

## §52.42 MEMORIALS

Under clause 4 of rule XXII,

92. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to House Joint Resolution 12 urging Congress to enact legislation to allow disabled military retirees concurrent receipt of full longevity retirement benefits and service-connected disability compensation; to the Committee on National Security.

## §52.43 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SNOWBARGER introduced a bill (H.R. 1686) for the relief of Lt. Col. (retired) Robert L. Stockwell, U.S. Army; which was referred to the Committee on the Judiciary.

## §52.44 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. TORRES, Ms. HARMAN, Mr. CRAMER, and Mr. HILLEARY.

H.R. 135: Mr. PASTOR, Mr. JACKSON, Mr. LEVIN, Mr. CLYBURN, Mr. CAPPS, Mr. ROTHMAN, and Mr. DOOLEY of California.

H.R. 145: Ms. ESHOO, Mr. BLUMENAUER, and Mr. ETHERIDGE.

H.R. 165: Mr. BARCIA of Michigan and Mr. BLILEY.

H.R. 306: Mr. SHAYS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANTOS, and Mr. ADAM SMITH of Washington.

H.R. 344: Mr. SHAYS.

H.R. 371: Mr. CONDIT, Mr. MINGE, Mr. ROHR-ABACHER, and Mr. RAMSTAD.

H.R. 373: Mr. BISHOP, Mr. MCGOVERN, and Mr. BROWN of California.

H.R. 407: Mr. GUTIERREZ, Mr. BOYD, Ms. CARSON, Mr. WICKER, Mr. TORRES, and Mr. SNYDER.

H.R. 411: Ms. SANCHEZ.

H.R. 417: Mr. YATES, Mr. HORN, Mr. OLVER, Mr. SERRANO, Mr. MALONEY of Connecticut, Mr. LAMPSON, Mr. CAPPS, and Ms. STABENOW.

H.R. 457: Mr. SHAYS.

H.R. 474: Mr. WEXLER and Ms. HOOLEY of Oregon.

H.R. 531: Mrs. KENNELLY of Connecticut.

H.R. 533: Mr. KOLBE, Mr. ENGEL, and Mr. PITTS.

H.R. 534: Mr. ENGLISH of Pennsylvania, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. OBERSTAR, and Mr. CLEMENT.

H.R. 561: Ms. WOOLSEY.

H.R. 598: Mr. WICKER.

H.R. 619: Mr. FILNER, Mr. WELDON of Pennsylvania, Mr. FAZIO of California, Mr. FAWELL, and Mr. BACHUS.

H.R. 622: Mr. ADERHOLT and Mr. NEY.

H.R. 633: Mr. CLEMENT.

H.R. 674: Mr. ARMEY.

H.R. 676: Mr. WYNN and Mr. THOMPSON.

H.R. 683: Mr. BURR of North Carolina and Mr. CAPPS.

H.R. 695: Mr. COX of California, Mr. ROEMER, Mr. FAZIO of California, Mr. ADAM SMITH of Washington, Mr. KIND of Wisconsin, Mr. BALLENGER, Mr. NEY, and Mr. SALMON.

H.R. 705: Mrs. THURMAN.

H.R. 766: Mr. LEWIS of Georgia.

H.R. 789: Mr. CRAPO.

H.R. 856: Mr. HANSEN, Mr. KIND of Wisconsin, Mr. SNYDER, Mr. McNULTY, Mr. LAZIO of New York, Mr. RADANOVICH, Mr. BLUMENAUER, and Mr. GEPHARDT.

H.R. 857: Mr. BACHUS, Mr. PETERSON of Pennsylvania, Mr. SHERMAN, Mr. CANADY of Florida, and Mr. WELDON of Florida.

H.R. 883: Mr. CANADY of Florida.

H.R. 907: Mr. CALLAHAN.

H.R. 910: Mr. BEREUTER and Mr. ROTHMAN.

H.R. 911: Mr. UPTON, Mr. CLEMENT, Mr. WELDON of Florida, and Mr. ADERHOLT.

H.R. 953: Mr. CAPPS and Mr. DELLUMS.

H.R. 955: Mrs. ROUKEMA, Mr. WELDON of Pennsylvania, Mr. HUTCHINSON, Mr. SHAD-EGG, Mr. YOUNG of Alaska, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. COOKSEY, Mr. FORD, Ms. ROS-LEHTINEN, Mr. NEY, Mr. THORN-BERRY, Mr. GRAHAM, and Mr. DICKEY.

H.R. 956: Mr. BERMAN and Mr. PAYNE.

H.R. 965: Mr. SESSIONS.

H.R. 979: Mr. RILEY, Mr. DUNCAN, Mr. GALLEGLEY, Mr. WICKER, and Mr. GRAHAM.

H.R. 980: Mr. DICKEY, Mr. GRAHAM, Mr. PEASE, and Mr. STUMP.

H.R. 992: Mr. HAYWORTH, Mr. EVERETT, Mr. BONILLA, Mr. HASTINGS of Washington, Mr. LIVINGSTON, Mr. STUMP, and Mr. YOUNG of Alaska.

H.R. 1053: Ms. ESHOO.

H.R. 1054: Mr. TAUZIN, Mr. BILBRAY, and Mr. FILNER.

H.R. 1069: Mr. BURTON of Indiana and Mr. CUMMINGS.

H.R. 1070: Mr. CAPPS, Mr. BURTON of Indiana, and Mr. CUMMINGS.

H.R. 1104: Mr. JEFFERSON, Ms. MILLENDER-MCDONALD, Mr. TORRES, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1126: Mr. DELLUMS.

H.R. 1128: Mr. HILLIARD, Mr. FROST, Mr. DELLUMS, and Mr. FALEOMAVAEGA.

H.R. 1146: Mr. NEY.

H.R. 1159: Mr. MINGE.

H.R. 1175: Mr. MATSUI and Mr. ROGAN.

H.R. 1203: Mr. SENSENBRENNER.

H.R. 1215: Ms. HARMAN, Mr. UNDERWOOD, and Mr. MCGOVERN.

H.R. 1232: Mr. FILNER and Mr. ETHERIDGE.

H.R. 1260: Mr. KLINK and Ms. KILPATRICK.

H.R. 1281: Ms. SLAUGHTER, Mr. PETERSON of Minnesota, Mr. LAHOOD, and Mr. FAZIO of California.

H.R. 1285: Mr. ENGLISH of Pennsylvania.

H.R. 1288: Mr. SNYDER and Mr. OLVER.

H.R. 1311: Ms. FURSE, Mr. GUTIERREZ, and Mr. BARRETT of Wisconsin.

H.R. 1358: Mr. NEY.

H.R. 1362: Mr. KILDEE, Mr. CANADY of Florida, Mr. UNDERWOOD, Mr. GIBBONS, Ms. HOOLEY of Oregon, Mr. HEFNER, Mr. SANDLIN, Mr. EDWARDS, Mr. GREEN, Mr. MANZULLO, and Mr. FALEOMAVAEGA.

H.R. 1375: Mr. CHRISTENSEN.

H.R. 1419: Mrs. NORTHUP.

H.R. 1427: Mr. SCHIFF.

H.R. 1450: Ms. LOFGREN and Mr. HASTINGS of Florida.

H.R. 1451: Mrs. MEEK of Florida and Ms. SLAUGHTER.

H.R. 1496: Mr. NEY and Mr. GRAHAM.

H.R. 1503: Mr. CALVERT.

H.R. 1505: Ms. SLAUGHTER and Mr. LUTHER.

H.R. 1507: Mr. OLVER, Mr. FROST, Mr. MORAN of Virginia, Mr. GUTIERREZ, Mr. BONIOR, Mrs. MINK of Hawaii, and Mr. FRANK of Massachusetts.

H.R. 1556: Mr. SCHUMER and Mr. FROST.

H.R. 1583: Mr. PRICE of North Carolina, Mr. STUMP, Mr. EDWARDS, Mr. SANDLIN, Mr. DELAHUNT, Mr. CRAMER, Mr. LAMPSON, Ms. STABENOW, Mr. BOSWELL, Mr. POMEROY, Ms. FURSE, Mr. FILNER, and Mr. SNYDER.

H.J. Res. 65: Mr. CLYBURN, Mr. STOKES, Mr. CAPPS, and Mr. BONIOR.

H.J. Res. 75: Mr. MANZULLO, Mr. KENNEDY of Rhode Island, Mr. BASS, Mr. GEJDENSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MENENDEZ, Mrs. MINK of Hawaii, Mr. CASTLE, Mr. BURR of North Carolina, Mrs. KENNELLY of Connecticut, Ms. BROWN of Florida, Mr. CAPPS, Mr. CANNON, Mr. SOUDER, Mr. GUT-KNECHT, Mr. BRADY, Mr. NEUMANN, Mr. LAMPSON, Mr. PETERSON of Pennsylvania, Mr. WALSH, Mr. RODRIGUEZ, Mr. GOODE, Mr. RAMSTAD, Mr. MCCOLLUM, and Mr. FALEOMAVAEGA.

H. Con. Res. 13: Mr. THOMPSON, Ms. HOOLEY of Oregon, Mr. KENNEDY of Massachusetts, Mr. MALONEY of Connecticut, Mr. LAZIO of New York, and Mr. NORWOOD.

H. Con. Res. 38: Mrs. KELLY, Mr. BORSKI, Mrs. LOWEY, and Mrs. MALONEY of New York.

H. Con. Res. 65: Mrs. FOWLER, Mr. WISE, Mr. McDERMOTT, Mr. STUPAK, Mr. ENGLISH of Pennsylvania, Mr. FATTAH, Mr. PASCARELL, Mr. BOB SCHAFFER, Mr. BLUMENAUER, Mr. LEWIS of California, Mr. HOYER, Mr. DEUTSCH, and Mr. MASCARA.

H. Con. Res. 75: Mr. CALVERT.

H. Res. 30: Mr. SOLOMON.

H. Res. 37: Mr. FILNER, Mr. CONYERS, Mr. OBERSTAR, and Mr. LAHOOD.

H. Res. 96: Mr. MARKEY, Mr. FAZIO of California, and Mr. TIERNEY.

H. Res. 121: Mr. FALEOMAVAEGA and Mr. MANZULLO.

H. Res. 123: Mr. LUTHER.

H. Res. 139: Mr. SENSENBRENNER, Mr. COOKSEY, Mr. WATTS of Oklahoma, Mr. NEUMANN, Mr. SHIMKUS, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. SCARBOROUGH, and Mr. HEFLEY.

## §52.45 PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

13. The SPEAKER presented a petition of the Council of the District of Columbia, relative to Council Resolution 12-97, "Sense of the Council on Amending the Charter Resolution of 1997"; to the Committee on Government Reform and Oversight.

14. Also, a petition of the Council of the District of Columbia, relative to Council Resolution 12-116, "Memorandum of Understanding on the President's National Capital Revitalization and Self-Government Improvement Plan Emergency Resolution of 1997"; to the Committee on Government Reform and Oversight.

## §52.46 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 815: Mr. ROGERS.

## WEDNESDAY, MAY 21, 1997 (53)

The House was called to order by the SPEAKER.

## §53.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, May 20, 1997.

Pursuant to clause 1, rule I, the Journal was approved.

## §53.2 RECESS FOR RECEPTION OF FORMER MEMBERS—9:03 A.M.

The SPEAKER, pursuant to the special order agreed to on May 16, 1997, declared the House in recess at 9 o'clock and 3 minutes a.m., subject to the call of the Chair.

## §53.3 AFTER RECESS—10:32 A.M.

The SPEAKER pro tempore, Mr. COBLE, called the House to order.

## §53.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The message also announced that the Senate had passed a bill and concur-

rent resolutions of the following titles, in which the concurrence of the House is requested:

S. 342. An Act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

S. Con. Res. 6. Concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country.

S. Con. Res. 21. Concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

¶53.5 PROCEEDINGS DURING RECESS

On motion of Mr. FOLEY, by unanimous consent, the proceedings had during the recess to receive former Members were ordered to be printed in the Record.

¶53.6 ORDER OF BUSINESS—SUSPENSION OF THE RULES

On motion of Mr. KOLBE, by unanimous consent,

*Ordered*, That on Thursday, May 23, 1997, the Speaker be authorized to entertain a motion to suspend the rules and pass H.R. 956, the Drug-Free Community Act.

¶53.7 RETIREMENT INCOME SAVINGS

Mr. FAWELL, pursuant to the order of May 20, 1997, moved to suspend the rules and pass the bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings; as amended.

The SPEAKER pro tempore, Mr. COBLE, recognized Mr. FAWELL and Mr. PAYNE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. COBLE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶53.8 RIEGLE-NEAL CLARIFICATION ACT

Mrs. ROUKEMA, pursuant to the order of May 20, 1997, moved to suspend the rules and pass the bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank; as amended.

The SPEAKER pro tempore, Mr. COBLE, recognized Mrs. ROUKEMA and Mr. VENTO, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶53.9 VOLUNTEER CIVIL LIABILITY PROTECTION

Mr. INGLIS, pursuant to the order of May 20, 1997, moved to suspend the rules and pass the bill (H.R. 911) to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of non-profit organizations and governmental entities; as amended.

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, recognized Mr. INGLIS and Ms. JACKSON-LEE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that two-thirds of the Members present had voted in the affirmative.

Mr. INGLIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

¶53.10 TERRORIST GRENADE ATTACK IN CAMBODIA

Mr. GILMAN, pursuant to the order of May 20, 1997, moved to suspend the rules and agree to the following resolution (H. Res. 121):

Whereas Cambodia continues to recover from more than three decades of recent warfare, including the genocide committed by the Khmer Rouge from 1975 to 1979;

Whereas Cambodia was the beneficiary of a massive international effort to ensure peace, democracy, and prosperity after the October 1991 Paris Peace Agreements on Cambodia;

Whereas more than 93 percent of the Cambodians eligible to vote in the 1993 elections in Cambodia did so, thereby demonstrating the commitment of the Cambodian people to democracy;

Whereas since those elections, Cambodia has made significant economic progress which has contributed to economic stability in Cambodia;

Whereas since those elections, the Cambodia Armed Forces have significantly diminished the threat posed by the Khmer Rouge to safety and stability in Cambodia;

Whereas other circumstances in Cambodia, including the recent unsolved murders of journalists and political party activists, the recent unsolved attack of party officials of

the Buddhist Liberal Democratic in 1995, and the quality of the judicial system—described in a 1996 United Nations report as “thoroughly corrupt”—raise international concern for the state of democracy in Cambodia;

Whereas Sam Rainsy, the leader of the Khmer Nation Party, was the target of a terrorist grenade attack on March 30, 1997, during a demonstration outside the Cambodia National Assembly;

Whereas the attack killed 19 Cambodians and wounded more than 100 men, women, and children; and

Whereas among those injured was Ron Abney, a United States citizen and employee of the International Republican Institute who was assisting in the advancement of democracy in Cambodia and observing the demonstration: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) extends its sincerest sympathies to the families of the persons killed, and the persons wounded, in the March 30, 1997, terrorist grenade attack outside the Cambodia National Assembly;

(2) condemns the attack as an act of terrorism detrimental to peace and the development of democracy in Cambodia;

(3) calls upon the United States Government to offer to the Cambodia Government all appropriate assistance in identifying and prosecuting those responsible for the attack;

(4) calls upon the Cambodia Government to accept such assistance and to expeditiously identify and prosecute those responsible for the attack; and

(5) calls upon all Cambodian political parties to renounce and condemn all forms of political violence.

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, recognized Mr. GILMAN and Mr. HAMILTON, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶53.11 MARSHALL PLAN 50TH ANNIVERSARY

Mr. GILMAN, pursuant to the order of May 20, 1997, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 63):

Whereas on June 5, 1947, in a speech at Harvard University, then-Secretary of State George C. Marshall proposed the establishment of a joint American-European program to provide assistance, “so far as it may be practical for us to do so,” to assist the countries of Europe to recover from the devastation of World War II, and that program was subsequently called “The Marshall Plan” in recognition of the pivotal role of Secretary of State Marshall in its establishment;

Whereas then-President Harry S Truman had earlier enunciated the principle of assisting democratic countries which faced the threat of communist aggression and thus laid the foundation for the Marshall Plan with the “Truman Doctrine” which provided economic and military assistance to Greece

and Turkey, and this farsighted policy represented a reversal of longstanding United States policy of avoiding peacetime involvement in foreign military and political affairs;

Whereas the Marshall Plan was developed, refined, and enacted with the broad bipartisan involvement of the Congress of the United States, including in particular the efforts of Senator Arthur H. Vandenberg of Michigan and Congressman Christian A. Herter of Massachusetts;

Whereas the Congress provided an estimated \$13,300,000,000 to assist the sixteen European countries which participated in the Marshall Plan during the four-year period of its existence, and this material contribution represented a significant sacrifice by the American people;

Whereas the assistance provided under the Marshall Plan served to "prime the pump" to stimulate the economies of the participating European countries and resulted in an average growth of 41 percent in industrial production and an average growth of 33.5 percent in per capita gross national product during the four years of the program;

Whereas the spectacular economic revival of the countries of Western Europe would not have been possible without the creativity, technical skills, managerial competence, and hard work of the European peoples; nevertheless, the Marshall Plan was a vital element in assisting the European peoples in the postwar economic recovery;

Whereas the multinational economic cooperation required and encouraged by the Marshall Plan was a significant impetus in fostering transnational European economic cooperation and unity which ultimately helped to pave the way for the North Atlantic Treaty, in developing the multifaceted relationship between the United States and the countries of Europe, and in contributing to the establishment of the European Union; and

Whereas 1997 marks the 50th anniversary of the original speech by Secretary of State George C. Marshall calling for the establishment of the Marshall Plan: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) urges all Americans on the 50th anniversary of the Marshall Plan to reflect upon the significance of this program as a concrete embodiment of the commitment of the United States to fostering peaceful relations with the economic prosperity of the countries of Europe;

(2) reaffirms the commitment that was expressed in the original Marshall Plan ("Economic Cooperation Act of 1948," sec. 102, Public Law 80-472) was enacted—namely, that "intimate economic and other relationships exist between the United States and the nations of Europe," that extensive and friendly relations with the nations of Europe and with the community of European nations is vital to the promotion of "the general welfare and national interest of the United States" and that the prosperity and security of Europe are essential to "the establishment of a lasting peace"; and

(3) acknowledges and commends the efforts of those countries which originally participated in the Marshall Plan to assist the countries of Central and Eastern Europe and the newly independent republics of the former Soviet Union in their efforts to develop market economies and democratic political systems as a reflection of the same generous spirit that motivated the people of the United States to help these Western European countries fifty years ago.

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, recognized Mr. GILMAN and Mr. HAMILTON, each for 20 minutes.

After debate,

The question being put, *viva voce*, Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said concurrent resolution.

#### §53.12 PROVIDING FOR THE CONSIDERATION OF H. R. 408

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 153):

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. That amendment shall be considered as read. Points of order against that amendment for failure to comply with clause 7 of rule XVI are waived. No amendment to that amendment shall be in order except the amendment printed in the Congressional Record pursuant to clause 6 of rule XXIII, which may be offered only by Representative Miller of California or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered.

After debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 226  
Nays ..... 203

§53.13

[Roll No. 149]

YEAS—226

Aderholt	Gillmor	Parker
Archer	Gilman	Paul
Armey	Goodlatte	Paxon
Bachus	Goodling	Pease
Baker	Goss	Peterson (MN)
Ballenger	Graham	Peterson (PA)
Barr	Granger	Petri
Barrett (NE)	Greenwood	Pickering
Bartlett	Gutknecht	Pitts
Barton	Hall (TX)	Pombo
Bass	Hansen	Porter
Bateman	Hastert	Portman
Bereuter	Hastings (WA)	Pryce (OH)
Bilbray	Hayworth	Quinn
Bilirakis	Hefley	Radanovich
Bliley	Herger	Ramstad
Blunt	Hill	Redmond
Boehler	Hilleary	Regula
Boehner	Hobson	Riggs
Bonilla	Hoekstra	Riley
Bono	Horn	Rogan
Brady	Hostettler	Rogers
Bryant	Houghton	Rohrbacher
Bunning	Hulshof	Ros-Lehtinen
Burr	Hutchinson	Roukema
Burton	Hyde	Royce
Buyer	Inglis	Ryun
Callahan	Istook	Salmon
Calvert	Jenkins	Sanford
Camp	Johnson (CT)	Saxton
Campbell	Johnson, Sam	Scarborough
Canady	Jones	Schaefer, Dan
Cannon	Kasich	Schaffer, Bob
Castle	Kelly	Sensenbrenner
Chabot	Kim	Sessions
Chambliss	King (NY)	Shadegg
Chenoweth	Kingston	Shaw
Christensen	Klug	Shays
Coble	Knollenberg	Shimkus
Coburn	Kolbe	Shuster
Collins	LaHood	Skeen
Combest	Largent	Smith (MI)
Cook	Latham	Smith (NJ)
Cooksey	LaTourrette	Smith (OR)
Cox	Lazio	Smith (TX)
Crane	Leach	Smith, Linda
Crapo	Lewis (CA)	Solomon
Cubin	Lewis (KY)	Souder
Cunningham	Linder	Spence
Davis (VA)	Livingston	Stearns
Deal	LoBiondo	Stump
DeLay	Lucas	Sununu
Diaz-Balart	Manzullo	Talent
Dickey	McCollum	Tauzin
Doolittle	McCrery	Taylor (NC)
Dreier	McDade	Thomas
Duncan	McHugh	Thornberry
Dunn	McInnis	Thune
Ehlers	McIntosh	Tiahrt
Ehrlich	McKeon	Traficant
Emerson	Metcalf	Upton
English	Mica	Walsh
Ensign	Miller (FL)	Wamp
Everett	Molinari	Watkins
Ewing	Moran (KS)	Watts (OK)
Fawell	Morella	Weldon (FL)
Foley	Myrick	Weldon (PA)
Fowler	Nethercutt	Weller
Fox	Neumann	White
Franks (NJ)	Ney	Whitfield
Frelinghuysen	Northup	Wicker
Gallegly	Norwood	Wolf
Ganske	Nussle	Young (AK)
Gekas	Oxley	Young (FL)
Gibbons	Packard	
Gilchrest	Pappas	

NAYS—203

Table listing names of members who voted 'NAYS' (203 total). Includes names like Abercrombie, Ackerman, Allen, Baesler, Baldacci, Barcia, Barrett (WI), Becerra, Bentsen, Berman, Berry, Bishop, Blagojevich, Blumenauer, Bonior, Borski, Boswell, Boucher, Boyd, Brown (CA), Brown (FL), Brown (OH), Capps, Cardin, Carson, Clay, Clayton, Clement, Clyburn, Condit, Conyers, Costello, Coyne, Cramer, Cummings, Danner, Davis (FL), Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Dellums, Deutsch, Dicks, Dingell, Dixon, Doggett, Dooley, Doyle, Edwards, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Fazio, Filner, Flake, Foglietta, Forbes, Ford, Frank (MA), Frost, Furse, Gejdenson, Gephardt, Gonzalez, Goode, Gordon, Green, Gutierrez, Hall (OH), Hamilton, Harman, Hastings (FL), Hefner, Hilliard, Hinchey, Hinojosa, Holden, Hooley, Hoyer, Jackson (IL), Jackson-Lee (TX), Jefferson, John, Johnson (WI), Johnson, E. B., Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, Kucinich, LaFalce, Lampton, Lantos, Levin, Lipinski, Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Manton, Markey, Martinez, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McEwen, McHale, McIntyre, McKinney, McNulty, Meehan, Meek, Menendez, Millender-McDonald, Miller (CA), Minge, Mink, Moakley, Mollohan, Moran (VA), Murtha, Nadler, Neal, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Pickett, Pomeroy, Poshard, Price (NC), Rahall, Rangel, Reyes, Rivers, Rodriguez, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sawyer, Schumer, Scott, Serrano, Sherman, Sisisky, Skaggs, Skelton, Slaughter, Smith, Adam, Snyder, Spratt, Stabenow, Stark, Stenholm, Stokes, Strickland, Stupak, Tanner, Tauscher, Taylor (MS), Thompson, Thurman, Tierney, Torres, Towns, Turner, Velazquez, Vento, Visclosky, Waters, Watt (NC), Waxman, Wexler, Weygand, Wise, Woolsey, Wynn, Yates.

NOT VOTING—5

Table listing names of members who did not vote (5 total): Andrews, Hunter, Lewis (GA), Schiff, Snowbarger.

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

53.14 H.R. 911—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to clause 5, rule I, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 911) to en-

courage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of non-profit organizations and governmental entities; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas ..... 390 affirmative ..... } Nays ..... 35

53.15 [Roll No. 150] YEAS—390

Table listing names of members who voted 'YEAS' (390 total). Includes names like Abercrombie, Ackerman, Aderholt, Allen, Archer, Army, Bachus, Baesler, Baker, Baldacci, Ballenger, Barcia, Barr, Barrett (NE), Barrett (WI), Bartlett, Barton, Bass, Bateman, Bentsen, Bereuter, Berry, Billbray, Bilirakis, Bishop, Blagojevich, Bliley, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonior, Bono, Borski, Boswell, Boucher, Boyd, Brady, Brown (FL), Brown (OH), Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Capps, Cardin, Carson, Castle, Chabot, Chambliss, Chenoweth, Christensen, Clay, Clement, Clyburn, Coburn, Collins, Combust, Condit, Cook, Cooksey, Costello, Cox, Coyne, Cramer, Crane, Crapo, Cubin, Cummings, Cunningham, Danner, Davis (FL), Davis (VA), Hobson, Hoekstra, Holden, Hooley, Horn, Hostettler, Houghton, Hoyer, Hulshof, Hutchinson, Hyde, Inglis, Istook, Jackson-Lee (TX), Jenkins, John, Johnson (CT), Johnson (WI), Johnson, E. B., Johnson, Sam, Jones, Kanjorski, Kaptur, Kasich, Kelly, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kim, Kind (WI), King (NY), Kingston, Kleczka, Klink, Klug, Knollenberg, Kolbe, LaHood, Lampson, Lantos, Largent, Latham, LaTourette, Lazio, Leach, Levin, Lewis (CA), Lewis (KY), Linder, Lipinski, Livingston, LoBiondo, Lowey, Lucas, Luther, Maloney (CT), Maloney (NY), Manton, Martinez, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McCollum, McCreery, McDade, McDermott, McGovern, McHale, McHugh, McInnis, McIntosh, McKeon, McKinney, McNulty, Meehan, Menendez.

Table listing names of members who voted 'NAYS' (35 total). Includes names like Metcalf, Mica, Millender-McDonald, Miller (CA), Miller (FL), Minge, Mink, Moakley, Molinari, Moran (KS), Moran (VA), Morella, Murtha, Myrick, Neal, Nethercutt, Neumann, Ney, Northup, Norwood, Nussle, Obey, Olver, Ortiz, Owens, Oxley, Packard, Pallone, Pappas, Parker, Pascrell, Pastor, Paxon, Payne, Pease, Pelosi, Peterson (MN), Peterson (PA), Petri, Pickering, Pickett, Pitts, Pomeroy, Porter, Portman, Poshard, Price (NC), Pryce (OH), Quinn, Radanovich, Rahall, Ramstad, Redmond, Regula, Reyes, Riggs, Riley, Rivers, Rodriguez, Roemer, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Rothman, Roukema, Royce, Rush, Ryun, Sabo, Salmon, Sanchez, Sanders, Sanford, Sawyer, Saxton, Scarborough, Schaefer, Dan, Schaffer, Bob, Schumer, Sensenbrenner, Serrano, Sessions, Shadegg, Shaw, Shays, Sherman, Shimkus, Shuster, Siskisky, Skaggs, Skeen, Skelton, Slaughter, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Smith, Adam, Smith, Linda, Snyder, Solomon, Souder, Spence, Spratt, Stabenow, Stark, Stearns, Stenholm, Stokes, Strickland, Stump, Stupak, Sununu, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thompson, Thornberry, Thune, Thurman, Tiahrt, Torres, Towns, Traficant, Turner, Upton, Velazquez, Vento, Visclosky, Walsh, Wamp, Watkins, Waxman, Weldon (FL), Weller, Wexler, Weygand, White, Whitfield, Wicker, Wise, Wolf, Woolsey, Wynn, Yates, Young (AK), Young (FL).

NAYS—35

Table listing names of members who voted 'NAYS' (35 total). Includes names like Becerra, Hilliard, Brown (CA), Clayton, Coble, Conyers, Davis (IL), Delahunt, Deutsch, Doggett, Fattah, Filner, Hastings (FL), Hilliard, Jackson (IL), Jefferson, Kucinich, LaFalce, Lofgren, Manzullo, Markey, Meek, Mollohan, Nadler, Oberstar, Paul, Pombo, Rangel, Roybal-Allard, Sandlin, Scott, Tauscher, Tierney, Waters, Watt (NC).

NOT VOTING—9

Table listing names of members who did not vote (9 total): Andrews, Greenwood, Hunter, Lewis (GA), McIntyre, Schiff, Snowbarger, Watts (OK), Weldon (PA).

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

On motion of Mr. INGLIS, by unanimous consent, the Committee on the Judiciary was discharged from further consideration of the bill of the Senate (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

When said bill was considered and read twice.

Mr. INGLIS submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 911, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was

passed was, by unanimous consent, laid on the table.

*Ordered.* That the Clerk request the concurrence of the Senate in said amendment.

By unanimous consent, H.R. 911, a similar House bill, was laid on the table.

#### 53.16 DOLPHIN CONSERVATION

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 153 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. GUTKNECHT as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. GILLMOR, assumed the Chair.

When Mr. GUTKNECHT, Chairman, pursuant to House Resolution 153, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “International Dolphin Conservation Program Act”.

(b) REFERENCES TO MARINE MAMMAL PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

#### SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purposes of this Act are—

(1) to give effect to the Declaration of Panama, signed October 4, 1995, by the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States of America, Vanuatu, and Venezuela, including the establishment of the International Dolphin Conservation Program, relating to the protection of dolphins and other species, and the conservation and management of tuna in the eastern tropical Pacific Ocean;

(2) to recognize that nations fishing for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with that fishery; and

(3) to eliminate the ban on imports of tuna from those nations that are in compliance with the International Dolphin Conservation Program.

(b) FINDINGS.—The Congress finds the following:

(1) The nations that fish for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortalities associated with the purse seine fishery from

hundreds of thousands annually to fewer than 5,000 annually.

(2) The provisions of the Marine Mammal Protection Act of 1972 that impose a ban on imports from nations that fish for tuna in the eastern tropical Pacific Ocean have served as an incentive to reduce dolphin mortalities.

(3) Tuna canners and processors of the United States have led the canning and processing industry in promoting a dolphin-safe tuna market.

(4) 12 signatory nations to the Declaration of Panama, including the United States, agreed under that Declaration to require that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with a commitment and objective to progressively reduce dolphin mortality to a level approaching zero through the setting of annual limits.

#### SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

“(28) The term ‘International Dolphin Conservation Program’ means the international program established by the agreement signed in La Jolla, California, in June 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama, that requires—

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

“(B) the establishment of a per-stock per-year mortality limit for dolphins, for each year through the year 2000, of between 0.2 percent and 0.1 percent of the minimum population estimate;

“(C) beginning with the year 2001, that the per-stock per-year mortality of dolphin not exceed 0.1 percent of the minimum population estimate;

“(D) that if the mortality limit set forth in subparagraph (A) is exceeded, all sets on dolphins shall cease for the fishing year concerned;

“(E) that if the mortality limit set forth in subparagraph (B) or (C) is exceeded sets on such stock and any mixed schools containing members of such stock shall cease for that fishing year;

“(F) in the case of subparagraph (B), to conduct a scientific review and assessment in 1998 of progress toward the year 2000 objective and consider recommendations as appropriate; and

“(G) in the case of subparagraph (C), to conduct a scientific review and assessment regarding that stock or those stocks and consider further recommendations;

“(H) the establishment of a per-vessel maximum annual dolphin mortality limit consistent with the established per-year mortality caps; and

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

“(29) The term ‘Declaration of Panama’ means the declaration signed in Panama City, Republic of Panama, on October 4, 1995.”.

#### SEC. 4. AMENDMENTS TO TITLE I.

(a) AUTHORIZATION FOR INCIDENTAL TAKING.—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended as follows:

(1) By inserting after the first sentence “Such authorizations may also be granted under title III with respect to the yellowfin tuna fishery of the eastern tropical Pacific Ocean, subject to regulations prescribed

under that title by the Secretary without regard to section 103.”.

(2) By striking the semicolon in the second sentence and all that follows through “practicable”.

(b) DOCUMENTARY EVIDENCE.—Section 101(a) (16 U.S.C. 1371(a)) is amended by striking so much of paragraph (2) as follows subparagraph (A) and as precedes subparagraph (C) and inserting:

“(B) in the case of yellowfin tuna harvested with purse seine nets in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

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

“(ii) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, such harvesting nation is either a member of the Inter-American Tropical Tuna Commission or has initiated (and within 6 months thereafter completed) all steps (in accordance with article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission) necessary to become a member of that organization;

“(iii) such nation is meeting the obligations of the International Dolphin Conservation Program and the obligations of membership in the Inter-American Tropical Tuna Commission, including all financial obligations;

“(iv) the total dolphin mortality permitted under the International Dolphin Conservation Program will not exceed 5,000 in 1997, or in any year thereafter, consistent with the commitment and objective of progressively reducing dolphin mortality to levels approaching zero through the setting of annual limits and the goal of eliminating dolphin mortality; and

“(v) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, and such harvesting nation has not vetoed the participation by any other nation in such Program.”.

(c) ACCEPTANCE OF EVIDENCE COVERAGE.—Section 101 (16 U.S.C. 1371) is amended by adding at the end the following new subsections:

“(d) ACCEPTANCE OF DOCUMENTARY EVIDENCE.—The Secretary shall not accept documentary evidence referred to in section 101(a)(2)(B) as satisfactory proof for purposes of section 101(a)(2) if—

“(1) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary to allow a determination of compliance with the International Dolphin Conservation Program;

“(2) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary in a timely manner for the purposes of tracking and verifying compliance with the minimum requirements established by the Secretary in regulations promulgated under subsection (f) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)); or

“(3) after taking into consideration this information, findings of the Inter-American Tropical Tuna Commission, and any other relevant information, including information

that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the International Dolphin Conservation Program, the Secretary, in consultation with the Secretary of State, finds that the harvesting nation is not in compliance with the International Dolphin Conservation Program.

“(e) EXEMPTION.—The provisions of this Act shall not apply to a citizen of the United States who incidentally takes any marine mammal during fishing operations outside the United States exclusive economic zone (as defined in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(6))) when employed on a foreign fishing vessel of a harvesting nation which is in compliance with the International Dolphin Conservation Program.”

(d) ANNUAL PERMITS.—Section 104(h) is amended to read as follows:

“(h) ANNUAL PERMITS.—(1) Consistent with the regulations prescribed pursuant to section 103 and the requirements of section 101, the Secretary may issue an annual permit to a United States vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

“(2) Annual permits described in paragraph (1) for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 304, subject to the regulations issued pursuant to section 302.”

(e) REVISIONS AND FUNDING SOURCES.—Section 108(a)(2) (16 U.S.C. 1378(a)(2)) is amended as follows:

(1) By striking “and” at the end of subparagraph (A).

(2) By adding at the end the following:

“(C) discussions to expeditiously negotiate revisions to the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 UST 230, TIAS 2044) which will incorporate conservation and management provisions agreed to by the nations which have signed the Declaration of Panama;

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

“(E) discussions with those countries participating or likely to participate in the International Dolphin Conservation Program, to identify alternative sources of funds to ensure that needed research and other measures benefiting effective protection of dolphins, other marine species, and the marine ecosystem.”

(f) REPEAL OF NAS REVIEW.—Section 110 (16 U.S.C. 1380) is amended as follows:

(1) By redesignating subsection (a)(1) as subsection (a).

(2) By striking subsection (a)(2).

(g) LABELING OF TUNA PRODUCTS.—Paragraph (1) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(1)) is amended to read as follows:

“(1) It is a violation of section 5 of the Federal Trade Commission Act for any producer, importer, exporter, distributor, or seller of any tuna product that is exported from or offered for sale in the United States to include on the label of that product the term ‘Dolphin Safe’ or any other term or symbol that falsely claims or suggests that the tuna contained in the product was harvested using a method of fishing that is not harmful to dolphins if the product contains any of the following:

“(A) Tuna harvested on the high seas by a vessel engaged in driftnet fishing.

“(B) Tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (2).

“(C) Tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (3).

“(D) Tuna harvested by a vessel engaged in any fishery identified by the Secretary pursuant to paragraph (4) as having a regular and significant incidental mortality of marine mammals.”

(h) DOLPHIN SAFE TUNA.—(1) Paragraph (2) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(2)) is amended to read as follows:

“(2)(A) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the vessel is of a type and size that the Secretary has determined, consistent with the International Dolphin Conservation Program, is not capable of deploying its purse seine nets on or to encircle dolphins, or if the product meets the requirements of subparagraph (B).

“(B) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the product is accompanied by a written statement executed by the captain of the vessel which harvested the tuna certifying that no dolphins were killed during the sets in which the tuna were caught and the product is accompanied by a written statement executed by—

“(i) the Secretary or the Secretary’s designee;

“(ii) a representative of the Inter-American Tropical Tuna Commission; or

“(iii) an authorized representative of a participating nation whose national program meets the requirements of the International Dolphin Conservation Program,

which states that there was an observer approved by the International Dolphin Conservation Program on board the vessel during the entire trip and documents that no dolphins were killed during the sets in which the tuna concerned were caught.

“(C) The statements referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be valid only if they are endorsed in writing by each exporter, importer, and processor of the product, and if such statements and endorsements comply with regulations promulgated by the Secretary which would provide for the verification of tuna products as dolphin safe.”

(2) Subsection (d) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)) is amended by adding the following new paragraphs at the end thereof:

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

“(A) it is accompanied by a written statement executed by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested; or

“(B) in any fishery in which the Secretary has determined that a regular and significant association occurs between marine mammals and tuna, it is accompanied by a written statement executed by the captain of the vessel and an observer, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the particular voyage on which the tuna was harvested.

“(4) For purposes of paragraph (1)(D), tuna or a tuna product that contains tuna harvested in a fishery identified by the Secretary as having a regular and significant incidental mortality or serious injury of marine mammals is dolphin safe if it is accom-

panied by a written statement executed by the captain of the vessel and, where determined to be practicable by the Secretary, an observer participating in a national or international program acceptable to the Secretary certifying that no marine mammals were killed in the course of the fishing operation or operations in which the tuna were caught.

“(5) No tuna product may be labeled with any reference to dolphins, porpoises, or marine mammals, unless such product is labeled as dolphin safe in accordance with this subsection.”

(i) TRACKING AND VERIFICATION.—Subsection (f) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)) is amended to read as follows:

“(f) TRACKING AND VERIFICATION.—The Secretary, in consultation with the Secretary of the Treasury, shall issue regulations to implement subsection (d) not later than 3 months after the date of enactment of the International Dolphin Conservation Program Act. In the development of these regulations, the Secretary shall establish appropriate procedures for ensuring the confidentiality of proprietary information the submission of which is voluntary or mandatory. Such regulations shall, consistent with international efforts and in coordination with the Inter-American Tropical Tuna Commission, establish a domestic and international tracking and verification program that provides for the effective tracking of tuna labeled under subsection (d), including but not limited to each of the following:

“(1) Specific regulations and provisions addressing the use of weight calculation for purposes of tracking tuna caught, landed, processed, and exported.

“(2) Additional measures to enhance observer coverage if necessary.

“(3) Well location and procedures for monitoring, certifying, and sealing holds above and below deck or other equally effective methods of tracking and verifying tuna labeled under subsection (d).

“(4) Reporting receipt of and database storage of radio and facsimile transmittals from fishing vessels containing information related to the tracking and verification of tuna, and the definition of sets.

“(5) Shore-based verification and tracking throughout the transshipment and canning process by means of Inter-American Tropical Tuna Commission trip records or otherwise.

“(6) Provisions for annual audits and spot checks for caught, landed, and processed tuna products labeled in accordance with subsection (d).

“(7) The provision of timely access to data required under this subsection by the Secretary from harvesting nations to undertake the actions required in paragraph (6) of this subsection.”

#### SEC. 5. AMENDMENTS TO TITLE III.

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

#### “TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM”

(b) FINDINGS.—Section 301 (16 U.S.C. 1411) is amended as follows:

(1) In subsection (a), by amending paragraph (4) to read as follows:

“(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have demonstrated their willingness to participate in appropriate multilateral agreements to reduce, with the goal of eliminating, dolphin mortality in that fishery. Recognition of the International Dolphin Conservation Program will assure that the existing trend of reduced dolphin mortality continues; that individual stocks of dolphins are adequately protected; and that the goal of eliminating all dolphin mortality continues to be a priority.”

(2) In subsection (b), by amending paragraphs (2) and (3) to read as follows:

"(2) support the International Dolphin Conservation Program and efforts within the Program to reduce, with the goal of eliminating, the mortality referred to in paragraph (1);

"(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught with driftnets or caught by purse seine vessels in the eastern tropical Pacific Ocean that are not operating in compliance with the International Dolphin Conservation Program;"

(c) INTERNATIONAL DOLPHIN CONSERVATION PROGRAM.—Section 302 (16 U.S.C. 1412) is amended to read as follows:

**"SEC. 302. AUTHORITY OF THE SECRETARY.**

"(a) REGULATIONS TO IMPLEMENT PROGRAM REGULATIONS.—(1) The Secretary shall issue regulations to implement the International Dolphin Conservation Program.

"(2)(A) Not later than 3 months after the date of enactment of this section, the Secretary shall issue regulations to authorize and govern the incidental taking of marine mammals in the eastern tropical Pacific Ocean, including any species of marine mammal designated as depleted under this Act but not listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), by vessels of the United States participating in the International Dolphin Conservation Program.

"(B) Regulations issued under this section shall include provisions—

"(i) requiring observers on each vessel;

"(ii) requiring use of the backdown procedure or other procedures equally or more effective in avoiding mortality of marine mammals in fishing operations;

"(iii) prohibiting intentional deployment of nets on, or encirclement of, dolphins in violation of the International Dolphin Conservation Program;

"(iv) requiring the use of special equipment, including dolphin safety panels in nets, monitoring devices as identified by the International Dolphin Conservation Program, as practicable, to detect unsafe fishing conditions before nets are deployed by a tuna vessel, operable rafts, speedboats with towing bridles, floodlights in operable condition, and diving masks and snorkels;

"(v) ensuring that the backdown procedure during the deployment of nets on, or encirclement of, dolphins is completed and rolling of the net to sack up has begun no later than 30 minutes after sundown;

"(vi) banning the use of explosive devices in all purse seine operations;

"(vii) establishing per vessel maximum annual dolphin mortality limits, total dolphin mortality limits and per-stock per-year mortality limits, in accordance with the International Dolphin Conservation Program;

"(viii) preventing the intentional deployment of nets on, or encirclement of, dolphins after reaching either the vessel maximum annual dolphin mortality limits, total dolphin mortality limits, or per-stock per-year mortality limits;

"(ix) preventing the fishing on dolphins by a vessel without an assigned vessel dolphin mortality limit;

"(x) allowing for the authorization and conduct of experimental fishing operations, under such terms and conditions as the Secretary may prescribe, for the purpose of testing proposed improvements in fishing techniques and equipment (including new technology for detecting unsafe fishing conditions before nets are deployed by a tuna vessel) that may reduce or eliminate dolphin mortality or do not require the encirclement of dolphins in the course of commercial yellowfin tuna fishing;

"(xi) authorizing fishing within the area covered by the International Dolphin Conservation Program by vessels of the United

States without the use of special equipment or nets if the vessel takes an observer and does not intentionally deploy nets on, or encircle, dolphins, under such terms and conditions as the Secretary may prescribe; and

"(xii) containing such other restrictions and requirements as the Secretary determines are necessary to implement the International Dolphin Conservation Program with respect to vessels of the United States.

"(C) The Secretary may make such adjustments as may be appropriate to the requirements of subparagraph (B) that pertain to fishing gear, vessel equipment, and fishing practices to the extent the adjustments are consistent with the International Dolphin Conservation Program.

"(b) CONSULTATION.—In developing regulations under this section, the Secretary shall consult with the Secretary of State, the Marine Mammal Commission and the United States Commissioners to the Inter-American Tropical Tuna Commission appointed under section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952).

"(c) EMERGENCY REGULATIONS.—(1) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the International Dolphin Conservation Program) that the incidental mortality and serious injury of marine mammals authorized under this title is having, or is likely to have, a significant adverse effect on a marine mammal stock or species, the Secretary shall take actions as follows—

"(A) notify the Inter-American Tropical Tuna Commission of the Secretary's findings, along with recommendations to the Commission as to actions necessary to reduce incidental mortality and serious injury and mitigate such adverse impact; and

"(B) prescribe emergency regulations to reduce incidental mortality and serious injury and mitigate such adverse impact.

"(2) Prior to taking action under paragraph (1) (A) or (B), the Secretary shall consult with the Secretary of State, the Marine Mammal Commission, and the United States Commissioners to the Inter-American Tropical Tuna Commission.

"(3) Emergency regulations prescribed under this subsection—

"(A) shall be published in the Federal Register, together with an explanation thereof; and

"(B) shall remain in effect for the duration of the applicable fishing year; and The Secretary may terminate such emergency regulations at a date earlier than that required by subparagraph (B) by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for the emergency action no longer exist.

"(4) If the Secretary finds that the incidental mortality and serious injury of marine mammals in the yellowfin tuna fishery in the eastern tropical Pacific Ocean is continuing to have a significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for such additional periods as may be necessary.

"(d) RESEARCH.—The Secretary shall, in cooperation with the nations participating in the International Dolphin Conservation Program and with the Inter-American Tropical Tuna Commission, undertake or support appropriate scientific research to further the goals of the International Dolphin Conservation Program. Such research may include but shall not be limited to any of the following:

"(1) Devising cost-effective fishing methods and gear so as to reduce, with the goal of eliminating, the incidental mortality and serious injury of marine mammals in connection with commercial purse seine fishing in the eastern tropical Pacific Ocean.

"(2) Developing cost-effective methods of fishing for mature yellowfin tuna without deployment of nets on, or encirclement of, dolphins or other marine mammals.

"(3) Carrying out stock assessments for those marine mammal species and marine mammal stocks taken in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean, including species or stocks not within waters under the jurisdiction of the United States.

"(4) Studying the effects of chase and encirclement on the health and biology of dolphin and individual dolphin populations incidentally taken in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean. There are authorized to be appropriated to the Department of Commerce \$1,000,000 to be used by the Secretary, acting through the National Marine Fisheries Service, to carry out this paragraph. Upon completion of the study, the Secretary shall submit a report containing the results of the study, together with recommendations, to the Congress and to the Inter-American Tropical Tuna Commission.

"(5) Determining the extent to which the incidental take of nontarget species, including juvenile tuna, occurs in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, the geographic location of the incidental take, and the impact of that incidental take on tuna stocks, and nontarget species.

The Secretary shall include a description of the annual results of research carried out under this subsection in the report required under section 303."

(d) REPORTS.—Section 303 (16 U.S.C. 1414) is amended to read as follows:

**"SEC. 303. REPORTS BY THE SECRETARY.**

"Notwithstanding section 103(f), the Secretary shall submit an annual report to the Congress which includes each of the following:

"(1) The results of research conducted pursuant to section 302.

"(2) A description of the status and trends of stocks of tuna.

"(3) A description of the efforts to assess, avoid, reduce, and minimize the bycatch of juvenile yellowfin tuna and other nontarget species.

"(4) A description of the activities of the International Dolphin Conservation Program and of the efforts of the United States in support of the Program's goals and objectives, including the protection of dolphin populations in the eastern tropical Pacific Ocean, and an assessment of the effectiveness of the Program.

"(5) Actions taken by the Secretary under subsections (a)(2)(B) and (d) of section 101.

"(6) Copies of any relevant resolutions and decisions of the Inter-American Tropical Tuna Commission, and any regulations promulgated by the Secretary under this title.

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

(e) PERMITS.—Section 304 (16 U.S.C. 1416) is amended to read as follows:

**"SEC. 304. PERMITS.**

"(a) IN GENERAL.—(1) Consistent with section 302, the Secretary is authorized to issue a permit to a vessel of the United States authorizing participation in the International Dolphin Conservation Program and may require a permit for the person actually in charge of and controlling the fishing operation of the vessel. The Secretary shall prescribe such procedures as are necessary to carry out this subsection, including, but not limited to, requiring the submission of—

"(A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof; and

"(B) the tonnage, hold capacity, speed, processing equipment, and type and quantity

of gear, including an inventory of special equipment required under section 302, with respect to each vessel.

"(2) The Secretary is authorized to charge a fee for issuing a permit under this section. The level of fees charged under this paragraph may not exceed the administrative cost incurred in granting an authorization and issuing a permit. Fees collected under this paragraph shall be available, subject to appropriations, to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in issuing permits under this section.

"(3) After the effective date of the International Dolphin Conservation Program Act, no vessel of the United States shall operate in the yellowfin tuna fishery in the eastern tropical Pacific Ocean without a valid permit issued under this section.

"(b) PERMIT SANCTIONS.—(1) In any case in which—

"(A) a vessel for which a permit has been issued under this section has been used in the commission of an act prohibited under section 305;

"(B) the owner or operator of any such vessel or any other person who has applied for or been issued a permit under this section has acted in violation of section 305; or

"(C) any civil penalty or criminal fine imposed on a vessel, owner or operator of a vessel, or other person who has applied for or been issued a permit under this section has not been paid or is overdue, the Secretary may—

"(i) revoke any permit with respect to such vessel, with or without prejudice to the issuance of subsequent permits;

"(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

"(iii) deny such permit; or

"(iv) impose additional conditions or restrictions on any permit issued to, or applied for by, any such vessel or person under this section.

"(2) In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, any history of prior offenses, and other such matters as justice requires.

"(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of transfer.

"(4) In the case of any permit that is suspended for the failure to pay a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

"(5) No sanctions shall be imposed under this section unless there has been a prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this title or otherwise."

(f) PROHIBITIONS.—Section 305 is repealed and section 307 (16 U.S.C. 1417) is redesignated as section 305, and amended as follows:

(1) In subsection (a):

(A) By amending paragraph (1) to read as follows:

"(1) for any person to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product unless the

tuna or tuna product is either dolphin safe or has been harvested in compliance with the International Dolphin Conservation Program by a country that is a member of the Inter-American Tropical Tuna Commission or has initiated steps, in accordance with Article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission, to become a member of that organization;"

(B) By amending paragraph (2) to read as follows:

"(2) except in accordance with this title and regulations issued pursuant to this title as provided for in subsection 101(e), for any person or vessel subject to the jurisdiction of the United States intentionally to set a purse seine net on or to encircle any marine mammal in the course of tuna fishing operations in the eastern tropical Pacific Ocean; or"

(C) By amending paragraph (3) to read as follows:

"(3) for any person to import any yellowfin tuna or yellowfin tuna product or any other fish or fish product in violation of a ban on importation imposed under section 101(a)(2);"

(2) In subsection (b)(2), by inserting "(a)(5) and" before "(a)(6)".

(3) By striking subsection (d).

(g) REPEAL.—Section 306 is repealed and section 308 (16 U.S.C. 1418) is redesignated as section 306, and amended by striking "303" and inserting in lieu thereof "302(d)".

(h) CLERICAL AMENDMENTS.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 is amended by striking the items relating to title III and inserting in lieu thereof the following:

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

"Sec. 301. Findings and policy.

"Sec. 302. Authority of the Secretary.

"Sec. 303. Reports by the Secretary.

"Sec. 304. Permits.

"Sec. 305. Prohibitions.

"Sec. 306. Authorization of appropriations."

SEC. 6. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF 1950.

(a) MEMBERSHIP.—Section 3(c) of the Tuna Conventions Act of 1950 (16 U.S.C. 952(c)) is amended to read as follows:

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

(b) GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.—Section 4 of the Tuna Conventions Act of 1950 (16 U.S.C. 953) is amended to read as follows:

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

"The Secretary, in consultation with the United States Commissioners, shall:

"(1) Appoint a General Advisory Committee which shall be composed of not less than 5 nor more than 15 persons with balanced representation from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations. The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the commission. The General Advisory Committee may attend all meetings of the international commissions to which they are invited by such commissions.

"(2) Appoint a Scientific Advisory Subcommittee which shall be composed of not less than 5 nor more than 15 qualified scientists with balanced representation from

the public and private sectors, including nongovernmental conservation organizations. The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including the conservation of ecosystems; the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean. In addition, the Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include each of the following:

"(A) The review of data from the Program, including data received from the Inter-American Tropical Tuna Commission.

"(B) Recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research.

"(C) Recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments.

"(D) Consulting with other experts as needed.

"(E) Recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or equivalent).

"(3) Establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data. The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

"(4) Fix the terms of office of the members of the General Advisory Committee and Scientific Advisory Subcommittee, who shall receive no compensation for their services as such members."

(c) BYCATCH REDUCTION.—The Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.) is amended by adding at the end the following new section:

"REDUCTION OF BYCATCH IN EASTERN TROPICAL PACIFIC OCEAN

"SEC. 15. The Secretary of State, acting through the United States Commissioners, should take the necessary steps to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The program shall include to the extent practicable—

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

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

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



53.20 SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 342. An Act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices; to the Committee on International Relations.

S. Con. Res. 6. Concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country; to the Committee on International Relations.

S. Con. Res. 21. Concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes; to the Committee on International Relations.

53.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SNOWBARGER, for today after 1 p.m. and balance of the week.

And then,

53.22 ADJOURNMENT

On motion of Mr. PALLONE, at 7 o'clock and 55 minutes p.m., the House adjourned.

53.23 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1420. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes (Rept. No. 105-106). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 155. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. No. 105-107). Referred to the House Calendar.

53.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUMP (for himself, Mr. EVANS, Mr. STEARNS, and Mr. GUTIERREZ):

H.R. 1687. A bill to amend title 38, United States Code, to provide that special pay paid to certain physicians and dentists of the Veterans Health Administration who retire before October 1, 1999, shall be considered to be basic pay for retirement purposes; to the Committee on Veterans' Affairs.

By Mr. THUNE (for himself, Mr. MINGE, and Mr. LATHAM):

H.R. 1688. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a non-profit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Resources.

By Mr. WHITE (for himself, Ms. ESHOO, Mr. BARTON of Texas, Mr. BROWN of Ohio, Mr. BILBRAY, Mr. DOOLEY of

California, Mr. CAMPBELL, Mr. FAZIO of California, Mr. COBURN, Mr. FARR of California, Mr. COX of California, Mr. FRANK of Massachusetts, Ms. DUNN of Washington, Ms. HARMAN, Mr. KLUG, Mr. KENNEDY of Massachusetts, Mr. NETHERCUTT, Ms. LOFGREN, Mr. PAXON, Mr. ROEMER, Ms. PRYCE of Ohio, Mrs. TAUSCHER, Mr. TAUZIN, Mr. TOWNS, and Mr. DEUTSCH):

H.R. 1689. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes; to the Committee on Commerce.

By Mr. ANDREWS:

H.R. 1690. A bill to amend title 28 of the United States Code regarding enforcement of child custody orders; to the Committee on the Judiciary.

By Mrs. CHENOWETH (for herself and Mr. CRAPO):

H.R. 1691. A bill to provide for the stabilization, enhancement, restoration, and management of the Coeur d'Alene River basin watershed; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN (for himself, Mr. CARDIN, and Mr. SAM JOHNSON):

H.R. 1692. A bill to require the Secretary of Health and Human Services to waive the 3-day prior hospitalization requirement for coverage of skilled nursing facility services in the case of individuals classified within certain diagnosis-related groups; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 1693. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

H.R. 1694. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for certain amounts contributed to an education investment account; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 1695. A bill to establish a Commission on Retirement Savings; to the Committee on Education and the Workforce.

By Mr. RADANOVICH (for himself and Mr. YOUNG of Alaska):

H.R. 1696. A bill to honor agreements reached in the acquisition of Santa Rosa Island, CA, by the National Park Service; to the Committee on Resources.

By Ms. RIVERS:

H.R. 1697. A bill to assess the impact of the North American Free-Trade Agreement on domestic job loss and the environment, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1698. A bill to amend the Internal Revenue Code of 1986 to assist families in the purchase of coverage for children under school-based health insurance programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Ms. LOFGREN, Mr. SCOTT, Mr. STENHOLM, Mr. GEPHARDT, Mr. FAZIO of California, Mr. BONIOR, Mrs. KENNELLY of Connecticut, Ms. DELAURO, Ms. CARSON, Mr. BOSWELL, Ms. HOOLEY of Oregon, Mr. JEFFERSON, Mr. MEEHAN,

Mr. TURNER, Mr. PASCRELL, Mr. SANDLIN, Ms. KILPATRICK, Ms. CHRISTIAN-GREEN, Mr. WATT of North Carolina, Mr. SHERMAN, Mr. KENNEDY of Rhode Island, Mr. MANTON, Mr. WYNN, Mr. VENTO, Ms. JACKSON-LEE, Mr. DELAHUNT, Mr. FARR of California, Mr. ALLEN, Mr. LAFALCE, Mr. MARKEY, Mr. CRAMER, Ms. MILLENDER-MCDONALD, Mr. BROWN of California, Mr. MCINTYRE, Mr. JOHNSON of Wisconsin, Mr. TORRES, Mr. KENNEDY of Massachusetts, Mr. ROTHMAN, Mr. HOLDEN, Mr. HINOJOSA, and Ms. WOOLSEY):

H.R. 1699. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a grant program to prevent and control juvenile crime; to modify Federal court procedures applicable to violent juvenile offenders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE (for himself, Mr. YOUNG, of Alaska, Mr. HILL, and Mrs. CUBIN):

H.R. 1700. A bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 1701. A bill to amend title 23, United States Code, to provide a minimum allocation of highway funds for States that have low population densities and comprise large geographic areas; to the Committee on Transportation and Infrastructure.

By Mr. LAFALCE:

H. Con. Res. 85. Concurrent resolution expressing the sense of Congress that the Small Business Administration should appoint a commission to examine the credit needs of small business concerns; to the Committee on Small Business.

53.25 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. CUNNINGHAM and Mr. CALVERT.

H.R. 108: Mr. WAXMAN.

H.R. 135: Mr. BERMAN.

H.R. 164: Mr. MCINTYRE, Mr. BROWN of Ohio, Mr. LAMPSON, Mr. RAHALL, Mr. FOGLETTA, Mr. BARRETT of Wisconsin, Mrs. LOWEY, Mr. HILLIARD, Mr. MEEK of Florida, Mr. LATOURETTE, Ms. RIVERS, Mr. GREEN, Mr. GANSKE, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. HOLDEN, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. FILNER, Ms. WOOLSEY, Ms. BROWN of Florida, Ms. KILPATRICK, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Ms. WATERS, Mr. MANTON, Mr. BALDACCIO, Ms. ROS-LEHTINEN, Ms. STABENOW, Mr. BAESLER, Ms. FURSE, Mr. CAPPS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HOOLEY of Oregon, and Mr. PAYNE.

H.R. 165: Mr. MCDERMOTT.

H.R. 192: Mr. GOODLING, Mr. PAPPAS, Mr. KINGSTON, and Ms. MCKINNEY.

H.R. 195: Mr. THOMPSON.

H.R. 203: Mr. CALVERT.

H.R. 293: Mr. KENNEDY of Rhode Island.

H.R. 294: Mr. KENNEDY of Rhode Island.

H.R. 295: Mr. KENNEDY of Rhode Island.

H.R. 387: Mr. PAUL, Mr. LIPINSKI, Mr. ROHR-ABACHER, and Mr. SENSENBRENNER.

H.R. 399: Mr. CALVERT and Mr. WICKER.

H.R. 404: Mr. CANADY of Florida and Ms. FURSE.

H.R. 414: Mr. GOODLING, Mr. PAPPAS, and Ms. MCKINNEY.

H.R. 426: Mr. BOUCHER, Mr. EVERETT, Mr. MCINNIS, Mr. WICKER, Mr. LAFALCE, and Mr. ETHERIDGE.

H.R. 431: Mr. CONDIT and Ms. LOFGREN.

H.R. 446: Mrs. NORTHUP.

H.R. 457: Mr. SNOWBARGER.

H.R. 598: Mr. MCINTYRE.

H.R. 630: Mr. DELLUMS.

H.R. 659: Mr. LIPINSKI, Mr. CHRISTENSEN, and Mr. MCCOLLUM.

H.R. 665: Mrs. KELLY, Mr. BLILEY, and Mr. LOBONDO.

H.R. 695: Mr. HOUGHTON, Mr. MCHUGH, and Ms. FURSE.

H.R. 716: Mr. HASTERT and Mr. UPTON.

H.R. 723: Mr. ETHERIDGE.

H.R. 754: Mr. KLINK and Mr. SKAGGS.

H.R. 820: Mr. BALDACCI.

H.R. 880: Mr. HALL of Ohio, Mr. MANZULLO, and Mr. DICKEY.

H.R. 900: Mr. PASCARELL, Mr. LAFALCE, Mr. WEXLER, Mr. FOGLIETTA, and Mr. FRANK of Massachusetts.

H.R. 955: Mr. WALSH.

H.R. 964: Mr. GOODLATTE and Mr. BILBRAY.

H.R. 990: Ms. MOLINARI.

H.R. 991: Mr. POSHARD and Mr. VENTO.

H.R. 1006: Ms. RIVERS.

H.R. 1060: Mrs. JOHNSON of Connecticut, Mr. ROHRBACHER, Mr. PASCARELL, Mr. BARCIA of Michigan, Mr. TRAFICANT, Mr. CRAMER, Ms. ESHOO, Mr. HALL of Texas, Mr. MCKEON, Mr. DAN SCHAEFER of Colorado, Mr. SUNUNU, Mr. HUTCHINSON, and Mr. BILBRAY.

H.R. 1061: Mr. SNYDER and Mr. BENTSEN.

H.R. 1063: Mr. BARRETT of Wisconsin, Mr. CLYBURN, Ms. CHRISTIAN-GREEN, Mr. GOODLATTE, Mr. CANADY of Florida, Mrs. THURMAN, Mr. PICKETT, Mr. SENSENBRENNER, Mr. WICKER, Mr. DIAZ-BALART, Mr. DEUTSCH, Mrs. CLAYTON, Mr. GOODE, and Ms. PRYCE of Ohio.

H.R. 1126: Mr. BEREUTER, Mr. YOUNG of Alaska, and Mr. BORSKI.

H.R. 1129: Ms. WOOLSEY, Mr. SPENCE, and Mr. PAPPAS.

H.R. 1132: Ms. FURSE, Ms. PELOSI, Mr. SERRANO, and Ms. WOOLSEY.

H.R. 1138: Mr. THORBERRY and Mr. WELDON of Florida.

H.R. 1160: Ms. WATERS, Mr. VENTO, and Mr. METCALF.

H.R. 1163: Mr. SKAGGS.

H.R. 1170: Mr. GIBBONS.

H.R. 1188: Mr. BONIOR.

H.R. 1231: Mr. SNYDER and Ms. HOOLEY of Oregon.

H.R. 1247: Mr. FOX of Pennsylvania and Mr. UPTON.

H.R. 1258: Mr. GOODLATTE.

H.R. 1260: Mr. MCINTOSH.

H.R. 1263: Ms. SLAUGHTER.

H.R. 1270: Mr. BEREUTER, Mr. NETHERCUTT, Mr. GREEN, Mr. HEFNER, Mr. CRAMER, Ms. CHRISTIAN-GREEN, Ms. PRYCE of Ohio, Mr. KANJORSKI, and Mr. HOEKSTRA.

H.R. 1283: Mr. WEXLER, Mr. PORTMAN, Mr. UPTON, Mr. MCINNIS, and Mr. MANZULLO.

H.R. 1285: Mr. SOUDER.

H.R. 1296: Mr. GRAHAM.

H.R. 1298: Mr. YATES, Mr. DOYLE, Mr. FOLEY, and Mr. REYES.

H.R. 1315: Mr. GREEN, Mr. GUTIERREZ, Mr. MASCARA, and Mr. PAYNE.

H.R. 1320: Mr. EVANS.

H.R. 1322: Mr. YOUNG of Alaska.

H.R. 1334: Mr. PAYNE and Mrs. MEEK of Florida.

H.R. 1345: Mr. ENGEL.

H.R. 1356: Mr. MCKEON, Mr. BARTLETT of Maryland, and Mr. SMITH of New Jersey.

H.R. 1357: Mr. FILNER.

H.R. 1375: Mr. DUNCAN and Ms. KILPATRICK.

H.R. 1401: Ms. RIVERS.

H.R. 1415: Mr. ROTHMAN, Mr. ACKERMAN, Mr. FARR of California, Mr. BAESLER, Mr. MOLLOHAN, Mr. OLVER, Mr. POSHARD, Mr. PASCARELL, Mr. INGLIS of South Carolina, Mr. LARGENT, Mr. BRYANT, Mrs. LINDA SMITH of

Washington, Mr. HYDE, Mrs. CHENOWETH, Mr. HASTINGS of Washington, Ms. CHRISTIAN-GREEN, and Mr. GOODE.

H.R. 1438: Mr. SCHUMER.

H.R. 1442: Mr. METCALF.

H.R. 1475: Mr. KLUG and Mr. FRELING-HUYSEN.

H.R. 1524: Mr. OLVER.

H.R. 1532: Mr. KIM.

H.R. 1559: Mr. PICKERING, Mr. ARCHER, Mr. TAUZIN, Mr. NEY, Mr. HANSEN, and Mr. RIGGS.

H.R. 1570: Ms. LOFGREN, Mr. SABO, Ms. DELLAURO, Mr. DELLUMS, Mr. STARK, Mr. YATES, Ms. CHRISTIAN-GREEN, Mr. CONYERS, and Mr. FLAKE.

H.R. 1592: Mr. MCCRERY.

H.R. 1593: Mr. WATKINS.

H.R. 1612: Mr. ROHRBACHER and Mr. GALLEGLEY.

H.R. 1684: Mrs. EMERSON.

H.J. Res. 71: Mr. YOUNG of Alaska.

H.J. Res. 75: Mr. FOLEY, Mr. RAHALL, Mr. DELLUMS, Mr. MCINTYRE, Mr. GEPHARDT, Mr. CLYBURN, Mr. GUTIERREZ, Ms. CARSON, and Mr. POSHARD.

H. Con. Res. 52: Mr. MATSUI, Mr. JOHNSON of Wisconsin, Mr. MCGOVERN, and Mr. NUSSLE.

H. Con. Res. 65: Mr. LATOURETTE, Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Ms. FURSE, Mr. DAN SCHAEFER of Colorado, Mr. SPRATT, Mr. BARCIA of Michigan, Mr. FROST, and Mr. MCHUGH.

H. Con. Res. 71: Ms. NORTON, Ms. PELOSI, Mr. FRANK of Massachusetts, Mr. STARK, Mr. FROST, Mr. CLEMENT, Ms. LOFGREN, Mr. GONZALEZ, and Mr. RANGEL.

H. Res. 45: Ms. LOFGREN, Mr. FALEOMAVAEGA, Mr. HOBSON, Mrs. MALONEY of New York, Mr. KLUG, Mr. POMBO, and Mr. RUSH.

H. Res. 138: Ms. RIVERS, Mr. CLEMENT, and Mr. BALDACCI.

#### ¶53.26 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 65: Mr. BOB SCHAEFFER.

### THURSDAY, MAY 22, 1997 (54)

#### ¶54.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. TAYLOR of North Carolina, who laid before the House the following communication:

WASHINGTON, DC,

May 22, 1997.

I hereby designate the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,

*Speaker of the House of Representatives.*

#### ¶54.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, announced he had examined and approved the Journal of the proceedings of Wednesday, May 21, 1997.

Mr. GIBBONS, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce, Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, announced that the yeas had it.

Mr. GIBBONS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, pursuant to clause 5, rule I, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

#### ¶54.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3402. A letter from the Associate Chief, U.S. Forest Service, transmitting the Service's final rule—Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares [36 CFR Part 223] (RIN: 0596-AB62) received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3403. A letter from the General Counsel, Department of Defense, transmitting a draft of two proposed legislative items that would ease current restrictions which preclude the Department of Defense from procuring certain items from foreign sources; to the Committee on National Security.

3404. A letter from the Director, Institute of Museum and Library Services, transmitting a draft of proposed legislation to make technical amendments to the Museum and Library Services Act of 1996; to the Committee on Education and the Workforce.

3405. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Limited Approval of Volatile Organic Compound (VOC) Control Measures for Texas [TX43-1-7333; FRL-5824-6] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3406. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sustainable Development Challenge Grant Program [FRL-5825-6] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3407. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Underground Storage Tank Program: Approved State Program for Mississippi [FRL-5827-1] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3408. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Export Requirements for Medical Devices; Technical Amendment [21 CFR Part 812] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3409. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Environmental Report—Materials Licenses [10 CFR Part 51] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3410. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Closure from Point Lopez to Point Mugu, CA [Docket No. 960429120-6120-01; I.D. 042997A] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3411. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting