

sector" has continued to receive parts and supplies from, and supply finished products to, persons in the United States. Copies of the policy statements are attached.

Assembly sector trade with the United States accounted for a significant portion of Haiti's imports, and a substantial majority of its exports, prior to the institution of the OAS-requested embargo in November 1991. Although initially suspended due to the embargo, assembly sector imports from and exports to the United States were allowed to resume on a case-by-case basis beginning in February 1992 in order to keep poorer segments of the Haitian population employed and to reduce their incentive to attempt illegal and dangerous immigration by sea to the United States and other countries. However, the continuing uncertainties of the Haitian situation have led to a sharp decline in assembly sector activity, where employment is now estimated to be no more than 10 percent of pre-embargo levels.

9. In implementing the Haitian sanctions program, FAC has made extensive use of its authority to specifically license transactions with respect to Haiti in an effort to mitigate the effects of the sanctions on the legitimate Government of Haiti and on the livelihood of Haitian workers employed by Haiti's assembly sector, and to ensure the availability of necessary medicines and medical supplies and the uninterrupted flow of humanitarian donations to Haiti's poor. For example, specific licenses were issued: (1) permitting expenditures from blocked assets for the operations of the legitimate Government of Haiti; (2) permitting U.S. firms with pre-embargo relationships with product assembly operations in Haiti to resume those relationships in order to continue employment for their workers or, if they chose to withdraw from Haiti, to return to the United States assembly equipment, machinery, and parts and materials previously exported to Haiti; (3) permitting U.S. companies operating in Haiti to establish, under specified circumstances, interest-bearing blocked reserve accounts in commercial or investment banking institutions in the United States for deposit of amounts owed the de facto regime; (4) permitting the continued material support of U.S. and international religious, charitable, public health, and other humanitarian organizations and projects operating in Haiti; (5) authorizing commercial sales of agricultural inputs such as fertilizer and foodcrop seeds; and (6) in order to combat deforestation, permitting the importation of agricultural products grown on trees.

10. During this reporting period, U.S.-led OAS initiatives resulted in even greater intensification and coordination of enforcement activities. Continued close coordination with the U.S. Customs Service in Miami sharply reduced the number of attempted exports of unmanifested, unauthorized merchandise. New FAC initiatives are ex-

pected to result in more effective coordination of Customs Service and Department of Justice activities in prosecution of embargo violations. During the reporting period, the multinational Maritime Interdiction Force that contains elements of the U.S. Navy and U.S. Coast Guard, continued to patrol offshore Haiti and to conduct ship boardings, inspections of cargoes bound for Haiti, identification of suspected violators, and referrals for investigation. The Maritime Interdiction Force has boarded 612 ships and diverted 38 of these ships for various reasons (inaccessibility of cargo for inspection, items prohibited by the United Nations Security Council embargo on board) from its inception to March 30, 1994. Actions have been taken to counter embargo violations as they have developed. There have been high-level discussions with the Government of the Dominican Republic to encourage its stated desire to cooperate with the United Nations in increasing the effectiveness of the enforcement of the sanctions on that country's common border with Haiti across which fuel smuggling is occurring. Other steps have been taken to control sales of bunker fuel by ships in Haitian ports and smuggling of fuel in Haitian-Dominican coastal waters.

The Department of the Treasury, in close coordination with Department of State and the intelligence community, continues to designate "Blocked Individuals of Haiti," blocking the assets of persons (civilian as well as military) whose conduct meets the criteria of Executive Orders Nos. 12755, 12853, and 12872, including persons obstructing the U.N. Mission in Haiti or the implementation of the Governors Island Agreement and persons perpetuating or contributing to the violence in Haiti. The list was last expanded on January 27, when the entire officer corps of the Haitian Armed Forces was blocked as part of the de facto regime in Haiti, and on April 4, when one additional civilian was added to the list. As others subverting democracy in Haiti and additional members of the officer corps are identified by name, these names will be incorporated into the list of "Blocked Individuals of Haiti."

Since the last report, 35 penalties, totaling in excess of \$146,000, have been collected from U.S. businesses and individuals for violations of the Regulations. Eighteen violations involved unlicensed import- and export-related activity. As of March 4, 1994, 12 payments of penalties assessed against the masters of vessels for unauthorized trade transactions or violations of entry restrictions totaled about \$53,000. A significant penalty collection during the reporting period was from American Airlines for its direct payments of taxes and fees to the de facto regime in Haiti.

11. The expenses incurred by the Federal Government in the 6-month period from October 4, 1993, through April 3, 1994, that are directly attributable to the authorities conferred by the dec-

laration of a national emergency with respect to Haiti are estimated at about \$3.4 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, and the Office of the General Counsel), the Department of State, the U.S. Coast Guard, and the Department of Commerce.

12. I am committed to the restoration of democracy in Haiti and determined to see that Haiti and the Haitian people resume their rightful place in our hemispheric community of democracies. Active U.S. support for United Nations/OAS efforts to resolve the Haitian crisis has led to the maintenance and enforcement of sweeping economic sanctions. Our diplomatic efforts complementing these sanctions are designed to encourage and facilitate participation by all legitimate Haitian political elements in a broad-based political process that will bring about the fulfillment of the undertakings they made in the Governors Island Agreement so that Haitian democracy can be restored and President Aristide can return to Haiti. Such a political process will enable the lifting of sanctions and the start of Haiti's economic reconstruction and national reconciliation. The United States will continue to play a leadership role in the international community's program of support and assistance for the restoration of democracy and return of President Aristide to Haiti.

I will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 25, 1994.

The message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 103-246).

¶39.10 ADJOURNMENT OVER

On motion of Mr. MONTGOMERY, by unanimous consent,

Ordered. That when the House adjourns today, it adjourn to meet at 12 o'clock noon on Thursday, April 28, 1994.

¶39.11 EMPLOYMENT LEVEL IN VA MEDICAL CENTERS

Mr. MONTGOMERY moved to suspend the rules and pass the bill (H.R. 4013) to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with necessary flexibility in staffing the Veterans Health Administration, to authorize the Secretary to establish pilot programs for health care delivery, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. KREIDLER, recognized Mr. MONTGOMERY and Mr. EVERETT, 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. KREIDLER, announced that two-thirds

of the Members present had voted in the affirmative.

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

The SPEAKER pro tempore, Mr. KREIDLER, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Thursday, April 28, 1994, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

39.12 MARINE MAMMAL PROTECTION ACT AMENDMENTS

Mr. STUDDS moved to suspend the rules and agree to the following resolution (H. Res. 412):

Resolved, That upon the adoption of this resolution the bill (S. 1636), entitled "An Act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes", with the Senate amendment to the House amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mammal Protection Act Amendments of 1994".

SEC. 2. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.

(a) REFERENCES.—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.).

(b) RELATIONSHIP TO OTHER LAW.—Except as otherwise expressly provided, nothing in this Act is intended to amend, repeal, or otherwise affect any other provision of law.

SEC. 3. FINDINGS AND DECLARATION OF POLICY.

Section 2 (16 U.S.C. 1361) is amended—

(1) in paragraph (2) by inserting "essential habitats, including" after "made to protect"; and

(2) in paragraph (5) in the matter following subparagraph (B) by inserting "and their habitats" before "is therefore necessary".

SEC. 4. MORATORIUM AND EXCEPTIONS.

(a) IN GENERAL.—Section 101(a) (16 U.S.C. 1371(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Consistent with the provisions of section 104, permits may be issued by the Secretary for taking, and importation for purposes of scientific research, public display, photography for educational or commercial purposes, or enhancing the survival or recovery of a species or stock, or for importation of polar bear parts (other than internal organs) taken in sport hunts in Canada. Such permits, except permits issued under section 104(c)(5), may be issued if the taking or importation proposed to be made is first reviewed by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II. The Commission and Committee shall recommend any proposed taking or importation, other than importation under section 104(c)(5), which is consistent with the pur-

poses and policies of section 2 of this Act. If the Secretary issues such a permit for importation, the Secretary shall issue to the importer concerned a certificate to that effect in such form as the Secretary of the Treasury prescribes, and such importation may be made upon presentation of the certificate to the customs officer concerned."

(2) in paragraph (2) in the first sentence, by inserting before the period at the end the following: "; or in lieu of such permits, authorizations may be granted therefor under section 118, subject to regulations prescribed under that section by the Secretary without regard to section 103";

(3) in paragraph (3)(B)—

(A) by inserting "photography for educational or commercial purposes," after "purposes"; and

(B) by inserting "or as provided for under paragraph (5) of this subsection," after "subsection,";

(4) by amending paragraph (4) to read as follows:

"(4)(A) Except as provided in subparagraphs (B) and (C), the provisions of this Act shall not apply to the use of measures—

"(i) by the owner of fishing gear or catch, or an employee or agent of such owner, to deter a marine mammal from damaging the gear or catch;

"(ii) by the owner of other private property, or an agent, bailee, or employee of such owner, to deter a marine mammal from damaging private property;

"(iii) by any person, to deter a marine mammal from endangering personal safety; or

"(iv) by a government employee, to deter a marine mammal from damaging public property,

so long as such measures do not result in the death or serious injury of a marine mammal.

"(B) The Secretary shall, through consultation with appropriate experts, and after notice and opportunity for public comment, publish in the Federal Register a list of guidelines for use in safely deterring marine mammals. In the case of marine mammals listed as endangered species or threatened species under the Endangered Species Act of 1973, the Secretary shall recommend specific measures which may be used to nonlethally deter marine mammals. Actions to deter marine mammals consistent with such guidelines or specific measures shall not be a violation of this Act.

"(C) If the Secretary determines, using the best scientific information available, that certain forms of deterrence have a significant adverse effect on marine mammals, the Secretary may prohibit such deterrent methods, after notice and opportunity for public comment, through regulation under this Act.

"(D) The authority to deter marine mammals pursuant to subparagraph (A) applies to all marine mammals, including all stocks designated as depleted under this Act."

(5) in paragraph (5) by adding at the end the following new subparagraphs:

"(D)(i) Upon request therefor by citizens of the United States who engage in a specified activity (other than commercial fishing) within a specific geographic region, the Secretary shall authorize, for periods of not more than 1 year, subject to such conditions as the Secretary may specify, the incidental, but not intentional, taking by harassment of small numbers of marine mammals of a species or population stock by such citizens while engaging in that activity within that region if the Secretary finds that such harassment during each period concerned—

"(I) will have a negligible impact on such species or stock, and

"(II) will not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence uses pursu-

ant to subsection (b), or section 109(f) or pursuant to a cooperative agreement under section 119.

"(ii) The authorization for such activity shall prescribe, where applicable—

"(I) permissible methods of taking by harassment pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119,

"(II) the measures that the Secretary determines are necessary to ensure no unmitigable adverse impact on the availability of the species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119, and

"(III) requirements pertaining to the monitoring and reporting of such taking by harassment, including requirements for the independent peer review of proposed monitoring plans or other research proposals where the proposed activity may affect the availability of a species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119.

"(iii) The Secretary shall publish a proposed authorization not later than 45 days after receiving an application under this subparagraph and request public comment through notice in the Federal Register, newspapers of general circulation, and appropriate electronic media and to all locally affected communities for a period of 30 days after publication. Not later than 45 days after the close of the public comment period, if the Secretary makes the findings set forth in clause (i), the Secretary shall issue an authorization with appropriate conditions to meet the requirements of clause (ii).

"(iv) The Secretary shall modify, suspend, or revoke an authorization if the Secretary finds that the provisions of clauses (i) or (ii) are not being met.

"(v) A person conducting an activity for which an authorization has been granted under this subparagraph shall not be subject to the penalties of this Act for taking by harassment that occurs in compliance with such authorization.

"(E)(i) During any period of up to 3 consecutive years, the Secretary shall allow the incidental, but not the intentional, taking by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)), while engaging in commercial fishing operations, of marine mammals from a species or stock designated as depleted because of its listing as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) if the Secretary, after notice and opportunity for public comment, determines that—

"(I) the incidental mortality and serious injury from commercial fisheries will have a negligible impact on such species or stock;

"(II) a recovery plan has been developed or is being developed for such species or stock pursuant to the Endangered Species Act of 1973; and

"(III) where required under section 118, a monitoring program is established under subsection (d) of such section, vessels engaged in such fisheries are registered in accordance with such section, and a take reduction plan has been developed or is being developed for such species or stock.

"(ii) Upon a determination by the Secretary that the requirements of clause (i)