

SENATE RESOLUTION 346—EXPRESSING THE SENSE OF THE SENATE THAT, AT THE 21ST REGULAR MEETING OF THE INTERNATIONAL COMMISSION ON THE CONSERVATION OF ATLANTIC TUNAS, THE UNITED STATES SHOULD SEEK TO ENSURE MANAGEMENT OF THE EASTERN ATLANTIC AND MEDITERRANEAN BLUEFIN TUNA FISHERY ADHERES TO THE SCIENTIFIC ADVICE PROVIDED BY THE STANDING COMMITTEE ON RESEARCH AND STATISTICS AND HAS A HIGH PROBABILITY OF ACHIEVING THE ESTABLISHED REBUILDING TARGET, PURSUE STRENGTHENED PROTECTIONS FOR SPAWNING BLUEFIN POPULATIONS IN THE MEDITERRANEAN SEA TO FACILITATE THE RECOVERY OF THE ATLANTIC BLUEFIN TUNA, PURSUE IMPOSITION OF MORE STRINGENT MEASURES TO ENSURE COMPLIANCE BY ALL MEMBERS WITH THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS' CONSERVATION AND MANAGEMENT RECOMMENDATIONS FOR ATLANTIC BLUEFIN TUNA AND OTHER SPECIES, AND ENSURE THAT UNITED STATES' QUOTAS OF TUNA AND SWORDFISH ARE NOT REALLOCATED TO OTHER NATIONS, AND FOR OTHER PURPOSES

Ms. SNOWE (for herself, Mr. KERRY, Mr. KIRK, Mr. REED, Mr. WHITEHOUSE, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 346

Whereas Atlantic bluefin tuna and Atlantic swordfish are valuable historical commercial and recreational fisheries of the United States and many other countries;

Whereas the International Convention for the Conservation of Atlantic Tunas entered into force on March 21, 1969;

Whereas the Convention established the International Commission for the Conservation of Atlantic Tunas to coordinate international research and develop, implement, and enforce compliance of the conservation and management recommendations on the Atlantic bluefin tuna, Atlantic swordfish and other Atlantic highly migratory species in the Atlantic Ocean and the adjacent seas, including the Mediterranean Sea;

Whereas the United States has established for its fisheries a strict regime of conservation, management and compliance for Atlantic highly migratory species and protected living marine resources caught incidentally to such fisheries that is unmatched by other fishing nations;

Whereas the reallocation of United States quotas of Atlantic bluefin tuna and Atlantic swordfish to other nations will cause severe economic impacts, including a loss of United States jobs, and undermine the conservation of populations of protected living marine resources such as Atlantic billfish species, endangered sea turtles, sea birds and marine mammals caught incidentally in the fisheries of other nations;

Whereas in 1974, the Commission adopted its first conservation and management rec-

ommendation to ensure the sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea, while allowing for the maximum sustainable catch for food and other purposes;

Whereas in 1981, for management purposes, the Commission adopted a working hypothesis of 2 Atlantic bluefin stocks, with 1 occurring west of 45 degrees west longitude (hereinafter referred to as the "western Atlantic stock") and the other occurring east of 45 degrees west longitude (hereinafter referred to as the "eastern Atlantic and Mediterranean stock");

Whereas, despite scientific advice intended to prevent overfishing, rebuild and maintain bluefin tuna populations at levels that will permit the maximum sustainable yield, and ensure the future sustainability of the stocks, the total allowable catch quotas have consistently been set at levels significantly higher than the recommended levels for the eastern Atlantic and Mediterranean stock;

Whereas despite the establishment by the Commission of minimum sizes for Atlantic bluefin tuna with which the United States has fully complied, the Standing Committee on Research and Statistics has repeatedly expressed grave concerns that the flagrant lack of compliance with such size limits by Members fishing in the eastern Atlantic and Mediterranean is seriously undermining the effectiveness of the Commission's bluefin tuna recovery plans;

Whereas despite the ongoing establishment by the Commission of fishing quotas for the eastern Atlantic and Mediterranean bluefin tuna fishery that surpass scientific recommendations, compliance with such quotas by parties to the Convention that harvest that stock has been extremely poor, with harvests exceeding the scientific advice by more than 50 percent in recent years as reported by the Standing Committee on Research and Statistics and other independent sources monitoring the fishery;

Whereas insufficient data reporting in combination with unreliable national catch statistics resulting from inadequate or non-existent catch monitoring and observer programs has frequently undermined efforts by the Commission to determine the levels of overharvests by specific countries;

Whereas the failure of many Commission members fishing for eastern Atlantic and Mediterranean bluefin tuna east of 45 degrees west longitude to comply with other Commission recommendations to conserve and control the overfished eastern Atlantic and Mediterranean bluefin tuna stock has been an ongoing problem;

Whereas it is widely recognized that some fishing vessels, in particular those participating in illegal, unregulated, and unreported fishing, have little incentive to cease these infractions due to a lack of adequate sanctions;

Whereas the Commission's Standing Committee on Research and Statistics noted in its 2008 stock assessment that the fishing mortality rate for the eastern Atlantic and Mediterranean stock was more than 3 times the level that would permit the stock to stabilize at the maximum sustainable catch level and that unless fishing mortality rates are substantially reduced in the near future, further reduction in spawning stock biomass is likely to occur leading to a risk of fisheries and stock collapse;

Whereas the Commission's Standing Committee on Research and Statistics has recommended that the annual harvest levels for eastern Atlantic and Mediterranean bluefin tuna be reduced to levels between 15,000 and 8,500 metric tons to halt the decline of the resource and initiate rebuilding, and indicated that a total allowable catch of 8,500 has a higher probability of rebuilding the

stock within the Commission's established time frame;

Whereas in 2006, the Commission adopted the "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" (Recommendation 06-05), which was amended in 2008, containing a wide range of management, monitoring, and control measures designed to facilitate the recovery of the eastern Atlantic and Mediterranean bluefin tuna stock by the year 2023;

Whereas the Recovery Plan is inadequate and allows overfishing and stock decline to continue, and continuing information and repeated warnings by the Standing Committee on Research and Statistics indicate that current implementation of the plan is unlikely to achieve its goals;

Whereas the Principality of Monaco has submitted a petition to list Atlantic bluefin tuna under Appendix I of the Convention on International Trade in Endangered Species of Fauna and Flora, and while the United States did not cosponsor this petition, the Administration has expressed its support for this petition unless the Commission "adopts significantly strengthened management and compliance measures" for countries fishing on the eastern Atlantic and Mediterranean bluefin tuna stock;

Whereas since 1981, the Commission has adopted additional and more restrictive conservation and management recommendations for the western Atlantic bluefin tuna stock, including a closure to directed fishing in the spawning grounds of the Gulf of Mexico, and these recommendations have been fully implemented by Nations fishing west of 45 degrees west longitude;

Whereas despite adopting, fully implementing, and complying with a science-based rebuilding program for the western Atlantic bluefin tuna stock by countries fishing west of 45 degrees west longitude, catches and catch rates remain very low, especially for the United States;

Whereas scientific evidence now provides indisputable evidence from electronic tagging studies and other scientific research that mixing of the eastern and western Atlantic bluefin tuna stocks occurs throughout the Atlantic ocean on feeding and fishing grounds, and the poor management and non-compliance with the Commission's Recovery Plan for the eastern Atlantic stock is having an adverse impact on the western Atlantic stock and United States fisheries;

Whereas additional research on stock mixing will improve the understanding of the relationship between eastern and western bluefin tuna stocks, which will assist in the conservation, recovery, and management of the species throughout its range;

Whereas a 2008 Independent Review of the Commission concluded that the Commission's management of bluefin tuna in the eastern Atlantic and Mediterranean has been "widely regarded as an international disgrace": Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States delegation to the 21st Regular Meeting of the International Commission for the Conservation of Atlantic Tunas, should—

(1) seek the adoption of all revisions to the Recovery Plan for eastern Atlantic and Mediterranean bluefin tuna that will conform the Plan to the scientific advice provided by the Standing Committee on Research and Statistics and has a high probability of achieving the established rebuilding target within the established time frame, including a strict penalty regime and other appropriate mechanisms to verify and ensure compliance;

(2) seek to expand time and area closures of spawning areas in the Mediterranean in full conformity with the scientific advice provided by the Standing Committee on Research and Statistics;

(3) pursue the continued aggressive review and assessment by the Commission's Committee on Compliance of compliance with conservation and management measures, including data collection and reporting requirements, adopted by the Commission and in effect for the 2009 eastern Atlantic and Mediterranean bluefin tuna fishery, occurring east of 45 degrees west longitude, and other fisheries that are subject to the jurisdiction of the Commission;

(4) aggressively seek to address noncompliance with such measures by all parties to the Convention through all appropriate actions;

(5) pursue the commitment by the Commission and its parties to fund additional research on both the western Atlantic and eastern Atlantic and Mediterranean bluefin tuna stocks including but not limited to the extent to which the stocks mix; and

(6) strenuously defend the interests of United States with regard to Atlantic bluefin tuna, Atlantic swordfish, and other species managed by the Commission, including the protection of U.S. quota shares.

#### SENATE RESOLUTION 347—CONGRATULATING THE NEW YORK YANKEES ON WINNING THE 2009 WORLD SERIES

Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 347

Whereas on November 4, 2009, the New York Yankees won the 2009 World Series with a 7-3 victory over the Philadelphia Phillies in Game 6 of the series;

Whereas the Philadelphia Phillies deserve great credit for their remarkable performance in 2009, during both the regular season and the playoffs;

Whereas the New York Yankees are the winningest franchise in the history of professional sports;

Whereas the New York Yankees have won 27 World Series titles, the most by any Major League Baseball franchise;

Whereas the New York Yankees have played for 96 seasons in the city of New York;

Whereas the New York Yankees' dominance was ignited in 1920 with the appearance of the indomitable Babe Ruth in pinstripes;

Whereas the New York Yankees have fielded historic teams, including the famed "Murderers' Row" in 1927;

Whereas the New York Yankees became an iconic baseball franchise during the 1950's by winning 5 World Series titles in a row;

Whereas the New York Yankees won their first championship in 1923, the year that the original Yankee Stadium opened, and won their 27th championship in 2009, the year that the new Yankee Stadium opened;

Whereas the New York Yankees have had a player win the American League batting title 9 times;

Whereas the New York Yankees have retired 16 uniform numbers for 17 baseball legends;

Whereas the New York Yankees are represented in the National Baseball Hall of Fame by 26 players, each of whom was inducted wearing the distinctive New York Yankees cap;

Whereas George Steinbrenner purchased the New York Yankees in 1973 and returned the team to prominence by winning 7 World Series championships under his direction;

Whereas in 2009, the New York Yankees won a total of 114 games and claimed the American League East Division title, the American League championship, and the World Series championship;

Whereas the New York Yankees were led by manager Joe Girardi, future Hall of Famers Derek Jeter and Mariano Rivera, who both continued their legacies of postseason excellence, and Hideki Matsui, the first Japanese-born player to win the World Series Most Valuable Player Award; and

Whereas the New York Yankees are the model franchise in sports for meeting the high standards that they have set for themselves: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the New York Yankees on winning the 2009 World Series; and

(2) recognizes and honors the New York Yankees for—

(A) their storied history;

(B) their many contributions to the national pastime of baseball; and

(C) continuing to carry the standards of character, commitment, and achievement for baseball and the State of New York.

#### SENATE RESOLUTION 348—SUPPORTING THE GOALS AND IDEALS OF PANCREATIC CANCER AWARENESS MONTH

Mr. CASEY (for himself; Mr. WHITEHOUSE, Mr. SCHUMER, Mr. SPECTER, Mr. CARDIN, Mr. UDALL of Colorado, Mr. LAUTENBERG, Mr. BAYH, and Mr. BEGICH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 348

Whereas approximately 42,470 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas pancreatic cancer is the fourth most common cause of cancer death in the United States and the tenth most commonly diagnosed cancer;

Whereas 76 percent of pancreatic cancer patients die within the first year of their diagnosis and only 5 percent survive more than 5 years, making pancreatic cancer the deadliest form of any major cancer;

Whereas the number of new pancreatic cancer cases is projected to increase by 12 percent this year and by 55 percent by 2030;

Whereas there has been no significant improvement in survival rates for pancreatic cancer during the last 30 years;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas the symptoms of pancreatic cancer generally present themselves too late for an optimistic prognosis, and the average survival rate of individuals diagnosed with metastatic pancreatic cancer is only 3 to 6 months;

Whereas the incidence rate of pancreatic cancer is 50 percent higher for African-Americans than for other ethnic groups; and

Whereas it would be appropriate to observe November 2009 as Pancreatic Cancer Awareness Month to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and treatment programs: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of Pancreatic Cancer Awareness Month.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2746. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2747. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2748. Mr. FEINGOLD (for himself, Mr. SANDERS, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2749. Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2750. Ms. MIKULSKI (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2751. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2752. Mr. JOHANNIS (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2753. Mr. JOHNSON (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2754. Mr. INOUE (for himself, Mr. COCHRAN, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra.

SA 2755. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2756. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2757. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra.

SA 2758. Mr. INHOFE (for himself, Mr. BROWNBACK, Mr. CORNYN, Mr. HATCH, Mr. KYL, Mr. THUNE, Mr. VITTER, Mr. DEMINT, Mr. ENZI, Mr. ROBERTS, and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to