION AND ASSISTANCE.**

To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary of Commerce shall—

(1) provide appropriate technological and other assistance to nations listed under paragraph (6) of section 203 and regional or international organizations of which those nations are members to assist those nations in qualifying for certification under section 204(b)(1);

(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under section 204(b)(1); and

(4) provide assistance to those nations or organizations in designing and implementing appropriate shark harvesting plans.

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Resumed**

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

The legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS NOS. 3740 THROUGH 3757, AND NO. 3624, EN BLOC

Mr. WARNER. Mr. President, the distinguished colleague, Mr. LEVIN, and I have been working with our leadership, and we now have cleared amendments.

I send a series of amendments to the desk which have been cleared by the ranking member and myself. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and, finally, that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. LEVIN. Mr. President, we have no objection to this package. We support it.

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

The amendments (Nos. 3740 through 3757, and No. 3624) were agreed to en bloc, as follows: