

timelines for investigating intellectual property violations under the Trade Act force the USTR to designate certain countries as failing to protect intellectual property before a complete investigation can be completed and make it virtually impossible to negotiate with that country or bring a WTO dispute settlement case in order to resolve a dispute. This bill amends Section 301 of the Trade Act to make sure that investigations can proceed before policy is made.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 269—URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT THAT OPENED ON NOVEMBER 15, 2003

Mr. LEVIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, Mr. LAUTENBERG, Mr. DODD, Mr. WYDEN, Mr. JEFFORDS, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 269

Whereas on November 15, 2003, the Government of Canada opened a commercial hunt on seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins, and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas in February 2003, the Ministry of Fisheries and Oceans in Canada authorized the highest quota for harp seals in Canadian history, allowing nearly 1,000,000 seals to be killed over a 3-year period;

Whereas harp seal pups can be legally hunted in Canada as soon as they have begun to molt their white coats at approximately 12 days of age;

Whereas 97 percent of the seals culled in the 2003 slaughter were pups between just 12 days and 12 weeks of age, most of which had not yet eaten their first solid meal or learned to swim;

Whereas a 2001 report by an independent team of veterinarians invited to observe the hunt by the International Fund for Animal Welfare concluded that the seal hunt failed to comply with basic animal welfare regulations in Canada and that governmental regulations regarding humane killing were not being respected or enforced;

Whereas the 2001 veterinary report concluded that as many as 42 percent of the seals studied were likely skinned while alive and conscious;

Whereas the commercial slaughter of seals in the Northwest Atlantic is inherently cruel, whether the killing is conducted by clubbing or by shooting;

Whereas many seals are shot in the course of the hunt, but escape beneath the ice where they die slowly and are never recovered, and these seals are not counted in official kill statistics, making the actual kill level far higher than the level that is reported;

Whereas the commercial hunt for harp and hooded seals is not conducted by indigenous

peoples of Canada, but is a commercial slaughter carried out by nonnative people from the East Coast of Canada for seal fur, oil, and penises (used as aphrodisiacs in some Asian markets);

Whereas the fishing and sealing industries in Canada continue to justify the expanded seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas 2 Canadian Government marine scientists reported in 1994 that the true cause of cod depletion in the North Atlantic was over-fishing, and the consensus among the international scientific community is that seals are not responsible for the collapse of cod stocks;

Whereas harp and hooded seals are a vital part of the complex ecosystem of the Northwest Atlantic, and because the seals consume predators of commercial cod stocks, removing the seals might actually inhibit recovery of cod stocks;

Whereas certain ministries of the Government of Canada have stated clearly that there is no evidence that killing seals will help groundfish stocks to recover; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

*Resolved*, That the Senate urges the Government of Canada to end the commercial hunt on seals that opened in the waters off the east coast of Canada on November 15, 2003.

Mr. LEVIN. Mr. President, today I am joined by a number of my colleagues in submitting a resolution in the hope that the Canadian government will cease its support of the slaughter of seals. The images from this senseless slaughter are difficult to view but even harder to accept: skinning of live animals, some no older than 12 days, and the dragging of live seals across the ice using steel hooks.

On November 15, 2003, the Government of Canada opened a commercial hunt on seals in the waters off the east coast of Canada. This hunt is supported by millions of dollars of subsidies to the sealing industry every year from the Canadian Government. These subsidies facilitate the slaughter of innocent animals and artificially extend the life of an industry that has ceased to exist in most developed countries. These subsidies can not be justified and should be ended.

Few would argue that this industry still serves a legitimate purpose. Two years ago, an economic analysis of the Canadian sealing industry concluded that it provided the equivalent on only 100 to 150 full-time jobs each year. In addition, the analysis found that these jobs cost Canadian taxpayers nearly \$30,000 each. The report concluded that when the cost of government subsidies provided to the industry was weighed against the landed value of the seals each year, the net value of the sealing industry was close to zero.

There is little about the Canadian sealing industry that is self-sustaining. The operating budget of the Canadian Sealers Association continues to be paid by the Canadian government; their rent each month is paid by the

provincial government of Newfoundland and Labrador; seal processing companies continue to receive subsidies through the Atlantic Canada Opportunities Agency; Human Resources Development Canada, and other federal funding programs for staffing and capital costs. The sealing industry, through the Sealing Industry Development Council and other bodies, receives assistance for product research and development, and for product marketing initiatives, both overseas and domestically. All the costs of the seal hunt for ice breaking services and for search and rescue, provided by the Canadian Coast Guard, are underwritten by Canadian taxpayers.

Many believe that subsidizing an industry that only operates for a few weeks a year and employs only a few hundred people on a seasonal, part-time basis is simply a bad investment on the part of the Canadian government. The HSUS has already called upon the Canadian government to end these archaic subsidies and instead work to diversify the economy in the Atlantic region by facilitating long-term jobs and livelihoods.

The clubbing of baby seals can't be defended or justified, and Canada should end it just as we ended the Alaska baby seal massacre 20 years ago. I urge my colleagues to support this resolution.

##### SENATE RESOLUTION 270—CONGRATULATING JOHN GAGLIARDI, FOOTBALL COACH OF ST. JOHN'S UNIVERSITY, ON THE OCCASION OF HIS BECOMING THE ALL-TIME WINNINGEST COACH IN COLLEGIATE HISTORY

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 270

Whereas John Gagliardi began his coaching career in 1943 at the age of 16 when his high school football coach was drafted and John Gagliardi was asked to take over the position;

Whereas John Gagliardi won 4 conference titles during the 6 years he coached high school football;

Whereas John Gagliardi graduated from Colorado College in 1949 and began coaching football, basketball, and baseball at Carroll College in Helena, Montana, winning titles in all 3 sports;

Whereas John Gagliardi took over the football program at St. John's University in Collegeville, Minnesota, in 1953 and the football team won the Minnesota Intercollegiate Athletic Conference title in his first year as coach;

Whereas by the end of the 2002 season, John Gagliardi had won 3 national championships, coached 22 conference title teams, appeared in 45 post-season games and compiled a 376-108-10 record during his 50 years at St. John's University;

Whereas under the leadership of John Gagliardi, St. John's University has been nationally ranked 37 times in the past 39 years, and the university set a record with a 61.5 points per game average in 1993;

Whereas over 150 students participate in the St. John's University football program

each year and every player dresses for home games;

Whereas John Gagliardi's coaching methods follow the "Winning with No's" theory: no blocking sleds or dummies, no whistles, no tackling in practices, no athletic scholarships, and no long practices;

Whereas John Gagliardi has coached over 5,000 players during his 50 years at St. John's University, and no player has failed to graduate and most have graduated in 4 years;

Whereas, in 1993, the John Gagliardi trophy was unveiled, and it is given each year to the most outstanding Division III football player;

Whereas on November 1, 2003, John Gagliardi tied Grambling University coach Eddie Robinson's record of 408 wins with a 15 to 12 victory over the University of St. Thomas;

Whereas on November 8, 2003, John Gagliardi broke Eddie Robinson's record with a 29 to 26 victory over Bethel College;

Whereas John Gagliardi is admired by his players, as well as by the students, faculty, and fans of St. John's University for his ability to motivate and inspire;

Whereas students who take his course, Theory of Football, credit John Gagliardi for teaching them more about life than about football;

Whereas those closest to John Gagliardi will tell you that football is only part of his life—he values the time he spends with Peg, his wife of 47 years, and their 4 children; and

Whereas the on- and off-the-field accomplishments of John Gagliardi have placed him in an elite club that includes the best coaches in history: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates John Gagliardi, football coach of St. John's University in Collegeville, Minnesota, on becoming the all-time winningest coach in collegiate football history; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to John Gagliardi and St. John's University.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2207. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1152, to reauthorize the United States Fire Administration, and for other purposes.

SA 2208. Mr. FRIST proposed an amendment to the joint resolution H.J. Res. 78, making further continuing appropriations for the fiscal year 2004, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 2207.** Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1152, to reauthorize the United States Fire Administration, and for other purposes; as follows:

##### TITLE I—UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION

###### SEC. 101. SHORT TITLE.

This title may be cited as the "United States Fire Administration Reauthorization Act of 2003".

###### SEC. 102. RE-ESTABLISHMENT OF POSITION OF UNITED STATES FIRE ADMINISTRATOR.

Section 1513 of the Homeland Security Act of 2002 (6 U.S.C. 553) does not apply to the position or office of Administrator of the United States Fire Administration, who shall continue to be appointed and compensated as provided by section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)).

###### SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)) is amended by striking subparagraphs (A) through (K) and inserting the following:

"(A) \$63,000,000 for fiscal year 2005, of which \$2,266,000 shall be used to carry out section 8(f);

"(B) \$64,850,000 for fiscal year 2006, of which \$2,334,000 shall be used to carry out section 8(f);

"(C) \$66,796,000 for fiscal year 2007, of which \$2,404,000 shall be used to carry out section 8(f); and

"(D) \$68,800,000 for fiscal year 2008, of which \$2,476,000 shall be used to carry out section 8(f)."

##### TITLE II—FIREFIGHTING RESEARCH AND COORDINATION

###### SEC. 201. SHORT TITLE.

This title may be cited as the "Firefighting Research and Coordination Act".

###### SEC. 202. NEW FIREFIGHTING TECHNOLOGY.

Section 8 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

"(e) ASSISTANCE TO OTHER FEDERAL AGENCIES.—At the request of other Federal agencies, including the Department of Agriculture and the Department of the Interior, the Administrator may provide assistance in fire prevention and control technologies, including methods of containing insect-infested forest fires and limiting dispersal of resultant fire particle smoke, and methods of measuring and tracking the dispersal of fine particle smoke resulting from fires of insect-infested fuel.

"(f) TECHNOLOGY EVALUATION AND STANDARDS DEVELOPMENT.—

"(1) IN GENERAL.—In addition to, or as part of, the program conducted under subsection (a), the Administrator, in conjunction with the National Institute of Standards and Technology, the InterAgency Board for Equipment Standardization and Inter-Operability, the National Institute for Occupational Safety and Health, the Directorate of Science and Technology of the Department of Homeland Security, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties, shall—

"(A) develop new, and utilize existing, measurement techniques and testing methodologies for evaluating new firefighting technologies, including—

"(i) personal protection equipment;

"(ii) devices for advance warning of extreme hazard;

"(iii) equipment for enhanced vision;

"(iv) devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;

"(v) equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;

"(vi) equipment and methods for training, especially for virtual reality training; and

"(vii) robotics and other remote-controlled devices;

"(B) evaluate the compatibility of new equipment and technology with existing firefighting technology; and

"(C) support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies based on techniques and methodologies described in subparagraph (A).

###### "(2) STANDARDS FOR NEW EQUIPMENT.

(A) The Administrator shall, by regulation, require that new equipment or systems purchased through the assistance program established by the first section 33 meet or exceed applicable voluntary consensus standards for such equipment or systems for which applicable voluntary consensus standards have been established. The Administrator may waive the requirement under this subparagraph with respect to specific standards.

"(B) If an applicant for a grant under the first section 33 proposes to purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that do meet or exceed such standards.

"(C) In making a determination whether or not to waive the requirement under subparagraph (A) with respect to a specific standard, the Administrator shall, to the greatest extent practicable—

"(i) consult with grant applicants and other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

"(ii) take into consideration the explanation provided by the applicant under subparagraph (B); and

"(iii) seek to minimize the impact of the requirement to meet or exceed the specific standard on the applicant, particularly if meeting the standard would impose additional costs.

"(D) Applicants that apply for a grant under the terms of subparagraph (B) may include a second grant request in the application to be considered by the Administrator in the event that the Administrator does not approve the primary grant request on the grounds of the equipment not meeting applicable voluntary consensus standards."

###### SEC. 203. COORDINATION OF RESPONSE TO NATIONAL EMERGENCY.

(a) IN GENERAL.—Section 10 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2209) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) MUTUAL AID SYSTEMS.

"(1) IN GENERAL.—The Administrator shall provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies that—

"(A) include threat assessment and equipment deployment strategies;

"(B) include means of collecting asset and resource information to provide accurate and timely data for regional deployment; and

"(C) are consistent with the Federal Response Plan.

"(2) MODEL MUTUAL AID PLANS.—The Administrator shall develop and make available to State and local fire service officials model mutual aid plans for both intrastate and interstate assistance."

(b) REPORT ON STRATEGIC NEEDS.—Within 90 days after the date of enactment of this Act, the Administrator of the United States Fire Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the need for a strategy concerning deployment of volunteers and emergency response personnel (as defined in section 6 of the Firefighters' Safety Study Act 15 U.S.C. 2223e), including a national credentialing system, in the event of a national emergency.