

sion, modeled on the original ORRRC, and established by act of Congress.

The National Outdoor Recreation Resources Review Commission, NORRRC, is the means of building the new version of recreation. The protection of quality recreation lands and waters—by many techniques—will be the most important element in this new vision. The use, even the availability, of outdoor recreation opportunities provides physical and spiritual benefits that are essential to us all. We must develop techniques to insure the continued availability of these opportunities, whether provided by Federal, State, or local governments, or by our sometimes neglected partner, the private sector.

Change, the factor which has brought about the need for this reassessment, will continue in predictable and unpredictable ways. The latest estimates of the Census Bureau are that our population will grow by about 41 million people by the year 2000 to a level of 267.5 million. Further, the greatest growth is to be in the South and West where 60 percent of that population is expected to live by the year 2000. Only minimal decline in population is predicted in the north-central and north-east portions of the Nation in this period. Clearly, this pattern poses challenges to us in keeping resources in line with demand.

S. 1090, as amended, provides an excellent mechanism for providing the information and ideas necessary to meet the challenge of matching recreation resources, requirements, and opportunities. I hope that my colleagues will agree to this unanimous consent request to send the measure to the other body, and that they will move quickly to put the National Outdoor Recreation Resources Review Commission in place.

Mr. MITCHELL. Mr. President, I am pleased to rise today in support of S. 1090, which would establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for Government agencies at the Federal, State, and local levels to assure the continued availability of quality outdoor recreation experiences in America to the year 2000. The citizens of my State have a rich tradition of participating in outdoor recreational and sport activities. In fact, for many Mainers outdoor recreational activities: hiking, camping, hunting, skiing, and boating, among others, add substantially to the unique quality of life we are privileged to enjoy in Maine.

Mr. President, Governor Joseph E. Brennan recently wrote to Senator WALLOP, the sponsor of S. 1090, to comment on the value of outdoor recreation to the State of Maine. I ask unanimous consent that the text of Governor Brennan's letter along with

several additional views on recreation issues be printed in full at this point.

There being no objection, the material was ordered to be printed in the RECORD as follows:

STATE OF MAINE,  
OFFICE OF THE GOVERNOR,  
Augusta, Maine, September 20, 1983.

Senator MALCOLM WALLOP,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR WALLOP: I am delighted to see that you are leading the effort to create a new National Outdoor Recreation Review Commission (S. 1090). I am pleased to note that you have recruited both of Maine's senators as cosponsors.

Since Maine was represented on the program at your recent Workshop on Land Protection, we are pleased to see that event bearing fruit in this way. I would like to give you for the record a few of my ideas on major policy issues that the Commission should address. Those ideas are included in the attached list.

While I am comfortable with S. 1090 as written, it might appear in your judgment desirable to refine Section 7 in such a way as to bring these points more clearly into the Commission's mandate.

In closing, let me thank you for working through George Siehl of the Congressional Research Service to actively solicit our suggestions on this important bill. Please let me know if there is more that I might be of help to you.

The proposal for a new, national look at our outdoor recreation needs is most timely. As a State heavily dependent on tourism, and one in which the outdoors plays such a key role in our quality of life, Maine is extremely interested in seeing your proposal move forward.

I very much appreciate your leadership in this area.

Sincerely,

JOSEPH E. BRENNAN,  
Governor of Maine.

#### MAINE VIEWS ON RECREATION ISSUES

1. The federal technical assistance and support role is critical to the success of state efforts. In developing the Maine Rivers Program, aid from the Department of the Interior was most valuable—indeed, indispensable. Through a cooperative agreement, an inventory of unique natural and recreational values along Maine's rivers was conducted by the National Park Service and the Maine Department of Conservation. The resulting "Maine Rivers Study" was widely acclaimed as a rational, objective examination of the relative values of Maine rivers. Subsequently, we introduced comprehensive river protection and management legislation, which was enacted this summer.

2. The Land and Water Conservation Fund has been a critical ingredient in the nations' social compact between the states of the Federal government. It is time to renew Congressional determination to properly fund the State side of LAWCON. In Maine alone, accomplishments aided by LAWCON have been most significant. Since 1965, Maine has received almost 30 million dollars, which assisted 414 projects at the local level and 113 projects at the state level.

3. As a Frostbelt state, we are much concerned with urban and indoor recreation opportunities. The Commission will need to develop clear recommendations as to the proper roles of the federal and state govern-

ments in this area. Several traditional outdoor activities take place indoors during the winter months: swimming and tennis are the prime examples. Our recreation planning process has also identified a need for indoor recreation centers in rural areas of the state.

4. Of major concern at both the State and local level is the continuing problem of identifying and financing operation and maintenance needs. It is relatively easy to gain support for acquisition and development of new lands, but difficult to do so for on-going maintenance. The issue needs to be examined and standard maintenance guides for facilities may be needed.

5. The Commission should address the effectiveness of existing and alternative programs. If programs are to be examined, the term "resources" should be removed from the Commission's title, as it is unnecessarily restrictive. In 1960, an emphasis on resources alone may have been wise; today it is not. Programs and policy issues should be reviewed, not just the resource base. We have learned many valuable lessons from past federal-state programs, but changes are needed. Priority setting and administration of LAWCON and the use of SCORP process are only the most visible examples.

6. In the Northeast, we are well aware of the fact that the adjacent Canadian provinces provide important recreation opportunities for our citizens, and also a major market for our own tourism and recreation attractions. The Commission should conduct its analyses with this important fact in mind.

7. To assure effective consideration of these and other federalism issues, the Commission should establish early and effective liaison with groups such as the National Governors' Association and other groups representing state and local elected officials.

8. In our opinion, the Commission should emphasize a streamlined process of analysis and consultation rather than a major research program. Nonetheless, there will be a few critical policy issue that will undoubtedly require new research and policy analysis.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ORDER OF PROCEDURE

Mr. BAKER. Mr. President, now I would say that on this side, S. 1102 is cleared for action, together with the budget waiver that must accompany it. If the minority leader has no objection, I would propose to go to that.

Mr. BYRD. Mr. President, both measures are cleared on this side.

#### BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration, first, of the budget waiver, Calendar Order 539, Senate Resolution 250, and that no amendments be in order, and that,

after the adoption of the budget waiver, the Senate proceed to the consideration of Calendar 493, S. 1102, and that the only amendment that will be in order will be the amendment in the nature of a substitute to be offered by the Senator from Washington (Mr. GORTON) and the committee amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 250) waiving Section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1102.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 250) was agreed to, as follows:

S. RES. 250

*Resolved*, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1102. Such waiver is necessary because S. 1102 authorizes the enactment of new budget authority which would first become available in fiscal year 1984 and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) will permit consideration of statutory authority and amendments to such authority for the marine sanctuary program of the National Oceanic and Atmospheric Administration. The Committee on Commerce, Science, and Transportation did not report S. 1102 prior to May 15, 1983, in order to allow for negotiations regarding controversial aspects of the marine sanctuary program and for the development of a political consensus with respect to substantive amendments to the marine sanctuary program.

S. 1102 provides an authorization for fiscal year 1984 of \$2,264,000, funds which are necessary to continue the marine sanctuary program. Further, the bill provides the legislative direction to the National Oceanic and Atmospheric Administration which is necessary to carry out this program.

The specified sum is included in the President's fiscal year 1984 budget request. The Appropriations Committees of the Senate and House of Representatives have therefore had adequate notice of this authorization. Thus, congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

**NATIONAL MARITIME SANCTUARIES AMENDMENTS OF 1983**

The PRESIDING OFFICER. The clerk will now report the bill, S. 1102.

The legislative clerk read as follows:

A bill (S. 1102) to provide authorization of appropriations for Title III of the Marine Protection, Research, and Sanctuaries Act of 1972.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science,

and Transportation with an amendment to strike all after the enacting clause and insert:

That this Act may be cited as the "Marine Sanctuaries Amendments of 1983".

Sec. 2. Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) is amended to read as follows:

**"TITLE III—NATIONAL MARINE SANCTUARIES**

**"SEC. 301. FINDINGS, PURPOSES, AND POLICIES.**

"(a) FINDINGS.—The Congress finds that—

"(1) this Nation historically has recognized the importance of protecting special areas of its public domain, but such efforts have been directed almost exclusively to land areas above the high water mark;

"(2) certain areas of the marine environment possess conservation, recreational, ecological, historical, research, educational, or esthetic qualities which give them special national significance;

"(3) while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment;

"(4) a Federal program which identifies special areas of the marine environment will contribute positively to marine resource conservation and management; and

"(5) such a Federal program will also serve to enhance public awareness, understanding, appreciation, and wise use of the marine environment.

"(b) PURPOSES AND POLICIES.—The purposes and policies of this title are—

"(1) to identify areas of the marine environment of special national significance due to their resource or human-use values;

"(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas which will complement existing regulatory authorities;

"(3) to support, promote, and coordinate scientific research on, and monitoring of, the resources of these marine areas;

"(4) to enhance public awareness, understanding, appreciation and wise use of the marine environment; and

"(5) to facilitate, to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities.

**"SEC. 302. DEFINITIONS.**

"As used in this title, the term—

"(1) 'draft management plan' means the plan described in section 304(a)(1)(E);

"(2) 'Magnuson Act' means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

"(3) 'marine environment' means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, consistent with international law;

"(4) 'Secretary' means the Secretary of Commerce; and

"(5) 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States.

**"SEC. 303. SANCTUARY DESIGNATION STANDARDS.**

"(a) STANDARDS.—The Secretary may designate any discrete area of the marine envi-

ronment as a national marine sanctuary and promulgate regulations implementing the designation if the Secretary determines that such designation will fulfill the purposes and policies of this title, and if the Secretary finds that—

"(1) the area is of special national significance due to its resource or human-use values;

"(2) existing State and Federal authorities are inadequate to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research and public education, and that designation of such area as a national marine sanctuary will facilitate these objectives; and

"(3) the area is of a size and nature which will permit comprehensive and coordinated conservation and management.

**"(b) FACTORS AND CONSULTATIONS REQUIRED IN MAKING FINDINGS.—**

"(1) FACTORS.—For purposes of determining if an area of the marine environment meets the standards set forth in subsection (a), the Secretary shall consider—

"(A) the area's natural resource and ecological qualities, including its contribution to biological productivity maintenance of ecosystem structure maintenance of ecologically or commercially important or threatened species or species assemblages, and the biogeographic representation of the site;

"(B) the area's historical, cultural, archaeological, or paleontological significance;

"(C) the present and potential uses of the area that depend on maintenance of the area's resources, including commercial and recreational fishing, subsistence uses, other commercial and recreational activities, and research and education;

"(D) present and potential activities that may adversely affect the factors identified in subparagraphs (A), (B), and (C);

"(E) existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of this title;

"(F) the manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;

"(G) the public benefits to be derived from sanctuary status, with emphasis on the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism;

"(H) the negative impacts produced by management restrictions on income-generating activities such as living and nonliving resources development, including minerals and energy development; and

"(I) the socioeconomic effect of sanctuary designation.

"(2) CONSULTATION.—In making such determination, the Secretary shall consult with—

"(A) the Committee on Merchant Marine and Fisheries of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate;

"(B) the Secretaries of State, Defense, Transportation, the Secretary of the department in which the Coast Guard is operating, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the heads of other interested Federal agencies;

"(C) the responsible officials or relevant agency heads of the appropriate State and local government entities, including coastal

zone management agencies, that will or are likely to be affected by the establishment of the area as a national marine sanctuary;

"(D) the appropriate officials of any Regional Fishery Management Council established by section 302 of the Magnuson Act (16 U.S.C. 1852) that may be affected by the proposed designation; and

"(E) other interested persons.

"(3) **RESOURCES ASSESSMENT REPORT.**—In making such determination, the Secretary also shall draft, as part of the environmental impact statement required under section 304(a)(1), a resource assessment report documenting present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial recreational uses. The Secretary, in consultation with the Secretary of the Interior, shall be responsible for drafting a resource assessment section for the report regarding any commercial or recreational resource uses in the area under consideration which are subject to the primary jurisdiction of the Department of the Interior.

"SEC. 304. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

"(a) **SANCTUARY PROPOSAL.**—

"(1) **NOTICES.**—In proposing to designate a national marine sanctuary, the Secretary shall issue in the Federal Register a notice of the proposal, together with proposed regulations that may be necessary and reasonable to implement such proposal and a summary of the draft management plan. The Secretary shall provide notice of the proposal in newspapers of general circulation or electronic media in the communities that may be affected by the proposal. After issuing a notice the Secretary shall conduct at least one public hearing in the area affected by the proposal designation. The Secretary shall also prepare a draft environmental impact statement, as provided by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), on the area proposed for designation and on the draft management plan and regulations. Such draft statement shall include the resource assessment report required under section 303(b)(3), and maps depicting the boundaries of the proposed designated area and the existing and potential uses and resources of the area. Copies of the draft environmental impact statement shall be available to the public. No sooner than thirty days after issuing a notice under this subsection, the Secretary shall hold at least one public hearing in the coastal area or areas that will be most affected by the proposed designation of the area as a national marine sanctuary for the purpose of receiving the views of interested parties. On the same day as such notice is issued, the Secretary shall also submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prospectus on the proposal which shall contain—

"(A) the terms of the proposed designation;

"(B) the basis of the finds made under section 303(a) with respect to the area;

"(C) an assessment of the considerations under section 303(b)(1);

"(D) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

"(E) the draft management plan detailing the proposed goals and objectives, management responsibilities, resource studies, interpretive and educational programs, and

enforcement and surveillance activities for the area;

"(F) an estimate of the annual cost of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education;

"(G) the draft environmental impact statement prepared under this subsection;

"(H) an evaluation of the advantages of cooperative State and Federal management where proposed marine sanctuaries lie within the territorial limits of any State or are superjacent to the subsoil and seabed within the seaward boundary of a State, as the term 'boundary' is used in the Submerged Lands Act (43 U.S.C. 1301 et seq.); and

"(I) proposed regulations to implement the terms of designation and the measures referred to in subparagraphs (A), (D), and (E) and paragraph (3).

"(2) **TERMS OF DESIGNATION.**—The terms of designation of sanctuary shall include the geographic area proposed to be included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary in order to protect those characteristics. The terms of a designation may be modified only by the same procedures by which the original designation was made.

"(3) **FISHING REGULATIONS.**—The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare such draft regulations for fishing within the United States Fishery Conservation Zone as the Council may deem necessary to implement the proposed designation. Draft regulations prepared by the Council or a Council determination that regulations are not necessary pursuant to this paragraph shall be accepted and promulgated by the Secretary unless the Secretary finds that the Council's action fails to fulfill the purposes and policies of this title and the goals and objectives of the proposed designation. In preparing the draft regulations, a Regional Fishery Management Council shall also use as guidance the national standards of section 301(a) of the Magnuson Act (16 U.S.C. 1851) to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. The Secretary shall prepare such regulations, if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the Secretary, or fails to prepare the draft regulations in a timely manner. Any amendments to fishing regulations shall be drafted, approved and promulgated in the same manner as the original regulations.

"(4) **COMMITTEE ACTION.**—After receiving the prospectus under subsection (a)(1), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate may each hold hearings on the proposed designation and on the matters set forth in the prospectus. If within the forty-five day period of continuous session of Congress beginning on the date of submission of the prospectus, either Committee issues a report concerning matters addressed in the prospectus, the Secretary shall consider such report before designating the national marine sanctuary.

"(b) **TAKING EFFECT OF DESIGNATIONS.**—

"(1) **NOTICE.**—In designating a national marine sanctuary, the Secretary shall pub-

lish in the Federal Register notice of the designation together with final regulations to implement the designation and any other matters required by law, and submit such notice to the Congress. The Secretary shall also advise the public of the availability of the draft management plan and the environmental impact statement with respect to such sanctuary. No notice of designation may occur until the expiration of the period for Committee action under subsection (a)(4). The designation (and any of its terms not disapproved under this subsection) and regulations shall take effect and become final after the close of a review period of forty-five days of continuous session of Congress beginning on the day on which such notice is issued unless—

"(A) the Congress disapproves the designation or any of its terms, by adopting a joint resolution of disapproval described in paragraph (3); or

"(B) in the case of a national marine sanctuary that is located partially or entirely within the jurisdiction of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the jurisdiction of the State.

"(2) **WITHDRAWAL OF DESIGNATION.**—If the Secretary considers that actions taken under paragraph (1) (A) or (B) will affect the designation in such a manner that the goals and objectives of the sanctuary cannot be fulfilled, the Secretary may withdraw the designation. If the Secretary does not withdraw the designation, only those portions of the designation not certified as unacceptable under paragraph (1)(A) or not disapproved under paragraph (1)(B) shall take effect.

"(3) **RESOLUTION OF DISAPPROVAL.**—For the purposes of this subsection, the term 'resolution of disapproval' means a joint resolution which states after the resolving clause the following: 'That the Congress disapproves the national marine sanctuary designation entitled \_\_\_\_\_ that was submitted to Congress by the Secretary of Commerce on \_\_\_\_\_, the first blank space being filled with the title of the designation and the second blank space being filled with the date on which the notice was submitted to Congress. In the event that the disapproval is addressed to one or more terms of the designation, the joint resolution shall state after the resolving clause the following: 'That the Congress approves the national marine sanctuary designation entitled \_\_\_\_\_ that was submitted to Congress by the Secretary of Commerce on \_\_\_\_\_ but disapproves the following terms of such designation: \_\_\_\_\_, the first blank space being filled with the title of the designation, the second blank space being filled with the date on which the notice was submitted to Congress, and the third blank space referencing each term of the designation which is disapproved.'

"(4) **PROCEDURES.**—

"(A) In computing the forty-five-day periods of continuous session of Congress pursuant to subsection (a)(4) and paragraph (1) of this subsection—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded.

"(B) When the committee to which a joint resolution has been referred has reported

such a resolution, it shall at any time thereafter be in order to move to proceed to the consideration of the resolution. The motion shall be privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(C) This subsection is enacted by Congress as an exercise of the rulemaking power of each House of Congress, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the case of resolutions described in this subsection. This subsection supersedes other rules only to the extent that they are inconsistent therewith, and is enacted with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

"(5) ACCESS AND VALID RIGHTS.—Nothing in this title shall be construed as terminating, or granting to the Secretary the right to terminate, any valid lease, permit, license, right of subsistence use, or right of access: *Provided*, That such lease, permit, license or right was in existence on the date of enactment of the Marine Sanctuaries Amendments of 1983, with respect to any national marine sanctuary designated before such date: *Provided further*, That such lease, permit, license or right is in existence on the date of designation of any national marine sanctuary, with respect to any national marine sanctuary designated after the date of enactment of the Marine Sanctuaries Amendments of 1983: *And provided further*, That the exercise of such lease, permit, license or right shall be subject to regulation by the Secretary consistent with the purposes for which the sanctuary is designated.

"SEC. 305. INTERNATIONAL APPLICATION OF REGULATIONS AND NEGOTIATIONS.

"(a) REGULATIONS.—The regulations issued under section 304 shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign state of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag state of the vessel, no regulation applicable to areas or activities outside the jurisdiction of the United States shall be applied to a person not a citizen, national, or resident alien of the United States.

"(b) NEGOTIATIONS.—After the taking effect under section 304 of the national marine sanctuary that applies to an area or activity beyond the jurisdiction of the United States, the Secretary of State shall take such action as may be appropriate to enter into negotiations with other governments in order to make necessary arrangements for the protection of the sanctuary and to promote the purposes for which it is established.

"SEC. 306. RESEARCH AND INTERPRETATION.

"The Secretary shall conduct such research and interpretation programs as are necessary and reasonable to carry out the purposes and policies of this title.

"SEC. 307. ENFORCEMENT.

"(a) IN GENERAL.—The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this title. The Secretary shall, whenever appropriate, utilize by agreement the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities on a reimbursable basis in carrying out the Secretary's responsibilities under this title.

"(b) CIVIL PENALTIES.—

"(1) CIVIL PENALTY.—Any person subject to the jurisdiction of the United States who violates any regulation issued under this title shall be liable to a civil penalty of not more than \$50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(2) NOTICE.—No penalty shall be assessed under this subsection until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

"(3) IN REM JURISDICTION.—A vessel used in the violation of a regulation issued under this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued under this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States. The Attorney General may bring suit either on his own initiative or at the request of the Secretary.

"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this title, there are authorized to be appropriated not to exceed \$2,264,000 for fiscal year 1984, \$2,500,000 for fiscal year 1985, and \$2,750,000 for fiscal year 1986."

AMENDMENT NO. 2665

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows: The Senator from Washington (Mr. GORTON) proposes an amendment in the nature of a substitute numbered 2665.

Strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—MARINE SANCTUARIES

Sec. 101. This title may be cited as the "Marine Sanctuaries Amendments of 1983".

Sec. 102. Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) is amended to read as follows:

"TITLE III—NATIONAL MARINE SANCTUARIES

"SEC. 301. FINDINGS, PURPOSES AND POLICIES.

"(a) FINDINGS.—THE CONGRESS FINDS THAT—

"(1) this Nation historically has recognized the importance of protecting special areas of its public domain, but such efforts have been directed almost exclusively to land areas above the high-water mark;

"(2) certain areas of the marine environment possess conservation, recreational, ecological, historical, research, educational, or

esthetic qualities which give them special national significance;

"(3) while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment;

"(4) a Federal program which identifies special areas of the marine environment will contribute positively to marine resource conservation and management; and

"(5) such a Federal program will also serve to enhance public awareness, understanding, appreciation, and wise use of the marine environment.

"(b) PURPOSES AND POLICIES.—The purposes and policies of this title are—

"(1) to identify areas of the marine environment of special national significance due to their resource or human-use values;

"(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas which will complement existing regulatory authorities;

"(3) to support, promote, and coordinate scientific research on, and monitoring of, the resources of these marine areas;

"(4) to enhance public awareness, understanding, appreciation and wise use of the marine environment; and

"(5) to facilitate, to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities.

"SEC. 302. DEFINITIONS.

"As used in this title, the term—

"(1) 'draft management plans' means the plan described in section 304(a)(1)(E);

"(2) 'Magnuson Act' means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

"(3) 'marine environment' means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, consistent with international law;

"(4) 'Secretary' means the Secretary of Commerce; and

"(5) 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States.

"SEC. 303. SANCTUARY DESIGNATION STANDARDS.

"(a) STANDARDS.—The Secretary may designate any discrete area of the marine environment as a national marine sanctuary and promulgate regulations implementing the designation if the Secretary determines that such designation will fulfill the purposes and policies of this title, and if the Secretary finds that—

"(1) the area is of special national significance due to its resource or human-use values;

"(2) existing State and Federal authorities are inadequate to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research and public education, and that designation of such area as a national marine sanctuary will facilitate these objectives; and

"(3) the area is of a size and nature which will permit comprehensive and coordinated conservation and management.

"(b) FACTORS AND CONSULTATIONS REQUIRED IN MAKING FINDINGS.—

"(1) FACTORS.—For purposes of determining if an area of the marine environment meets the standards set forth in subsection (a), the Secretary shall consider—

"(A) the area's natural resource and ecological qualities, including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, and the biogeographic representation of the site;

"(B) the area's historical, cultural, archaeological, or paleontological significance;

"(C) the present and potential uses of the area that depend on maintenance of the area's resources, including commercial and recreational fishing, subsistence uses, other commercial and recreational activities, and research and education;

"(D) the present and potential activities that may adversely affect the factors identified in subparagraphs (A), (B), and (C);

"(E) the existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of this title;

"(F) the manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;

"(G) the public benefits to be derived from sanctuary status, with emphasis on the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism;

"(H) the negative impacts produced by management restrictions on income-generating activities such as living and nonliving resources development; and

"(I) the socioeconomic effects of sanctuary designation.

"(2) CONSULTATION.—In making such determination, the Secretary shall consult with—

"(A) the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

"(B) the Secretaries of State, Defense, Transportation, the Secretary of the department in which the Coast Guard is operating, the Secretary of the Interior, the Administrator, and the heads of other interested Federal agencies;

"(C) the responsible officials or relevant agency heads of the appropriate State and local government entities, including coastal zone management agencies, that will or are likely to be affected by the establishment of the area as a national marine sanctuary;

"(D) the appropriate officials of any Regional Fishery Management Council established by section 302 of the Magnuson Act (16 U.S.C. 1852) that may be affected by the proposed designation; and

"(E) other interested persons.

"(3) RESOURCE ASSESSMENT REPORT.—In making such determination, the Secretary also shall draft, as part of the environmental impact statement referred to in section 304(a)(1), a resource assessment report documenting present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial recreational uses. The Secretary, in consultation with the Secretary of the Interior, shall be responsible for

drafting a resource assessment section for the report regarding any commercial or recreational resource uses in the area under consideration which are subject to the primary jurisdiction of the Department of the Interior.

"SEC. 304. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

"(a) SANCTUARY PROPOSAL.—

"(1) NOTICES.—In proposing to designate a national marine sanctuary, the Secretary shall issue in the Federal Register a notice of the proposal, proposed regulations that may be necessary and reasonable to implement such proposal and a summary of the draft management plan. The Secretary shall provide notice of the proposal in newspapers of general circulation or electronic media in the communities that may be affected by the proposal. The Secretary shall also prepare a draft environmental impact statement, as provided by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), on the proposal. Such draft statement shall include the resource assessment report required under section 303(b)(3), and maps depicting the boundaries of the proposed designated area and the existing and potential uses and resources of the area. Copies of the draft environmental impact statement shall be available to the public. No sooner than thirty days after issuing a notice under this subsection, the Secretary shall hold at least one public hearing in the coastal area or areas that will be most affected by the proposed designation of the area as a national marine sanctuary for the purpose of receiving the views of interested parties. On the same day as such notice is issued, the Secretary shall also submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prospectus on the proposal which shall contain—

"(A) the terms of the proposed designation;

"(B) the basis of the findings made under section 303(a) with respect to the area;

"(C) an assessment of the considerations under section 303(b)(1);

"(D) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

"(E) the draft management plan detailing the proposed goals and objectives, management responsibilities, resource studies, interpretive and educational programs, and enforcement and surveillance activities for the area;

"(F) an estimate of the annual cost of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education;

"(G) the draft environmental impact statement;

"(H) an evaluation of the advantages of cooperative State and Federal management where proposed marine sanctuaries lie within the territorial limits of any State or are superjacent to the subsoil and seabed within the seaward boundary of a State, as the term 'boundary' is used in the Submerged Lands Act (43 U.S.C. 1301 et seq.); and

"(I) proposed regulations to implement the terms of designation and the measures referred to in subparagraphs (A), (D), and (E) and paragraph (3).

"(2) TERMS OF DESIGNATION.—The terms of designation of a sanctuary shall include the geographic area proposed to be included within the sanctuary, the characteristics of

the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary in order to protect those characteristics. The terms of designation may be modified only by the same procedures by which the original designation is made.

"(3) FISHING REGULATIONS.—The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare such draft regulations for fishing within the United States Fishery Conservation Zone as the Council may deem necessary to implement the proposed designation. Draft regulations prepared by the Council or a Council determination that regulations are not necessary pursuant to this paragraph shall be accepted and promulgated by the Secretary unless the Secretary finds that the Council's action fails to fulfill the purposes and policies of this title and the goals and objectives of the proposed designation. In preparing the draft regulations, a Regional Fishery Management Council shall also use as guidance the national standards of section 301(a) of the Magnuson Act (16 U.S.C. 1851) to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. The Secretary shall prepare such regulations, if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the Secretary, or fails to prepare the draft regulations in a timely manner. Any amendments to fishing regulations shall be drafted, approved and promulgated in the same manner as the original regulations.

"(4) COMMITTEE ACTION.—After receiving the prospectus under subsection (a)(1), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate may each hold hearings on the proposed designation and on the matters set forth in the prospectus. If within the forty-five day period of continuous session of Congress beginning on the date of submission of the prospectus, either Committee issues a report concerning matters addressed in the prospectus, the Secretary shall consider such report before publishing a notice to designate the national marine sanctuary.

"(b) TAKING EFFECT OF DESIGNATIONS.—

"(1) NOTICE.—In designating a national marine sanctuary, the Secretary shall publish in the Federal Register notice of the designation together with final regulations to implement the designation and any other matters required by law, and submit such notice to the Congress. The Secretary shall also advise the public of the availability of the final management plan and the final environmental impact statement with respect to such sanctuary. No notice of designation may occur until the expiration of the period for Committee action under subsection (a)(4). The designation (and any of its terms not disapproved under this subsection) and regulations shall take effect and become final after the close of a review period of forty-five days of continuous session of Congress beginning on the day on which such notice is published unless—

"(A) the Congress disapproves the designation or any of its terms, by enacting a joint resolution of disapproval described in paragraph (3); or

"(B) in the case of a national marine sanctuary that is located partially or entirely

within the jurisdiction of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the jurisdiction of the State.

"(2) WITHDRAWAL OF DESIGNATION.—If the Secretary considers that actions taken under paragraph (1)(A) or (B) will affect the designation in such a manner that the goals and objectives of the sanctuary cannot be fulfilled, the Secretary may withdraw the designation. If the Secretary does not withdraw the designation, only those portions of the designation not disapproved under paragraph (1)(A) or not certified under paragraph (1)(B) shall take effect.

"(3) RESOLUTION OF DISAPPROVAL.—For the purposes of this subsection, the term 'resolution of disapproval' means a joint resolution which states after the resolving clause the following: 'That the Congress disapproves the national marine sanctuary designation entitled \_\_\_\_\_ that was submitted to Congress by the Secretary of Commerce on \_\_\_\_\_, the first blank space being filled with the title of the designation and the second blank space being filled with the date on which the notice was submitted to Congress. In the event that the disapproval is addressed to one or more terms of the designation, the joint resolution shall state after the resolving clause the following: 'That the Congress approves the national marine sanctuary designation entitled \_\_\_\_\_ that was submitted to Congress by the Secretary of Commerce on \_\_\_\_\_ but disapproves the following terms of such designation: \_\_\_\_\_, the first blank space being filled with the title of the designation, the second blank space being filled with the date on which the notice was submitted to Congress, and the third blank space referencing each term of the designation which is disapproved.

"(4) PROCEDURES.—  
 "(A) In computing the forty-five-day periods of continuous session of Congress pursuant to subsection (a)(4) and paragraph (1) of this subsection—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and  
 "(ii) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded.

"(B) When the committee to which a joint resolution has been referred has reported such a resolution, it shall at any time thereafter be in order to move to proceed to the consideration of the resolution. The motion shall be privileged and shall be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(C) This subsection is enacted by Congress as an exercise of the rulemaking power of each House of Congress, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the case of resolutions described in this subsection. This subsection supersedes other rules only to the extent that they are inconsistent therewith, and is enacted with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

"(5) ACCESS AND VALID RIGHTS.—Nothing in this title shall be construed as terminating,

or granting to the Secretary the right to terminate, any valid lease, permit, license, right of subsistence use, or right of access: *Provided*, That such lease, permit, license or right was in existence on the date of enactment of the Marine Sanctuaries Amendments of 1983, with respect to any national marine sanctuary designated before such date: *Provided further*, That such lease, permit, license or right is in existence on the date of designation of any national marine sanctuary, with respect to any national marine sanctuary designated after the date of enactment of the Marine Sanctuaries Amendments of 1983: *And provided further*, That the exercise of such lease, permit, license or right shall be subject to regulation by the Secretary consistent with the purposes for which the sanctuary is designated.

"SEC. 305. INTERNATIONAL APPLICATION OF REGULATIONS AND NEGOTIATIONS.

"(a) REGULATIONS.—The regulations issued under section 304 shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign state of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag state of the vessel, no regulation applicable to areas or activities outside the jurisdiction of the United States shall be applied to a person not a citizen, national, or resident alien of the United States.

"(b) NEGOTIATIONS.—After the taking effect under section 304 of the national marine sanctuary that applies to an area or activity beyond the jurisdiction of the United States, the Secretary of State shall take such action as may be appropriate to enter into negotiations with other governments in order to make necessary arrangements for the protection of the sanctuary and to promote the purposes for which it is established.

"SEC. 306. RESEARCH AND EDUCATION.

"The Secretary shall conduct such research and educational programs as are necessary and reasonable to carry out the purposes and policies of this title.

"SEC. 307. ENFORCEMENT.

"(a) IN GENERAL.—The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this title. The Secretary shall, whenever appropriate, utilize by agreement the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities on a reimbursable basis in carrying out the Secretary's responsibilities under this title.

"(b) CIVIL PENALTIES.—

"(1) CIVIL PENALTY.—Any person subject to the jurisdiction of the United States who violates any regulation issued under this title shall be liable to the United States for a civil penalty of not more than \$50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(2) NOTICE.—No penalty shall be assessed under this subsection until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States

to collect the penalty and to seek such other relief as may be appropriate.

"(3) IN REM JURISDICTION.—A vessel used in the violation of a regulation issued under this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued under this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States. The Attorney General may bring suit either on his own initiative or the request of the Secretary.

"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.  
 "To carry out this title, there are authorized to be appropriated not to exceed the following sums:

"(1) \$2,264,000 for fiscal year 1984.

"(2) \$2,500,000 for fiscal year 1985.

"(3) \$2,750,000 for fiscal year 1986.

"SEC. 309. SEVERABILITY.

"If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this Act or the application of such provision to other persons and circumstances shall not be affected thereby."

## TITLE II—MARINE SAFETY

### Subtitle A

SEC. 201. (a) Before February 12, 1984, the Secretary of the department in which the Coast Guard is operating shall prescribe final regulations requiring exposure suits on appropriate vessels operating in waters that are less than 60 degrees Fahrenheit.

(b) A vessel may not be exempted from the requirements of this section only because that vessel carries other lifesaving equipment.

(c) An exposure suit required by this section must provide adequate thermal protection, buoyancy, and flotation stability, and any other requirement the Secretary prescribes.

(d)(1) The owner, charterer, managing operator, agent, master or individual in charge of a vessel violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$5,000. The vessel also is liable in rem of the penalty.

(2) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed under this section may be fined not more than \$25,000, imprisoned for not more than 5 years, or both.

(e) The Secretary shall by regulation designate waters in specified geographic areas, and shall designate specified times of the year, that meet the temperature standards of this section. Those regulations are deemed to comply with this section.

(f) The regulations prescribed under this section shall be effective before August 31, 1984.

### Subtitle B

SEC. 210. This subtitle may be cited as the "Maritime Safety Act of 1983".

SEC. 211. (a) Section 3309 of title 46, United States Code, is amended by adding at the end:

"(c) At least 30 days (but not more than 60 days) before the current certificate of inspection issued to a vessel under subsection (a) of this section expires, the owner, charterer, managing operator, agent, master, or

individual in charge of the vessel shall submit to the Secretary in writing a notice that the vessel—

"(1) will be required to be inspected; or  
 "(2) will not be operated so as to require an inspection."

(b) Section 3311 of title 46, United States Code, is amended by—

(1) inserting "(a)" before "A vessel";  
 (2) striking the word "valid"; and  
 (3) inserting at the end the following:

"(b) The Secretary may direct the owner, charterer, managing editor, agent, master, or individual in charge of a vessel subject to inspection under this chapter not having a certificate of inspection—

"(1) to have the vessel proceed to mooring and remain there until a certificate of inspection is issued; or

"(2) to take immediate steps necessary for the safety of the vessel, individuals on board the vessel, or the environment."

(c) Section 3318 of title 46, United States Code, is amended as follows:

(1) Subject (a) is amended by—

(A) striking "The" the first time it appears and substituting "Except as otherwise provided in this part, the" and

(B) by striking "\$1,000, except that when the violation involves operation of a barge, the penalty is \$500," and substituting "not more than \$5,000."

(2) Subsection (c) is amended by striking "\$2,000," and substituting "\$5,000."

(3) Subsection (d) is amended by striking "\$2,000," and substituting "\$5,000."

(4) Subsection (e) is amended by striking "\$2,000," and substituting "\$10,000."

(5) Subsection (f) is amended by striking "\$5,000," and substituting "\$10,000."

(6) Subsection (g) is amended by striking "shall be fined not more than \$10,000, imprisoned for not more than one year, or both," and substituting "is liable to the Government for a civil penalty of not more than \$5,000."

(7) Subsection (h) is amended by striking "United States Government for a civil penalty of not more than \$500," and substituting "Government for a civil penalty of not more than \$1,000."

(8) At the end add the following:  
 "(i) A person violating section 3309(c) of this title is liable to the Government for a civil penalty of not more than \$1,000.

"(j)(1) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel required to be inspected under this chapter operating the vessel without the certificate of inspection is liable to the government for a civil penalty of not more than \$10,000 for each day during which the violation occurs, except when the violation involves operation of a vessel of less than 1,600 gross tons, the penalty is not more than \$2,000 for each day during which the violation occurs. The vessel also is liable in rem for the penalty.

"(2) A person is not liable for a penalty under this subsection if—

"(A) the owner, charterer, managing operator, agent, master, or individual in charge of the vessel has notified the Secretary under section 3300(c) of this title;

"(B) the owner, charterer, managing operator, agent, master, or individual in charge of the vessel has complied with all other directions and requirements for obtaining an inspection under this part; and

"(C) The Secretary believes that unforeseen circumstances exist so that, it is not feasible to conduct a scheduled inspection before the expiration of the certificate of inspection.

"(k) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel failing to comply with a direction issued by the Secretary under section 3311(b) of this title is liable to the Government for a civil penalty of not more than \$10,000 for each day during which the violation occurs. The vessel also is liable in rem for the penalty.

"(l) A person committing an act described by subsections (b)-(f) of this section is liable to the Government for a civil penalty of not more than \$5,000. If the violation involves the operation of a vessel, the vessel also is liable in rem for the penalty."

Sec. 212. (a) Chapter 23 of title 40, United States Code is amended as follows:

(1) At the end of the chapter analysis, add the following:

"2306. Vessel reporting requirements."

(2) In section 2301, strike "This chapter" and substitute "Except as provided in section 2306 of this title, this chapter".

(3) Add at the end the following:

"§ 2306. Vessel reporting requirements

"(a)(1) An owner, charterer, managing operator, or agent of a vessel of the United States having reason to believe (because of lack of communication with or nonappearance of a vessel or any other incident) that the vessel may have been lost or imperiled immediately shall use all available means to determine the status of the vessel and notify the Coast Guard.

"(2) When more than 48 hours have passed since the owner, charterer, managing operator, or agent of a vessel required to report to the United States Flag Merchant Vessel Location Filing System under authority of section 212(A) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1122a), received a communication from the vessel, the owner, charterer, managing operator, or agent immediately shall use all available means to determine the status of the vessel and notify the Coast Guard.

"(3) A person notifying the Coast Guard under paragraph (1) or (2) of this subsection shall provide the name and identification number of the vessel, the names of individuals on board, and other information that may be requested by the Coast Guard. The owner, charterer, managing operator, or agent also shall submit written confirmation to the Coast Guard within 24 hours after nonwritten notification to the Coast Guard under these paragraphs.

"(4) An owner, charterer, managing operator, or agent violating this subsection is liable to the United States Government for a civil penalty of not more than \$6,000 for each day during which the violation occurs.

"(b)(1) The master of a vessel of the United States required to report to the System shall report to the owner, charterer, managing operator, or agent at least once every 48 hours.

"(2) A master violating, this subsection is liable to the Government for a civil penalty of not more than \$1,000 for each day during which the violation occurs.

(c) The Secretary may prescribe regulations to carry out this section."

(b)(1) Section 6101 of title 46, United States Code is amended—

(A) in subsection (a), by striking "and incidents" and

(B) by striking subsection (c).

(2) Section 6103 of title 46, United States Code, is amended by striking "or incident".

Sec. 213. (a) Subsection (1) or section 4203 of the Revised Statutes of the United States (46 App. U.S.C. 183(b)) is amended by strik-

ing out "\$60" each place it appears and insert in lieu thereof "\$420".

(b) The amendment made by subsection (1) shall apply to incidents occurring after the date of enactment after the dates of enactment of this Act.

Sec. 214. Sections 211(a) and 212 of this subtitle are effective 180 days after the date of enactment of this Act.

#### TITLE III—MISCELLANEOUS

##### Subtitle A

Sec. 301. (a) Section 3 of the Act of December 31, 1970 (33 U.S.C. 857-3) is amended by adding "(a)" after "Sec. 3." and by adding at the end the following new subsection:

"(b) The Secretary may provide medical and dental care, including care in private facilities, for personnel of the Administration entitled to that care by law or regulation."

(b) The matter before subsection (b) in the first section of the Act of July 19, 1963 (42 U.S.C. 253a(a)), is amended by striking "at facilities of the Public Health Service: *Provided, That*" and inserting in lieu thereof "by Public Health Service if".

(c) The first sentence of subsection (b) of the first section of that Act (42 U.S.C. 253a(b)) is amended—

(1) by striking out "at its hospitals and relief stations"; and

(2) by striking out "at hospitals of the Public Health Service: *Provided, That*" and inserting in lieu thereof "by the Public Health Service if".

##### Subtitle B

Sec. 310. (a) Chapter 9 of title 14, United States Code, is amended by inserting after section 181 the following new section:

§181a. Cadet applicants; preappointment travel to Academy

"The Secretary is authorized to expend appropriated funds for selective preappointment travel to the Academy for orientation visits of cadet applicants."

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 181 the following new item:

"181a. Cadet applicants; selective preappointment travel to Academy."

Sec. 311. (a)(1) Section 42(b) of title 14, United States Code, is amended by striking out ".375" both places it appears and inserting in lieu thereof ".0375".

(2) Section 290 of such title is amended by striking out "Board" in the fourth sentence and inserting in lieu thereof "Boards".

(3) The table of sections at the beginning of chapter 13 of such title is amended by striking out the item relating to section 462a.

(4) Section 724 of such title is amended—

(A) by inserting "(1)" after "(b)";

(B) by striking out the last sentence; and

(C) by adding at the end thereof the following new paragraph:

"(2) The authorized number of Reserve officers in an active status not on active duty in the grades of commodore and rear admiral is a total of two. However, the Secretary may authorize an additional number of Reserve officers not on active duty in the grades of commodore and rear admiral as necessary in order to meet planned mobilization requirements."

(b)(1) The matter in the table in section 203(a) of title 37, United States Code, under the heading "Navy, Coast Guard, and National Oceanic and Atmospheric Administra-

tion" and in the columns for O-8 and O-7 is amended to read as follows:

"Rear admiral (Navy and Coast Guard) and Rear admiral (upper half) (National Oceanic and Atmospheric Administration) Commodore (Navy and Coast Guard) and Rear admiral (lower half) and commodore (National Oceanic and Atmospheric Administration)".

(2)(A) The heading of section 202 of such title is amended to read as follows:

"§202. Pay grade: retired Coast Guard commodores".

(B) The item relating to section 202 in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"202. Pay grade: retired Coast Guard commodores".

(c) The matter in the table in section 741(a) of title 10, United States Code, under the heading "Navy and Coast Guard" is amended—

(1) by striking out "Rear admiral (Navy) and Rear admiral (upper half) (Coast Guard)" and inserting in lieu thereof "Rear admiral"; and

(2) by striking out "Commodore (Navy) and Rear admiral (lower half) (Coast Guard)" and inserting in lieu thereof "Commodore".

Sec. 312. (a) Chapter 55 of title 10, United States Code, is amended as follows:

(1) Section 1072 is amended—

(A) by striking out "the Secretary of Defense" and all that follows through "may be," in paragraph (2)(D)(iii) and inserting in lieu thereof "the administering Secretary"; and

(B) by adding at the end thereof the following new paragraph:

(3) "Administering Secretaries" means the Secretaries of executive departments specified in section 1073 of this title as having responsibilities for administering this chapter."

(2) Section 1073 is amended by striking out "and the Secretary" and all that follows through "Navy, and" and inserting in lieu thereof "the Secretary of Transportation shall administer this chapter for the Coast Guard when the Coast Guard is not operating as a service in the Navy, and the Secretary of Health and Human Services shall administer this chapter".

(3) Section 1074 is amended by striking out "Secretary of Defense and the Secretary of Health and Human Services" each place it appears and inserting in lieu thereof "administering Secretaries".

(4) Section 1076 is amended by striking out "the Secretary of Defense and the Secretary of Health and Human Services" in subsections (b) and (d) and inserting in lieu thereof "the administering Secretaries".

(5) Section 1078 of title 10, United States Code, is amended by striking out "the Secretary of Health and Human Services" in subsections (a) and (b) and inserting in lieu thereof "the other administering Secretaries".

(6) Section 1079 is amended—

(A) by striking out "the Secretary of Defense and the Secretary of Health and Human Services" each place it appears and inserting in lieu thereof "the administering Secretaries"; and

(B) by striking out "with the Secretary of Health and Human Services" in subsection (a) and (h)(2) and inserting in lieu thereof "with the other administering Secretaries".

(7) Section 1080 is amended by striking out "the Secretary of Health and Human Services" in the second sentence and insert-

ing in lieu thereof "the other administering Secretaries".

(8) Section 1081 is amended by striking out "the Secretary of Defense or the Secretary of Health and Human Services" and inserting in lieu thereof "one of the administering Secretaries".

(9) Section 1083 is amended by striking out "the Secretary of Health and Human Services" in the second sentence and inserting in lieu thereof "the other administering Secretaries".

(10) Section 1084 is amended—

(A) by striking out "the Secretary of Defense or the Secretary of Health and Human Services" in the first sentence and inserting in lieu thereof "an administering Secretary"; and

(B) by striking out "he" in the second sentence and inserting in lieu thereof "the administering Secretary".

(11) The text of section 1085 of title 10, United States Code is amended to read as follows:

"If a member or former member of a uniformed service under the jurisdiction of one executive department (or a dependent of such a member or former member) receives inpatient medical or dental care in a facility under the jurisdiction of another executive department, the appropriation for maintaining and operating the facility furnishing the care shall be reimbursed at rates established by the President to reflect the average cost of providing the care."

(12) Section 1086 is amended—

(A) by striking out "the Secretary of Health and Human Services" in subsection (a) and inserting in lieu thereof "the other administering Secretaries"; and

(B) by striking out "the Secretary of Defense and the Secretary of Health and Human Services" in the second sentence of subsection (e) and inserting the lieu thereof "the administering Secretaries".

(b)(1) Before October 1, 1985, the Secretary of the department in which the Coast Guard is operating may test a flat rate per diem allowances system for military travel allowances.

(2) These flat rate per diem allowances are an amount determined by the Secretary to be sufficient to meet normal and necessary expenses in the area in which travel is performed.

(3) The allowances may be not more than \$75 for each day in the continental United States.

(4) The test may not begin before the Committees on Commerce, Science, and Transportation and Armed Services of the Senate and the Committees on Merchant Marine and Fisheries, and Armed Services of the House of Representatives are notified of the test.

#### Subtitle C

Sec. 320. Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the vessel *Wingaway*, official number 654146, owned by George M. Brereton, has the right to engage in the coastwise trade.

Sec. 321. Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating shall cause the vessel *Dad's Pad*, official number 459526, owned by John C. Sciacca, to be documented as a vessel of the United States with the privilege of engaging in the coastwise trade, on compliance with all other requirements of law.

Sec. 322. Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App.

U.S.C. 883), the Secretary of the department in which the Coast Guard is operating shall cause the vessel *Zorba*, official number 229763, owned by Howard Costa, to be documented as a vessel of the United States with the privilege of engaging in the coastwise trade, on compliance with all other requirements of law.

Sec. 323. Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating shall cause the vessel *La Jolie*, Michigan registration number MC-2807-LB, owned by Hugh Lewis, to be documented as a vessel of the United States with the privilege of engaging in the coastwise trade, on compliance with all other requirements of law.

Sec. 324. Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating shall cause the vessel *Endless Summer*, official number 296259, owned by the Commonwealth of Virginia, to be documented as a vessel of the United States with the privilege of engaging in the coastwise trade, on compliance with all other requirements of law.

Sec. 325. (a) Section 8101(g) of title 46, United States Code, is amended by striking "or part B of this subtitle applies" and substituting "applies or which is subject to inspection under chapter 33 of this title".

(b) Section 8301(a) of title 46, United States Code, is amended by—

(1) after "lakes" inserting "(except the Great Lakes)"; and

(2) striking "to which part B of this subtitle applies" and inserting "subject to inspection under chapter 33 of this title".

(c) Section 8301(a)(1) of title 46, United States Code, is amended by inserting "propelled by machinery or carrying passengers" after "vessels".

(d) The analysis of chapter 85 of title 46, United States Code, is amended by adding: "§503. Federal pilots authorized."

(e) Section 8501(a) of title 46, United States Code is amended by striking "part," and substituting "subtitle,".

(f) Chapter 85 of title 46, United States Code, is amended by adding the following new section:

"§ 8503. Federal pilots authorized

"(a) The Secretary may require a pilot licensed under section 7101 of this title on a self-propelled vessel when a pilot is not required by State law and the vessel is—

"(1) engaged in foreign commerce; and

"(2) operating on the navigable waters of the United States.

"(b) A requirement prescribed under subsection (a) of this section is terminated when the State having jurisdiction over the area involved—

"(1) establishes a requirement for a State licensed pilot; and

"(2) notifies the Secretary of that fact.

"(c) For the Saint Lawrence Seaway, the Secretary may not delegate the authority under this section to an agency except the Saint Lawrence Seaway Development Corporation.

"(d) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$25,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

"(e) A person that willfully and knowingly violates this section or a regulation pre-

scribed under this section shall be fined not more than \$50,000, imprisoned for not more than five years, or both."

(g) Section 7 of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1226) is repealed.

#### Subtitle D

SEC. 330. Section 2 of the Central, Western, and South Pacific Fisheries Development Act (Public Law 92-444; 16 U.S.C. 758e) is amended by striking out "Pacific Tuna Development Foundation" and inserting in lieu thereof "Pacific Fisheries Development Foundation".

#### Subtitle E (attached)

#### Subtitle F (attached)

Amend the title so as to read: A bill to provide authorization of appropriations for title III of the Marine Protection, Research, and Sanctuaries Act of 1972, and for other purposes.

#### Subtitle E

That subtitle II of title 46, United States Code, "Shipping", is amended as follows:

(1) Section 2101(13) is amended by striking "except an oceanographic research vessel or an offshore supply vessel." and substituting "except a fishing, fish processing, oceanographic research, or offshore supply vessel."

(2) Section 2101(21)(C) is amended by—  
(A) striking "an offshore supply" and substituting "a fishing or fish processing vessel, a vessel exempt under section 3302(k) of this title, or an offshore supply";

(B) striking "or" at the end of subclause (viii);

(C) striking "board." at the end of (ix) and substituting "board; or"; and

(D) adding at the end the following:

"(x) for a fishing or fish processing vessel or a vessel exempt under section 3302(k), an individual employed in fishing or fish processing carried on board the vessel; or"; and

(3) Section 2101 is amended by inserting between clauses (10) and (11) the following:

"(10a) 'fish' means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds."

(4) Section 2101 is amended by inserting between clauses (11) and (12) the following:

"(11a) 'fishing' means—  
(A) the catching, taking, or harvesting of fish;

(B) the attempted catching, taking, or harvesting of fish; or

(C) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish.

"(11b) 'fishing vessel' means any vessel used primarily for, or equipped to be used primarily for, or of a type normally used primarily for, commercial fishing.

"(11c) 'fish processing' means processing or any other activity primarily in support of commercial fishing, including preparation, supply, storage, refrigeration, or transportation.

"(11d) 'fish processing vessel' means any vessel used primarily for, or equipped to be used primarily for, or of a type normally used primarily for, fish processing."

(5) Section 3302 (b) and (c) is amended to read as follows:

"(b) A fishing vessel is exempt from section 3301(1), (4), and (7) of this title.

"(c) A fish processing vessel is exempt from section 3301(1), (4), (6), and (7) of this title."

(6) Section 3302 is amended by adding the following subsection:

"(k) Before January 1, 1989, a fishing or fish processing vessel, prior to January 1, 1984, carrying cargo or carrying not more than 12 individuals employed in fishing or fish processing to or from another fishing or fish processing vessel or a facility used in fish processing, and to or from a remote community in Alaska, is exempt from section 3301(1), (3), (4), (6), (7), and (8) of this title."

(7) Section 3702 (c) and (d) is amended to read as follows:

"(c) This chapter does not apply to a fishing or fish processing vessel.

"(d) A fishing or fish processing vessel is subject to regulation by the Secretary when carrying flammable or combustible liquid cargo in bulk and when not used only for fishing or fish processing."

(8)(A) Item 7111 in the analysis of chapter 71 is amended to read as follows:

"7111. Licenses for fishing and fish processing vessels."

(B) section 7111 is amended to read as follows:

"§ 7111. Licenses for fishing and fish processing vessels.

"Examinations for licensing individuals on fishing and fish processing vessels shall be oral."

(9) Section 7301(a)(1) is amended by striking "fishing" and substituting "fishing or fish processing".

(10) Section 8104(c) is amended by striking "fishing" and substituting "fishing or fish processing".

(11) Section 8104(d) is amended by striking "a fishing or whaling vessel," and substituting "a fishing, fish processing, or whaling vessel, a vessel exempt under section 3302(k) of this title."

(12) Section 8701(a) is amended by—

(A) striking "and" at the end of clause (4);

(B) striking "personnel." at the end of clause (5) and substituting "personnel; and" and

(C) adding at the end the following clause:

(6) a vessel exempt under section 3302(k) of this title."

(13) Section 8702(a) is amended by—

(A) striking "and" at the end of clause (4);

(B) striking "personnel." at the end of clause (5) and substituting "personnel; and" and

(C) adding at the end the following clause:

(6) a vessel exempt under section 3302(k) of this title."

(14) Sections 8301(c), 8302(a)(1), 10303(c), 10309(c), 10311(e), 10313(b), 10313(e), 10313(h), 10314(e), 10504(a), 10504(d), 10505(d), 10509(c), 10901, 11103(c), and 11106(d) are amended by striking "a fishing or whaling vessel" and substituting "a fishing, fish processing, or whaling vessel".

(15) Section 11108 is amended by striking "a fisherman employed on a fishing vessel" and substituting "an individual employed on a fishing or fish processing vessel".

(16) Section 11109(c) is amended to read as follows:

"(c) This section applies to an individual on a fishing or fish processing vessel."

#### Subtitle F

Insert in 22 USC 1978(a)(1) after "under circumstances which diminish the effectiveness of" the following: "domestic conservation efforts relating to Pacific salmon or".

Mr. GORTON. Mr. President, this is primarily authorization for the Marine Sanctuaries Act. It also includes a number of other miscellaneous provisions which have been approved by the chairman of the Mer-

chant Marine Subcommittee (Mr. STEVENS) and his minority counterparts and the chairman of the Commerce Committee (Mr. PACKWOOD) and his minority counterparts relating to various waivers of the Jones act.

Mr. METZENBAUM. Mr. President, would the Senator from Washington clarify for the Senator from Ohio—I have seen a measure that was ostensibly this particular measure having to do with six ships, I think plus the original marine language. Do I understand correctly that there is something different that the Senator has offered as a substitute amendment, or is that the same thing?

Mr. GORTON. No, it is precisely the amendment the Senator spoke of. There are no changes in that amendment.

Mr. METZENBAUM. I thank the Senator.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 2665) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. GORTON. I move to reconsider the vote.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MEASURE INDEFINITELY POSTPONED—SENATE JOINT RESOLUTION 177

Mr. BAKER. Mr. President, I move to indefinitely postpone Senate Joint Resolution 177, Calendar Order No. 582.

Mr. BYRD. I have no objection.

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

#### APPOINTMENT OF SAMUEL CURTIS JOHNSON

Mr. BAKER. Mr. President, I propose to proceed now to House Joint Resolution 381, Calendar No. 587.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. I ask unanimous consent, Mr. President, that the Senate proceed to the consideration of that matter and that no amendments be in order.

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