

court, operate as a stay of the Commission's order.

"(D) EXCLUSIVE REVIEW.—Section 213 of this title shall not apply to a temporary order entered pursuant to this section.

"(5) AUTHORITY TO ENTER AN ORDER REQUIRING AN ACCOUNTING AND DISGORGEMENT.—In any cease-and-desist proceeding under subsection (k)(1), the Commission may enter an order requiring accounting and disgorgement, including reasonable interest. The Commission is authorized to adopt rules, regulations and orders concerning payments to investors, rates of interest, periods of accrual, and such other matters as it deems appropriate to implement this subsection."

SEC. 402. MONEY PENALTIES IN CIVIL ACTIONS.
Section 209 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9) is amended by adding at the end thereof the following new subsection:

"(e) MONEY PENALTIES IN CIVIL ACTIONS.—
"(1) AUTHORITY OF COMMISSION.—Whenever it shall appear to the Commission that any person has violated any provision of this title or the rules or regulations thereunder, or a cease-and-desist order entered by the Commission pursuant to section 203(k) of this title, the Commission may bring an action in a United States district court to seek, and the court shall have jurisdiction to impose, upon a proper showing, a civil penalty to be paid by the person who committed such violation.
"(2) AMOUNT OF PENALTY.—
"(A) FIRST TIER.—The amount of the penalty shall be determined by the court in light of the facts and circumstances. For each violation, the amount of the penalty shall not exceed the greater of (i) \$5,000 for a natural person or \$50,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation.
"(B) SECOND TIER.—Notwithstanding subparagraph (A), the maximum amount of penalty for each such violation shall not exceed the greater of (i) \$50,000 for a natural person or \$250,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation, if the violation described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.
"(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the maximum amount of penalty for each such violation shall not exceed the greater of (i) \$100,000 for a natural person or \$500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation, if—
"(1) the violation described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and
"(II) such violation directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons.
"(3) PROCEDURES FOR COLLECTION.—
"(A) PAYMENT OF PENALTY TO TREASURY.—A penalty imposed under this section shall be payable into the Treasury of the United States.
"(B) COLLECTION OF PENALTIES.—If a person upon whom such a penalty is imposed shall fail to pay such penalty within the time prescribed in the court's order, the Commission may refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court.

"(C) REMEDY NOT EXCLUSIVE.—The actions authorized by this subsection may be brought in addition to any other action that the Commission or the Attorney General is entitled to bring.

"(D) JURISDICTION AND VENUE.—For purposes of section 214 of this title, actions under this paragraph shall be actions to enforce a liability or a duty created by this title.

"(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF A CEASE-AND-DESIST ORDER.—In an action to enforce a cease-and-desist order entered by the Commission pursuant to section 203(k), each separate violation of such order shall be a separate offense, except that in the case of a violation through a continuing failure to comply with the order, each day of the failure to comply shall be deemed a separate offense."

SEC. 403. CONFORMING AMENDMENT TO SECTION 214.

Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-14) is amended—

(1) by inserting after "all suits in equity" the following: "and actions at law brought to enforce any liability or duty created by, or"; and

(2) by inserting after "Any suit or action" the following: "to enforce any liability or duty created by, or".

TITLE V—AMENDMENTS TO THE CRIMINAL CODE

SEC. 501. GRAND JURY SECRECY.

(a) IN GENERAL.—Chapter 215 of title 18, United States Code, is amended by adding after section 3322 the following new section:

"§ 3323. Disclosure of certain matters occurring before grand jury for use in enforcing securities laws

"(a)(1) Upon motion of an attorney for the government, a court may direct disclosure of matters occurring before a grand jury during an investigation of conduct that may constitute a violation of any provision of the securities laws, as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), to identified personnel of the Securities and Exchange Commission for use in relation to any matter within the jurisdiction of the Securities and Exchange Commission.
"(2) A court may issue an order under paragraph (1) only upon a finding of a substantial need in the public interest.
"(b) A person to whom a matter has been disclosed under this section shall not use such matter other than for the purpose for which such disclosure was authorized.
"(c) As used in this section, the terms 'attorney for the government' and 'grand jury information' have the meanings given to those terms in section 3322 of this title."
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 215 of title 18, United States Code, is amended by adding after the item relating to section 3322 the following:

"3323. Disclosure of certain matters occurring before grand jury for use in enforcing securities laws."

MOTION OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion.
The Clerk read as follows:

Mr. MARKEY moves to strike out all after the enacting clause of the Senate bill, S. 647, and to insert in lieu thereof the provisions of H.R. 5325, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to amend the Federal securities laws in order to provide additional enforcement remedies for violations of those laws and to eliminate abuses in transactions in penny stocks, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5325) was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 5325, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FLORIDA KEYS PROTECTION ACT

Mr. HERTEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3719) to establish the Florida Keys National Marine Sanctuary, and for other purposes as amended.

The Clerk read as follows:

H.R. 3719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Florida Keys Protection Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds:

(1) The marine environment adjacent to the Florida Keys supports diverse biological communities possessing extensive recreational, commercial, ecological, historical, cultural, research, educational, and aesthetic values which give this area special national significance.

(2) This marine environment is subject to damage and loss of its ecological integrity from a variety of onshore and offshore disturbances.

(3) Many serious threats to the living marine resources and water quality of the Florida Keys exist inside and outside the Keys which have not been successfully managed by existing State and Federal efforts.

(4) Congress should take action to protect the Florida Keys through domestic law and through other practices which are consistent with generally recognized principles of international law.

(5) The State of Florida and the Federal Government must jointly develop and implement a comprehensive program to reduce pollution in the waters offshore the Florida Keys to protect and restore the water quality, coral reefs, and other living marine resources of this environment.

(b) PURPOSE.—The purpose of this Act is to protect the living marine and other re-

sources of the Florida Keys by establishing a Florida Keys National Marine Sanctuary and by creating an Area to be Avoided by certain vessel traffic in the vicinity of the Florida Keys.

SEC. 3. POLICY.

It is the policy of the United States to protect the living marine and other resources of the Florida Keys.

TITLE I—FLORIDA KEYS NATIONAL MARINE SANCTUARY

SEC. 101. DESIGNATION OF SANCTUARY.

(a) DESIGNATION.—The area described in subsection (b) is designated as the Florida Keys National Marine Sanctuary (hereinafter "Sanctuary") under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 *et seq.*). The Sanctuary shall be managed in compliance with, and regulations issued under, title III of the Marine Protection, Research, and Sanctuaries Act of 1972 as if the Sanctuary had been designated under that Act.

(b) SANCTUARY BOUNDARIES.—The Sanctuary designated in subsection (a) shall consist of all submerged lands and waters, including living marine and other resources within and on those lands and waters, from the baseline from which the territorial sea is measured and the U.S. Route 1 bridges seaward to the 300-foot isobath and bounded by the following coordinates—

(1) Latitude 25 degrees, 20.5 minutes north by Longitude 80 degrees, 15.1 minutes west.

(2) Latitude 25 degrees, 20.1 minutes north by Longitude 80 degrees, 14.6 minutes west.

(3) Latitude 25 degrees, 20.1 minutes north by Longitude 80 degrees, 12.6 minutes west.

(4) Latitude 25 degrees, 19.45 minutes north by Longitude 80 degrees, 12 minutes west.

(5) Latitude 25 degrees, 16.2 minutes north by Longitude 80 degrees, 8.7 minutes west.

(6) Latitude 25 degrees, 7.5 minutes north by Longitude 80 degrees, 12.5 minutes west.

(7) Latitude 25 degrees north by Longitude 80 degrees, 17 minutes west.

(8) Latitude 24 degrees, 56 minutes north by Longitude 80 degrees, 21 minutes west.

(9) Latitude 24 degrees, 48 minutes north by Longitude 80 degrees, 35 minutes west.

(10) Latitude 24 degrees, 42 minutes north by Longitude 80 degrees, 45 minutes west.

(11) Latitude 24 degrees, 36 minutes north by Longitude 80 degrees, 1 minute west.

(12) Latitude 24 degrees, 30 minutes north by Longitude 81 degrees, 22 minutes west.

(13) Latitude 24 degrees, 26 minutes north by Longitude 80 degrees, 44 minutes west.

(14) Latitude 24 degrees, 24.5 minutes north by Longitude 81 degrees, 53 minutes west.

(15) Latitude 24 degrees, 24.5 minutes north by Longitude 81 degrees, 10 minutes west.

(16) Latitude 24 degrees, 23 minutes north by Longitude 82 degrees, 27.8 minutes west.

(17) Latitude 24 degrees, 34.5 minutes north by Longitude 82 degrees, 37.5 minutes west.

(18) Latitude 24 degrees, 43 minutes north by Longitude 82 degrees, 26.5 minutes west.

(19) Latitude 24 degrees, 38.3 minutes north by Longitude 81 degrees, 54.1 minutes west.

(20) Latitude 24 degrees, 33.5 minutes north by Longitude 81 degrees, 48.5 minutes west.

(c) BOUNDARY MODIFICATION.—The Secretary of Commerce, in consultation with the

Governor of Florida, if appropriate, may make minor boundary modifications to the Sanctuary to ensure efficient management and enforcement of the comprehensive management plan for the Sanctuary.

(d) AREAS WITHIN STATE OF FLORIDA.—The designation in subsection (a) shall not take effect for any area located within the waters of the State of Florida if, no later than 45 days after the date of enactment of this Act, the Governor of the State of Florida objects in writing to the Secretary of Commerce.

SEC. 102. IMPLEMENTATION.

(a) IN GENERAL.—Consistent with this Act, the Secretary of Commerce shall hold public hearings and issue a comprehensive management plan and regulations under section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) for the Sanctuary.

(b) CONTENTS OF COMPREHENSIVE MANAGEMENT PLAN.—The management plan prepared under this section shall include provisions which—

(1) incorporate existing national marine sanctuaries offshore Florida within the Sanctuary with minimum disruption to current users;

(2) identify sources of harmful environmental impacts on Sanctuary resources from inside and outside the Sanctuary.

(3) identify alternative sources of revenue to support the management of the Sanctuary and to supplement appropriations pursuant to section 313 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444), as amended by this Act; and

(4) incorporates regulations necessary to enforce elements of the water quality program under section 104 which affect matters within the jurisdiction of the Secretary.

(c) CONSIDERATION OF ADVISORY COUNCIL VIEWS.—(1) The Secretary of Commerce shall give full consideration to the views of the Advisory Council established under section 103 of this Act in the development and implementation of the comprehensive management plan for the Sanctuary.

(2) The Secretary of Commerce shall respond in writing to any recommendations made by the Advisory Council.

(d) VESSEL DAMAGE PROHIBITION.—Pending completion of the comprehensive management plan, a person operating a vessel shall not strike or otherwise damage the natural resources of the Sanctuary. The Secretary of Commerce shall enforce this subsection pursuant to title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 *et seq.*).

SEC. 103. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established an Advisory Council to assist in the development of a comprehensive management plan for the Sanctuary, to advise the Secretary of Commerce in the implementation of this management plan, to advise on the development of the water quality protection program under section 104, and to provide a continuing forum to assist the Secretary to resolve conflicts among users of Sanctuary resources.

(b) MEMBERSHIP OF ADVISORY COUNCIL.—(1) The Advisory Council shall have 15 members, including representatives of appropriate commercial and recreational users of the marine environment of the Florida Keys, conservation organizations, the marine scientific and educational community, and Federal, State and local governments. The Advisory Council shall be comprised of—

(A) 5 representatives of the Federal Government, with 1 each from the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, and the National Park Service;

(B) 1 representative of the South Atlantic Regional Fishery Management Council;

(C) 3 representatives from the State of Florida, with 1 each from the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, and the Florida Department of Community Affairs; and

(D) 6 individuals, with 3 appointed by the Board of County Commissioners of Monroe County, and 3 appointed by the Governor of Florida.

(2) Initial appointments to the Advisory Council made under subparagraph (1)(D) shall be staggered so that 1 representative appointed by the Board of County Commissioners of Monroe County and 1 representative appointed by the Governor of Florida shall be eligible for reappointment or replacement every two years. Other appointments shall be made for a term of six years.

(3) Vacancies on the Advisory Council shall be filled in the same manner as the original appointment.

(c) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (Sanctuary U.S.C. App. 2) shall not apply to the Advisory Council.

SEC. 104. FLORIDA KEYS WATER QUALITY.

(a) WATER QUALITY PROTECTION PROGRAM.—(1) Within 30 months of the date of enactment of this Act, the Governor of the State of Florida, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency shall develop a water quality protection program for the Sanctuary. The purposes of the program shall be to—

(A) limit the introduction of pollutants from point and nonpoint sources to protect and restore the water quality, coral reefs, and other living marine resources of the Sanctuary; and

(B) assign responsibilities for the implementation of the program among the Governor, the Secretary and the Administrator in accordance with applicable Federal and State laws.

(2) In developing and implementing the program the Governor shall consult with appropriate State and local officials.

(3) The comprehensive water quality program required by this section shall provide under applicable Federal and State laws for measures to achieve the purposes of subsection (a), including—

(A) adoption or revision under applicable Federal and State laws by the State and the Administrator of applicable water quality standards for the Sanctuary, based on water quality criteria which may utilize biological monitoring or assessment methods, to assure protection and restoration of the water quality, coral reefs, and other living marine resources of the Sanctuary;

(B) adoption under applicable Federal and State laws by the Secretary, the Administrator, and the State, respectively, of enforceable pollution control measures (including water quality based effluent limitations and best management practices) and methods to eliminate or reduce pollution from point and nonpoint sources;

(C) establishment of a comprehensive water quality monitoring program to (i) determine the sources of pollution causing or contributing to existing or anticipated pol-

tion problems in the Sanctuary; (ii) evaluate the effectiveness of efforts to reduce or eliminate those sources of pollution; and (iii) evaluate progress towards achieving and maintaining water quality standards, and protecting and restoring the coral reefs and other living marine resources of the Sanctuary;

(D) provision of adequate opportunity for public participation in all aspects of developing and implementing the program; and

(E) identification of funding for implementation of the program, including appropriate Federal and State cost sharing arrangements.

(b) COMPLIANCE AND ENFORCEMENT.—The Governor of the State of Florida, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency shall ensure compliance with the program required by this section, consistent with title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) and other applicable laws.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 313(2) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444(2)) is amended by striking "(C) \$3,000,000 for fiscal year 1991; and (D) \$3,250,000 for fiscal year 1992" and inserting "(C) \$3,750,000 for fiscal year 1991; and (D) \$4,000,000 for fiscal year 1992".

TITLE II—PROHIBITION ON CERTAIN VESSEL TRAFFIC

SEC. 201. AREA TO BE AVOIDED.

(a) PROHIBITION.—Consistent with generally recognized principles of international law, a person may not operate a tank vessel (as the term is defined in section 2101 of title 46, United States Code) or a vessel greater than 50 meters in length in the Area to Be Avoided described in the Federal Register notice of May 9, 1990 (55 Fed. Reg. 19418-19419).

(b) MODIFICATION.—The prohibition in subsection (a), including the area to which the prohibition applies, may be modified by regulations issued jointly by the Secretary of the Department in which the Coast Guard is operating and the Secretary of Commerce.

(c) EFFECTIVE DATE.—Subsection (a) shall be effective the earliest of—

(1) six months from date of enactment of this Act;

(2) publication of a notice to mariners consistent with this section; or

(3) publication of new nautical charts consistent with this section.

SEC. 202. PENALTIES.

Any person or vessel subject to the jurisdiction of the United States who violates this title shall be considered to have violated title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) and will be subject to the penalties, enforcement procedures, and liabilities for damages in that Act.

TITLE III—MISCELLANEOUS

SEC. 301. PROHIBITION.

No leasing, exploration, development, or production of minerals or hydrocarbons shall be permitted within the Florida Keys National Marine Sanctuary.

The SPEAKER pro tempore. Is a second demanded?

Mr. GOSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. HERTEL] will be recognized for 20 minutes, and the gentleman from Florida [Mr. Goss] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3719, the Florida Keys Protection Act.

The coral reefs lying offshore the Florida Keys are the most extensive reef tracts in North America.

Coral reefs are the marine equivalent of tropical rainforests in the sense that they support a teeming variety of life that includes many species found nowhere else in the world.

The reefs of the Florida Keys are a scenic wonder, and an invaluable fishery habitat and recreational resource.

But these reefs are threatened, Mr. Speaker, threatened by vessel groundings, water pollution, commercial over-exploitation, and unintentional damage from some people who do not fully understand the fragility of the living reef.

My colleagues DANTE FASCELL and WALTER JONES introduced H.R. 3719 last fall to preserve and protect the marine resources of the Florida Keys.

H.R. 3719 designates the Florida Keys national marine sanctuary and restricts vessel traffic in the vicinity of the keys to help to prevent ship groundings on the reefs.

The bill provides for development and implementation of a comprehensive management plan for the sanctuary and allows ample public input into this process.

H.R. 3719 also prevents oil and gas exploration and development within the sanctuary.

I would like to thank our colleagues from the Interior Committee, Mo UDALL and GEORGE MILLER, for working with us to achieve this protection for the keys.

Protecting the coral reefs of the Florida Keys will ensure that this national treasure is available for the benefit and enjoyment of the American people for generations to come.

The Merchant Marine and Fisheries Committee supports this bill wholeheartedly and we urge the endorsement of the House for this important environmental legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Speaker, this bill contains a provision for the development by the Governor of the State of Florida. The Secretary of Commerce, and the Administrator of the Environmental Protection Agency of a Water Quality Protection Program for the Florida Keys National Marine Sanctuary. The purpose of the pro-

gram is to limit the introduction of pollutants from point and nonpoint sources to protect the sanctuary. The program is to provide for the development and implementation under applicable Federal and State law of control measures such as water quality criteria and standards and point and non-point source pollution controls.

It is my understanding that it is not the intent of the provision to provide any authority to the agencies for implementation of these measures which they do not possess under other applicable laws, such as the Clean Water Act, the Marine Protection, Research, and Sanctuaries Act, or the Coastal Zone Management Act, and that it is the intent of the provision that the implementation measures will be carried out by the State and Federal agencies in accordance with applicable State and Federal laws. Does the gentleman concur with this understanding?

Mr. HERTEL. Mr. Speaker, if the gentleman will yield, the gentleman is correct. It is intended that the various agencies carry out the implementation plans in accordance with the laws which each of them administers.

Mr. LAUGHLIN. I also note that the provision falls within the water quality jurisdiction of the Committee on Public Works and Transportation. We have reviewed it, and have concurred in its inclusion in order to permit this important bill to move ahead without undue delay.

Mr. HERTEL. I appreciate the gentleman's cooperation, and concur in the jurisdictional point he has raised.

Mr. LAUGHLIN. Mr. Speaker, I thank the gentleman. While I do support the bill and hope that the Senate accepts it as passed by the House, should a conference be necessary, I want to state for the record that it would be my intent to request that the Committee on Public Works and Transportation be appointed conferees on this matter.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3719, the Florida Keys Protection Act. This legislation would begin the process for offering genuine protection of the Florida Keys Coral Reef, which is truly one of the world's natural wonders.

Our colleague, the gentleman from Florida [Mr. FASCELL] deserves special congratulations and thanks not only for authoring this legislation, but also for his leadership in the effort to protect this resource. I would also like to congratulate the leadership of the Merchant Marine Committee, and most especially Chairman JONES for his personal interest in this legislation. I thank Senator GRAHAM in the other body for his companion bill.

H.R. 3719 would provide for immediate designation of the Florida Keys Coral Reef as a national marine sanctuary. While the State of Florida and its citizens will no doubt benefit from this legislation, the bill's benefits will not be limited to the State.

Millions of people from around the world fish and scuba dive in the waters of the reef. Coral reefs have been called the oceans' rainforests because of the diversity and spectacular nature of their marine life, and as the world's third-largest, the keys reef is a unique national treasure.

Such status carries with it a special stewardship responsibility; unfortunately, this stewardship responsibility is not currently being met. A June 1988 workshop convened by the National Oceanic and Atmospheric Administration concluded that the reef is in serious trouble. The daily barrage of toxic runoff, tanker groundings, anchor damage, pollution discharge, diver negligence, and oil spills has seriously wounded the reef and its ecosystem. Without timely action, we could face its permanent loss.

H.R. 3719 would provide immediate help, not just for the Federal Government, but from all levels of government and citizens groups alike. Upon becoming law, the Florida Keys Protection Act would require NOAA to begin the management process for the approximately 200 miles of reef stretching from Key Biscayne to Rebecca Shoal. It would ban oil and gas drilling and channelize commercial traffic away from the reefs by codifying the Coast Guard's designated area to be avoided. Perhaps most importantly, the management plan would include the development of a water quality plan to protect the reef against its greatest threat: water pollution.

The bill is a model of cooperative governing. It allows ample opportunity for public comment, and it has the strong support of the State government, including a commitment of State funds for the development of the water quality program. Moreover, the bill establishes an advisory council composed of Federal, State, and local officials and user groups to help prepare and implement the management plan.

Just yesterday the Coast Guard discovered a 22-mile long oil slick of unknown origins heading toward the reef. Far from being an aberration, such an incident is all too common off the Florida Keys reef. The time to act is now. Rather than watching its destruction, we can help preserve the coral reef's vitality. I urge my colleagues to support the bill.

□ 1400

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to address provisions in H.R. 3719, the Florida Keys Protection Act of 1990.

I recognize the hard work of the gentleman from Florida [Mr. FASCELL], members of the Merchant Marine and Fisheries Committee, the Foreign Affairs Committee, and others to develop and move this legislation. Various provisions should help protect this valuable natural resource.

However, I feel compelled to express concerns about the committee amendment relating to water quality and included in the motion to suspend the rules. This is a matter clearly within the jurisdiction of the Public Works and Transportation Committee. As described in the colloquy between the leadership of the Public Works and Transportation Committee and Merchant Marine and Fisheries Committee, we are willing to allow a water quality amendment to move forward so as not to cause any possible delay for the bill as a whole. This should be construed as a gesture of cooperation, however, and not as any indication of waiving our jurisdiction over this issue.

In fact, some of us continue to have concerns about the substance of the amendment and we would reserve our right to work closely on this issue as the bill proceeds through Congress. Admittedly, the Merchant Marine and Fisheries Committee and the gentleman from Florida have worked with us over the last couple of days to address some of these concerns, and we appreciate that.

One of the changes incorporated into the amendment involves the relation to existing laws such as the Federal Water Pollution Control Act. Nothing in the bill provides authority inconsistent with or in addition to existing authority under the Federal Water Pollution Control Act. For example, we are not giving EPA or NOAA any new authority to regulate point source and nonpoint source pollution not already addressed in Federal law. This is not a mandate for Federal land use planning.

Unfortunately, another concern has not been adequately addressed. Marine water quality criteria may make sense in certain instances. However, I share the administration's concerns about this bill's mandate for provisions on site-specific criteria. H.R. 3719 does not and should not be construed as setting a precedent for such an approach at other specific water bodies or regions.

Mr. Speaker, I appreciate the opportunity to make these comments and commend the sponsors for their commitment to protecting the Keys. I look forward to working with them throughout the legislative process.

Mr. GOSS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HERTEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs, the sponsor of the legislation and the Member in whose district the Keys Sanctuary will reside.

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 3719, legislation which I introduced with our colleague, Chairman WALTER JONES. I want to thank Chairman JONES and the chairmen of the two subcommittees which shared jurisdiction on this bill. DENNIS HERTEL and GERRY STODDS, for moving to address this important matter with such promptness. I also want to commend the able staff of the committee and subcommittees whose hard work and cooperation has allowed us to take substantial steps to protect the reefs.

Three commercial freighter groundings on the coral reefs in the Florida Keys last year brought the threats of endangering the vitality of the reefs into focus. The tanker groundings, while the most dramatic threat, do not cause as much damage as careless users of the resource and degradation of water quality. This bill, with the inclusion of the committee amendment on water quality, will address each of these threats by creating the Florida Keys National Marine Sanctuary and codifying an "area to be avoided" proposal currently pending before the International Maritime Organization.

This bill is a realization of the fact that a resource management policy is needed for the coral reef ecosystem in the Florida Keys. The reefs are not only a vital component of the local economy, but they are also one of the most beautiful ecosystems known to man and are only rivaled by tropical rain forests in terms of biological diversity. This measure will provide needed protection to North America's only living coral reef tract, which is a resource of national significance.

This legislation calls for the development and implementation of a comprehensive management plan which will allow compatible uses of the resource as long as such uses are not detrimental to the health of the reefs. Many people have commented that this management plan should be similar to the zoned usage concept employed to protect Australia's Great Barrier Reef. I agree that zoned usage has a role and, if used, should be applied as Australia does so that those who depend on the reefs for their livelihoods can continue to earn a living. I urge the National Oceanic and Atmospheric Administration [NOAA] to study this approach, and hope it will meet with any group that has an interest in the development of the management plan.

One of the most important aspects of this legislation is the advisory council it creates. The impetus behind this is to bring the Federal and State agencies with jurisdiction over various programs in the area together with commercial, recreational, conservation, and scientific interests, to assist with the development and implementation of the management plan and provide ongoing advice on the management of the sanctuary. There is a clear need to bring government agencies together because of the potential duplication and conflict of their management agendas.

The economy of the Florida Keys is directly tied to the health of the reefs, and I am pleased that the bill provides for local input on the advisory board. If this sanctuary is going to be effective, it must have the support of the residents of the Florida Keys and this can only be done if they have a place at the table. Further, it is also important that the council includes members of the conservation and scientific community, which is provided.

Addressing the water quality problem and eliminating careless use of the resource will take a good deal of hard work, but this legislation creates a framework to address these issues. I am indebted to our colleagues on the Public Works and Transportation Committee and the Water Resources Subcommittee for their assistance in this regard, particularly Chairman GLENN ANDERSON and Chairman HENRY NOWAK, JOHN PAUL HAMMER-SCHMIDT, and ARLEN STANGELAND.

This legislation will put an end to the dangerous practice of gulf-bound vessels hugging the coral reefs in order to avoid the Gulf Stream current. The reefs are placed in direct danger as these large vessels skirt the reefs to save a little time and money. We obviously do not read about the close calls and the near misses. There is a great outcry only when there is a grounding—like the three last year.

The original version of this bill called on the Coast Guard to submit an "area to be avoided" proposal for the Florida Keys to the IMO. Since such a proposal has already been submitted and is currently pending before that body, this legislation seeks to codify it in order to provide domestic enforcement authority to keep vessels out of the "area to be avoided." Properly adhered to and stringently enforced, this provision will keep these vessels several miles off the reefs.

Finally, the bill prohibits all mining and oil and gas activities within the sanctuary. For this, I am particularly grateful to our colleague, GEORGE MILLER, chairman of the Subcommittee on Water, Power, and Offshore Energy Resources, and the members of the subcommittee for their cooperation and valuable assistance.

I am pleased to say that this legislation has the support of the Governor of Florida, and I would like to include a letter from Governor Martinez for the RECORD. The State of Florida recognizes the benefits and importance of this legislation to the mutual interest of the State and Federal Government and has been extremely helpful in working with us in the development of this legislation.

STATE OF FLORIDA,

Tallahassee, FL, July 23, 1990.

HON. DANTE FASCELL,
Rayburn House Office Building,
Washington, DC 20515

DEAR CONGRESSMAN FASCELL: I am writing to express my support of H.R. 3718, which you are sponsoring to create a unified Florida Keys National Marine Sanctuary. The Sanctuary would include all the waters east of the Keys from Key Largo Marine Sanctuary southwest to Rebecca Shoal seaward to the 300 ft. depth. This legislation would support and complement state objectives to protect the magnificent Florida Keys coral reef and surrounding marine environment from shipping traffic and other threats.

As you know, I have worked with the Coast Guard to establish an internationally recognized buffer zone off the Florida Keys reef tract to reduce the threat of groundings from oil tankers and other vessels which daily threaten this irreplaceable resource. I am very encouraged that your legislation would essentially incorporate the Coast Guard's pending proposal to establish an "area to be avoided" seaward of the reef. Inclusion of appropriate vessel restrictions under your legislation would also provide additional incentives for vessels to avoid this sensitive area by subjecting violators to civil penalties and possible seizure or forfeiture of their vessels.

I am also pleased that under this legislation mining, oil and gas activities would be expressly prohibited within the sanctuary. It is important to seize every available opportunity to prevent such activities which are incompatible with protection of this fragile and unique marine environment.

Development of a comprehensive management plan for the sanctuary will be important to determine specific resource management needs which are critical to the long-term protection of these waters. A healthy marine environment is absolutely vital to a healthy Keys' economy. The management plan should include consultation with commercial and recreational interests as well as state and local officials to ensure effective management of the sanctuary.

Development of water quality protection strategies for the sanctuary will be a major challenge. We would particularly welcome a partnership with the federal government to identify and address water quality protection needs, with targeted federal funding and expertise. I look forward to working closely with you and the other members of our Congressional Delegation to develop such a partnership.

Sincerely,

BOB MARTINEZ,
Governor.

This is a good bill which responds to a growing environmental problem. Florida has one of the most sensitive environments in the Nation, and the Florida Keys may be the most sensitive area in the State. The economic importance and national significance

of the reefs mandate that we begin to commit the necessary resources to protect them. This legislation is not a Band-Aid approach; it is a comprehensive attempt to bring all the interested parties together to work toward a solution before the problem gets too large. This is an important first step which provides needed protections, and I urge our colleagues to support the protection of the coral reefs.

Mr. HERTEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman.

Mr. Speaker, we have the highest percentage of Michigan residents and tourists visiting and residing in Florida, and they appreciate very much that we are to preserve this.

What we have done is taken something, the coral reefs, something unique, and fragile, and we simply have said no, no to oil drilling, no to gas exploration, no to development within that sanctuary to protect it for future generations.

I thank the committee and the staff who have worked on this for so very long. I thank the minority for their advice and counsel on the questions that came up, and we are hopeful that this will pass quickly in the Senate also, because it is important that we accomplish this this year to preserve what is necessary for the future.

Mr. JONES of North Carolina. Mr. Speaker, I would like to offer my strongest support for H.R. 3719, the Florida Keys Protection Act. My colleague DANTE FASCELL and I introduced this bill last fall in the wake of several ship groundings in the keys which destroyed large areas of live coral. However, ship groundings are not the only threat to the vitality of the coral reefs.

Those who know the Florida Keys National Marine Sanctuary agree that declining water quality is a threat to the reefs of equal or greater magnitude than actual physical damage from groundings. Overfishing and damage caused by divers and boat anchoring are also frequently cited as detrimental to the reefs.

The coral reefs offshore the Florida Keys are a resource of great national significance. The reefs form the basis of a complex and productive ecosystem and provide a vital fisheries habitat. Because the reefs of the keys are the largest reef tract in North America, they comprise a nationally and even globally significant marine environment worthy of our protection and restoration.

The bill reported from the Merchant Marine and Fisheries Committee represents comprehensive legislation to protect and restore the water quality, coral reefs, and other living marine resources of the Florida Keys. Under title III of the Marine Protection, Research, and Sanctuaries Act, the Secretary of Commerce has broad authority to develop and implement a management plan and to regulate any activities and uses as necessary to provide comprehensive protection of sanctuary resources. Therefore, establishment of the Florida Keys National Marine Sanctuary is a

giant step toward protection of the coral reefs, marine waters, fisheries, and other resources encompassed within this area.

Included in the bill is a ban on oil, gas, and mineral exploration and development within the sanctuary. I would like to thank my colleagues from the Committee on Interior and Insular Affairs, Mr. UDALL and Mr. MILLER, for working with Mr. FASCELL and me to protect the coral reefs of the Florida Keys from offshore oil and gas activities while allowing the bill to move forward in an expeditious manner.

The bill also requires development of a comprehensive Water Quality Protection Program which will be applicable to marine waters within the sanctuary. With cooperation from the Committee on Public Works and Transportation, particularly Mr. ANDERSON and Mr. NOWAK, we have developed provisions calling for a collaborative effort between the Department of Commerce, the Environmental Protection Agency, and the State of Florida.

I would also like to thank the chairman of the two subcommittees who handled this bill in committee, DENNIS HERTEL and GERRY STUDDS, for their speedy but thorough consideration of the legislation.

I urge the House to support this important bill to protect and preserve the nationally significant marine environment offshore the Florida Keys for generations to come.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Michigan [Mr. HERTEL] that the House suspend the rules and pass the bill, H.R. 3719, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERTEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3719, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMPREHENSIVE U.S. OCEANS AND GREAT LAKES POLICY

Mr. HERTEL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 69) to urge the development and implementation of a comprehensive U.S. oceans and Great Lakes policy.

The Clerk read as follows:

H. CON. RES. 69

Whereas the oceans and the Great Lakes are a source of ecological, economic, social, aesthetic, and military significance second to none in the United States and the world;

Whereas how the United States uses the oceans and the Great Lakes profoundly af-

fects the Nation's economy, national security, transportation needs, international trade, food resources, energy and raw material needs, and environmental quality;

Whereas current Federal oceans and Great Lakes programs are administered by numerous departments and agencies, resulting in fractured and overlapping jurisdictions over oceans and Great Lakes resources;

Whereas because Federal fiscal resources are expected to be severely limited at least to the end of this century, a reexamination of the Nation's oceans and Great Lakes activities is needed; and

Whereas a new coordinated and comprehensive policy based on that reexamination must be developed in order to maximize current resources and to utilize the oceans and Great Lakes in a balanced fashion: Now, therefore, be it

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

(1) urges the President to work with the Congress to identify and establish a comprehensive national oceans and Great Lakes policy and to revitalize existing Federal agencies and programs to achieve this goal;

(2) urges the Federal and State and local governments, private industry, coastal and environmental organizations, and the general public to share their expertise to preserve, protect, and responsibly utilize the oceans and the Great Lakes; and

(3) urges the President to dedicate appropriate funding, including innovative financing, to implement the national oceans and Great Lakes policy referred to in paragraph (1) through coordinated and cooperative programs which protect the ecological, economic, social, aesthetic, and military interests of the United States with respect to the oceans and the Great Lakes.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. HERTEL] will be recognized for 20 minutes, and the gentleman from Rhode Island [Ms. SCHNEIDER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. SPEAKER. I rise in support of House Concurrent Resolution 69.

House Concurrent Resolution 69 urges the President to work with the Congress on the development and implementation of a comprehensive U.S. oceans and Great Lakes policy. This policy is needed and sorely lacking.

The late 1960's was the last time the United States examined its oceans and coastal policies in any comprehensive way. As a result, the National Oceanic and Atmospheric Administration, or NOAA, was created and several new laws, including the Coastal Zone Management Act of 1972, were enacted. But, we have stagnated since then and lack a comprehensive framework within which to pass new ocean and coastal legislation.

The oceans, Great Lakes, and our near-shore waters are critical to life as we know it. The ocean influences our climate and makes life bearable. The

Great Lakes and coastal waters support all of our fisheries resources. Finally, like lemmings, we are all moving closer to the ocean because of its appeal to our esthetic senses. These critical elements demand and need a comprehensive oceans and Great Lakes policy.

I support this concurrent resolution and recommend that it pass.

□ 1410

Ms. SCHNEIDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have all been hearing continuing stories of devastating oilspills, dolphin die offs, and beach closings, and all Congress ever seems to do is to react to these events. Haven't we had enough! This resolution seeks to establish a comprehensive national oceans and Great Lakes policy, which will put us in a preventive rather than a reactive mode. Our oceans and Great Lakes are in trouble, and it is time for us to address those troubles.

The National Oceanic and Atmospheric Administration [NOAA], in its fiscal year 1990 budget submission to Congress stated:

The degradation of coastal resources is reaching crisis proportions: fisheries are highly variable and may be declining due to human activities; pollution in major estuaries has led to widespread prohibitions of fishing and swimming and restriction of the sale of fish and shellfish; and severe storms and other natural hazards are increasingly endangering lives and destroying valuable coastal property.

Despite this recognition of the many problems facing our oceans and Great Lakes, the United States still does not have any cohesive policy to deal with them. The first step in defining and eventually coming to terms with any problem is to set an agenda. The United States, however, has not had an oceans agenda since 1969 when the Stratton Commission issued its report. The recommendations in that report provided the blueprint for our oceans policy of the 1970's, which included the creation of NOAA and the passage of landmark legislation such as the Clean Water Act; the Coastal Zone Management Act; the Ocean Dumping Act; the Magnuson Fishery Conservation and Management Act; and the Marine Mammal Protection Act.

The 1980's saw new challenges facing our oceans and Great Lakes, but the United States never developed a coordinated national agenda to address them. These challenges have been exacerbated by soaring budget deficits, but have also included the proclamation of a 200-mile exclusive economic zone and the newly declared 24-mile territorial sea; dramatically increased degradation caused by coastal and estuarine pollution; an increase in beach closings and unexplained