lishment of a tissue bank as a means of monitoring toxic contaminants in Great Lakes fish and wildlife.

Over 400 man-made contaminants have been identified in Great Lakes fish and wildlife. Unfortunately, we don't have the analytical capabilities, or the resources to keep a running record of the amount of each of these substances existing in Great Lakes fish and wildlife. Moreover, contaminant analysis is very expensive—in some cases, the analysis of a single sample can cost from $1,000 to $2,000.

The establishment of a Great Lakes tissue bank is a cost-saving solution to this dilemma because it will provide for long-term storage of tissue samples that could be analyzed for a suspect contaminant should trouble arise. For example, 10 years into the future, if Great Lakes scientists suspect that a particular compound might be threatening ecosystem health, they could carry out an analysis of tissue bank samples and determine how concentrations of that compound had changed over that 10-year period. Such knowledge is essential for gaining the scientific understanding we need to effectively manage and protect our Nation's vast Great Lakes resources.

I urge passage of H.R. 5350.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 5350, 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.

NATIONAL MARINE SANCTUARIES REAUTHORIZATION AND IMPROVEMENT ACT OF 1992

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4310) to reauthorize and improve the national marine sanctuaries program, and to establish the Coastal and Ocean Sanctuary Foundation, as amended.

The Clerk read as follows:

H.R. 4310

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

TITLE I—REAUTHORIZATION AND AMENDMENT OF TITLE III OF MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

SEC. 1. SHORT TITLE.

This title may be cited as the "National Marine Sanctuaries Reauthorization and Improvement Act of 1992".

SEC. 2. FINDINGS, PURPOSES, AND POLICIES.

(a) FINDINGS.—Section 301(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431) is amended—

(1) in paragraph (2)—

(A) by inserting "cultural," after "educational,"; and

(B) by inserting ", and in some cases international," after "national";

(2) in paragraph (4)—

(A) by inserting ", research" after "conservation"; and

(B) by striking "and" after the semicolon at the end;

(3) in paragraph (5) by striking the period at the end and inserting a semicolon instead; and

(4) by adding at the end the following:

"(6) protection of these special areas can contribute to maintaining a natural assemblage of living resources for future generations; and

"(7) the Nation can contribute to that maintenance by including sites representative of biogeographic regions of its coastal and ocean waters and Great Lakes among the national marine sanctuaries established under this title.".

(b) PURPOSES AND POLICIES.—Section 301(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 is amended to read as follows:

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

"(1) to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance;

"(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;

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

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

"(5) to allow, 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;

"(6) to develop and implement coordinated plans for the conservation and management of these areas with assistance from appropriate Federal agencies, State, local and native governments, and other public and private interests;

"(7) to create models of, and incentives for, ways to conserve and manage these areas;

"(8) to cooperate with global programs encouraging conservation of marine resources; and

"(9) to maintain, restore, and enhance living resources by providing places for species that depend upon these marine areas to survive and propagate.".

SEC. 3. DEFINITIONS.

(a) MARINE ENVIRONMENT.—Section 302(3) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(3)) is amended by adding "including the Exclusive Economic Zone," after "jurisdiction,".

(b) DAMAGES.—Section 302(6) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(6)) is amended—

(1) in subparagraph (A)(ii) by striking "and" at the end;

(2) in subparagraph (B) by inserting "and" at the end; and

(3) by adding at the end the following:

"(C) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources;".

(c) RESPONSE COSTS.—Section 302(7) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(7)) is amended by inserting "or authorized" after "taken".

(d) SANCTUARY RESOURCE.—Section 302(8) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(8)) is amended—

(1) by inserting "cultural," after "educational,";

(2) by striking the period after "value of the sanctuary" and inserting instead "; and"; and

(3) by adding the following after paragraph (8):

"(9) 'Exclusive Economic Zone' means the Exclusive Economic Zone as defined in the Magnuson Fishery Conservation and Management Act.".

(e) TECHNICAL CORRECTION.—Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432) is amended—

(1) in paragraph (1) by striking "304(a)(1)(E)" and inserting "304(a)(1)(C)(v)"; and

(2) in paragraph (5) by striking "and" after the semicolon.

SEC. 4. SANCTUARY DESIGNATION STANDARDS.

(a) STANDARDS.—Section 303(a)(2)(B) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(a)(2)(B)) is amended by inserting "or should be supplemented" after "inadequate".

(b) FACTORS AND CONSULTATIONS.—

(1) Section 303(b)(1)(A) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(b)(1)(A)) is amended by inserting "maintenance of critical habitat of endangered species," after "assemblages,".

(2) Section 303(b)(3) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(b)(3)) is amended—

(A) by inserting ", governmental," after "other commercial" and inserting ", governmental," after "any commercial";

(B) by adding at the end "The Secretary, in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator, shall draft a resource assessment section for the report regarding any past, present, or proposed future disposal of materials or detonation of ordnance in the vicinity of the proposed sanctuary."; and

(C) by striking "304(a)(1)" and inserting "304(a)(2)".

SEC. 5. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

(a) SANCTUARY PROPOSAL.—Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended—

(1) by striking "prospectus" wherever it appears and inserting instead "documents";

(2) in subparagraph (a)(1)(C) by striking "a prospectus on the proposal which shall contain—" and inserting instead "documents, including an executive summary, consisting of—";

(3) by adding after paragraph (a)(3) the following:

"(4) FEDERAL AGENCY COMMENTS.—Comments by Federal agencies on any notice or documents issued under this section must be provided to the Secretary by the close of the official public comment period required by the National Environmental Policy Act of 1969.";

(4) by renumbering the remaining paragraphs accordingly;

(5) by altering any reference to the renumbered paragraphs accordingly;

(6) in former paragraph (a)(4) by inserting "cultural," after "educational,"; and

(7) in former paragraph (a)(5)—

(A) by striking "United States Fishery Conservation Zone" and inserting instead "United States Exclusive Economic Zone"; and

(B) by adding at the end "The Secretary shall also cooperate with other appropriate fishery management authorities with rights or responsibilities within a proposed sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations.".

(b) TAKING EFFECT OF DESIGNATIONS.—Section 304(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(b)) is amended—

(1) in paragraph (1) by striking the dash after "unless" and inserting instead ", in the case of a national marine sanctuary that is located partially or entirely within the seaward boundary 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 seaward boundary of the State.";

(2) by striking subparagraphs (b)(1)(A) and (b)(1)(B);

(3) in paragraph (b)(2) by—

(A) striking "(A) or (B)" before "will affect";

(B) by striking "not disapproved under paragraph (1)(A) or"; and

(C) by striking "(B)" before "shall take effect."; and

(4) by striking paragraph (b)(3) and renumbering the following paragraph.

(c) ACCESS AND VALID RIGHTS.—Section 304(c)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(c)) is amended to read as follows:

"(1) Nothing in this title shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access that is in existence on the date of designation of any national marine sanctuary.".

(d) ANNUAL REPORT.—Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended by adding at the end the following:

"(d) ANNUAL REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress, no later than February 15 of each year, a status report on the National Marine Sanctuary Program.

"(e) INTERAGENCY COOPERATION.—(1) Subject to any guidelines the Secretary may establish, the head of a Federal agency shall consult with the Secretary on a prospective agency action that is likely to destroy, cause the loss of, or injure any sanctuary resource.

"(2) Promptly after the conclusion of consultations under paragraph (1), the Secretary shall provide to the head of a Federal agency a written statement setting forth the Secretary's determination whether the agency action is likely to destroy, cause the loss of, or injure any sanctuary resource. The statement shall also include a summary of the information on which the determination is based. If the Secretary finds that the action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary shall suggest reasonable and prudent alternatives which can be taken by the Federal agency in implementing the agency action which will conserve sanctuary resources.".

SEC. 6. INTERNATIONAL COOPERATION.

Section 305 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1435) is amended—

(1) in the heading of the section by striking "**APPLICATION OF REGULATIONS AND INTERNATIONAL NEGOTIATIONS**" and inserting instead "**INTERNATIONAL REGULATION AND COOPERATION**"; and

(2) by adding at the end the following:

"(c) INTERNATIONAL COOPERATION.—The Secretary, in consultation with the Secretary of State and the heads of other appropriate Federal agencies, shall cooperate with foreign countries and international organizations to further the purposes and policies of this title, consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas.".

SEC. 7. PROHIBITED ACTIVITIES.

Section 306 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1436) is amended to read as follows:

"SEC. 306. PROHIBITED ACTIVITIES.

"It is unlawful to—

"(1) destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary;

"(2) possess, sell, deliver, carry, transport, or ship by any means any sanctuary resource taken in violation of this section;

"(3) interfere with the enforcement of this title; or

"(4) violate any provision of this title or any regulation or permit issued pursuant to this title.".

SEC. 8. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) Section 307(c)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(c)(1)) is amended by striking "$50,000" and inserting instead "$100,000".

(2) Section 307(c)(3) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(c)(3)) is amended by adding at the end "The penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.".

(b) FORFEITURE.—Section 307(d)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(d)(1)) is amended by adding at the end "The proceeds from forfeiture actions under this subsection shall constitute a separate recovery in addition to any amounts recovered as civil penalties under this section or as damages under section 312 of this title.".

(c) USE OF RECEIVED AMOUNTS.—Section 307 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437) is amended by striking subsection (e)(1) and inserting the following:

"(1) EXPENDITURES.—

"(A) Notwithstanding any other law, amounts received by the United States as civil penalties, forfeitures of property, and costs imposed under paragraph (2) shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation and Liability Act.

"(B) Amounts received under this section for forfeitures and costs imposed under paragraph (2) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any sanctuary resource or other property seized in connection with a violation of this title or any regulation or permit issued under this title.

"(C) Amounts received under this section as civil penalties and any amounts remaining after the operation of subparagraph (B) shall be used, in order of priority, to—

"(i) manage and improve the national marine sanctuary with respect to which the violation occurred that resulted in the penalty or forfeiture;

"(ii) pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation or permit issued under this title; and

"(iii) manage and improve any other national marine sanctuary.".

(d) CONFORMING AMENDMENT.—Section 312(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(d)) is amended by—

(1) striking "and civil penalties under section 307";

(2) striking paragraph (3); and

(3) renumbering the remaining paragraph.

(e) ENFORCEABILITY.—Section 307 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437) is amended by adding at the end the following:

"(j) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this title includes the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, which is subject to the sovereignty of the United States, and the United States exclusive economic zone, consistent with international law.".

SEC. 9. MONITORING AND EDUCATION.

Section 309 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1440) is amended—

(1) by inserting ", **MONITORING, AND EDUCATION**" at the end of the section heading;

(2) by inserting "take such action as is necessary to";

(3) by inserting ", monitoring, and education" before "purposes";

(4) in paragraph (1)—

(A) by striking "National Oceanic and Atmospheric Administration" and inserting instead "Under Secretary of Commerce for Oceans and Atmosphere";

(B) by inserting ", monitoring, and education" before ", give priority"; and

(C) by striking "to research involving" and inserting instead ", to the extent practicable, to activities which involve"; and

(5) in paragraph (2) by inserting before the period at the end ", monitoring, and education, including coordination with the system of national estuarine reserves established under section 315 of the Coastal Zone Management Act of 1972".

SEC. 10. COOPERATIVE AGREEMENTS AND DONATIONS.

Section 311 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1442) is amended to read as follows:

"SEC. 311. COOPERATIVE AGREEMENTS, GRANTS, DONATIONS, AND ACQUISITIONS.

"(a) AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements and financial agreements, including contracts and grants, with any State, tribal or local government, regional or interstate agency, private person, or nonprofit organization to assist the Secretary in carrying out the purposes and policies of this title.

"(b) DONATIONS.—

"(1) ACCEPTANCE OF DONATIONS.—The Secretary may solicit and accept donations of funds, property, and services as gifts or bequests for use in designating and administering national marine sanctuaries under this title.

"(2) AGREEMENTS.—The Secretary may enter into agreements with any nonprofit organization authorizing the organization to solicit donations for the Secretary under this subsection.

"(3) ACQUISITIONS.—The Secretary may acquire by purchase, lease, or exchange, any

land, facilities, or other property necessary and appropriate to carry out the purposes and policies of this title.".

SEC. 11. DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

(a) LIABILITY FOR INTEREST.—Section 312(a)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(a)(1)) is amended to read as follows:

"(1) LIABILITY TO UNITED STATES.—Any person who destroys, causes the loss of, or injuries any sanctuary resource is liable to the United States for an amount equal to the sum of—

"(i) the amount of response costs and damages resulting from the destruction, loss, or injury; and

"(ii) interest on that amount calculated under section 1005 of the Oil Pollution Act of 1990.".

(b) LIABILITY IN REM.—Section 312(a)(2) of the Marine Protection, Research and Sanctuaries Act of 1972 (16 U.S.C. 1443(a)(2)) is amended by adding at the end: "The amount of that liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.".

(c) LIMITS TO LIABILITY.—Section 312(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(a)) is amended by adding at the end the following:

"(4) LIMITS TO LIABILITY.—Nothing in sections 4281-4289 of the Revised Statutes of the United States or section 3 of the Act of February 13, 1893, shall limit the liability of any person under this title.".

(d) RESPONSE ACTIONS.—Section 312(b)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(b)(1)) is amended by inserting "or authorize" after "undertake".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 313 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444) is amended to read as follows:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this title the following—

"(1) $8,000,000 for fiscal year 1993;

"(2) $16,000,000 for fiscal year 1994;

"(3) $20,000,000 for fiscal year 1995; and

"(4) $25,000,000 for fiscal year 1996.".

SEC. 13. ADVISORY COUNCILS AND SHORT TITLE.

The Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) is amended by adding at the end the following:

"SEC. 315. ADVISORY COUNCILS.

"(a) ESTABLISHMENT.—The Secretary may establish one or more advisory councils (in this section referred to as an 'Advisory Council') to provide assistance to the Secretary regarding the designation and management of national marine sanctuaries. The Advisory Councils shall be exempt from the Federal Advisory Committee Act.

"(b) MEMBERSHIP.—Members of the Advisory Councils may be appointed from among—

"(1) persons employed by Federal or State agencies with expertise in management of natural resources;

"(2) members of relevant Regional Fishery Management Councils established under section 302 of the Magnuson Fishery Conservation and Management Act; and

"(3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources.

"(c) LIMITS ON MEMBERSHIP.—For sanctuaries designated after the date of enactment of the National Marine Sanctuaries Reauthorization and Improvement Act of 1992, the membership of Advisory Councils shall be limited to no more than 15 members.

"(d) PAY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), members of an Advisory Council shall serve without pay.

"(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(e) STAFFING AND ASSISTANCE.—The Secretary may make available to an Advisory Council any staff, information, administrative services, or assistance the Secretary determines are reasonably required to enable the Advisory Council to carry out its functions.

"(f) PUBLIC PARTICIPATION AND PROCEDURAL MATTERS.—The following guidelines apply with respect to the conduct of business meetings of an Advisory Council:

"(1) Each meeting shall be open to the public, and interested persons shall be permitted to present oral or written statements on items on the agenda.

"(2) Emergency meetings may be held at the call of the chairman or presiding officer.

"(3) Timely notice of each meeting, including the time, place, and agenda of the meeting, shall be published locally and in the Federal Register.

"(4) Minutes of each meeting shall be kept and contain a summary of the attendees and matters discussed.

"SEC. 316. SHORT TITLE.

"This title may be cited as 'The National Marine Sanctuaries Act'.".

SEC. 14. GRAVEYARD OF THE ATLANTIC ARTIFACTS.

(a) ACQUISITION OF SPACE.—Pursuant to section 314 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1445) and consistent with the Cooperative Agreement entered into in October, 1989, between the National Oceanic and Atmospheric Administration and the Mariner's Museum of Newport News, Virginia, the Secretary shall make a grant for the acquisition of space in Hatteras Village, North Carolina, for—

(1) the display and interpretation of artifacts recovered from the area of the Atlantic Ocean adjacent to North Carolina generally known as the Graveyard of the Atlantic, including artifacts recovered from the Monitor National Marine Sanctuary; and

(2) administration and operations of the Monitor National Marine Sanctuary.

(b) AUTHORIZATION.—To carry out the Secretary's responsibilities under this section, there are authorized to be appropriated to the Secretary a total of $800,000 for fiscal years 1993 and 1994, to remain available until expended.

(c) FEDERAL SHARE.—Not more than two-thirds of the cost of space acquired under this section may be paid with amounts provided pursuant to this section.

TITLE II—HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY

SEC. 21. SHORT TITLE.

This title may be cited as the "Hawaiian Islands Humpback Whale National Marine Sanctuary Act".

SEC. 22. FINDINGS.

The Congress finds the following:

(1) Many of the diverse marine resources and ecosystems within the Western Pacific region are of national significance and importance.

(2) There are at present no ocean areas in the Hawaiian Islands designated as national marine sanctuaries or identified on the Department of Commerce's Sanctuary Evaluation List of sites to be investigated as potential candidates for designation as a national marine sanctuary under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(3) The Hawaiian Islands consist of 8 major islands and 124 minor islands, with a total land area of 6,423 square miles and a general coastline of 750 miles.

(4) The marine environment adjacent to and between the Hawaiian Islands is a diverse and unique subtropical marine ecosystem.

(5) The Department of Commerce recently concluded in its Kahoolawe Island National Marine Sanctuary Feasibility Study that there is preliminary evidence of both biological, cultural, and historical resources adjacent to Kahoolawe Island to merit further investigation for national marine sanctuary status.

(6) The Department of Commerce also concluded in its Kahoolawe Island National Marine Sanctuary Feasibility Study that there are additional marine areas within the Hawaiian archipelago which merit further consideration for national marine sanctuary status and the national marine sanctuary program could enhance marine resource protection in Hawaii.

(7) The Hawaiian stock of the endangered humpback whale, the largest of the three North Pacific stocks, breed and calve within the waters of the main Hawaiian Islands.

(8) The marine areas surrounding the main Hawaiian Islands, which are essential breeding, calving, and nursing areas for the endangered humpback whale, are subject to damage and loss of their ecological integrity from a variety of disturbances.

(9) The Department of Commerce recently promulgated a humpback whale recovery plan which sets out a series of recommended goals and actions in order to increase the abundance of the endangered humpback whale.

(10) An announcement of certain Hawaiian waters frequented by humpback whales as an active candidate for marine sanctuary designation was published in the Federal Register on March 17, 1982 (47 FR 11544).

(11) The existing State and Federal regulatory and management programs applicable to the waters of the main Hawaiian Islands are inadequate to provide the kind of comprehensive and coordinated conservation and management of humpback whales and their habitat that is available under title III of the Marine Protection, Research and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(12) Authority is needed for comprehensive and coordinated conservation and management of humpback whales and their habitat that will complement existing Federal and State regulatory authorities.

(13) There is a need to support, promote, and coordinate scientific research on, and monitoring of, that portion of the marine environment essential to the survival of the humpback whale.

(14) Public education, awareness, understanding, appreciation, and wise use of the marine environment is fundamental to the protection and conservation of the humpback whale.

(15) The designation, as a national marine sanctuary, of the areas of the marine environment adjacent to the main Hawaiian Is-

lands which are essential to the continued recovery of the humpback whale is necessary for the preservation and protection of this important national marine resource.

(16) The marine sanctuary designated for the conservation and management of humpback whales could be expanded to include other marine resources of national significance which are determined to exist within the sanctuary.

SEC. 23. DEFINITIONS.

In this title, the following definitions apply:

(1) The term "adverse impact" means an impact that independently or cumulatively damages, diminishes, degrades, impairs, destroys, or otherwise harms.

(2) The term "Sanctuary" means the Hawaiian Islands Humpback Whale National Marine Sanctuary designated under section 25.

(3) The term "Secretary" means the Secretary of Commerce.

SEC. 24. POLICY AND PURPOSE.

(a) POLICY.—It is the policy of the United States to protect and preserve humpback whales and their habitat within the Hawaiian Islands marine environment.

(b) PURPOSE.—The purposes of this title are—

(1) to protect humpback whales and their habitat in the area described in section 25(b);

(2) to educate and interpret for the public the relationship of humpback whales to the Hawaiian Islands marine environment;

(3) to manage such human uses of the Sanctuary consistent with this title and title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended by this Act; and

(4) to provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the sanctuary designated in section 25(a).

SEC. 25. DESIGNATION OF SANCTUARY.

(a) DESIGNATION.—Subject to subsection (c), the area described in subsection (b) is designated as the Hawaiian Islands Humpback Whale National Marine Sanctuary under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1451 et seq.).

(b) AREA INCLUDED.—

(1) Subject to subsections (c) and (d), the area referred to in subsection (a) consists of the submerged lands and waters off the coast of the Hawaiian Islands seaward of the upper reaches of the wash of the waves on shore—

(A) to the 100-fathom (183-meter) isobath adjoining the islands of Lanai, Maui, Kahoolawe, and Molokai, including Penguin Bank; and

(B) to the deep water area of Pailolo Channel from Cape Halawa, Molokai, to Nakalele Point, Maui, and southward.

(2) The Secretary shall generally identify and depict the Sanctuary on National Oceanic and Atmospheric Administration charts. Those charts shall be maintained on file and kept available for public examination during regular business hours at the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration. The Secretary shall update the charts to reflect any boundary modification under subsection (d).

(c) EFFECT OF OBJECTION BY GOVERNOR.—

(1) If within 45 days after the date of enactment of this Act the Governor of Hawaii certifies to the Secretary that the designation is unacceptable, the designation shall not take effect in the area of the Sanctuary lying within the seaward boundary of the State of Hawaii.

(2) If within 45 days after the date of issuance of the comprehensive management plan and implementing regulations under section 26 the Governor of Hawaii certifies to the Secretary that the management plan, any implementing regulation, or any term of the plan or regulations is unacceptable, the management plan, regulation, or term, respectively, shall not take effect in the area of the Sanctuary lying within the seaward boundary of the State of Hawaii.

(3) If the Secretary considers that an action taken under paragraph (1) or (2) will affect the Sanctuary in a manner that the policy and purposes of this title cannot be fulfilled, the Secretary may terminate the entire designation under subsection (a). At least 30 days prior to such termination, the Secretary shall submit written notification of the proposed termination to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.

(d) BOUNDARY MODIFICATIONS.—No later than the date of issuance of the draft environmental impact statement for the Sanctuary under section 304(a)(1)(C)(vii) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(a)(1)(C)(vii)), the Secretary, in consultation with the Governor of Hawaii, if appropriate, may make modifications to the boundaries of the Sanctuary as necessary to fulfill the purpose of this title. The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a written notification of such modifications.

SEC. 26. COMPREHENSIVE MANAGEMENT PLAN.

(a) PREPARATION OF PLAN.—The Secretary, in consultation with interested persons and appropriate Federal, State, and local government authorities, shall develop and issue not later than 18 months after the date of enactment of this Act a comprehensive management plan and implementing regulations to achieve the policy and purpose of this title. In developing the plan and regulations, the Secretary shall follow the procedures specified in sections 303 and 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433 and 1434). Such comprehensive management plan shall—

(1) allow all public and private uses of the Sanctuary (including uses of Hawaiian natives customarily and traditionally exercised for subsistence, cultural, and religious purposes) consistent with the primary objective of the protection of humpback whales and their habitat;

(2) set forth the allocation of Federal and State enforcement responsibilities, as jointly agreed by the Secretary and the State of Hawaii;

(3) identify research needs and establish a long-term ecological monitoring program with respect to humpback whales and their habitat;

(4) identify alternative sources of funding needed to fully implement the plan's provisions and supplement appropriations under section 27 of this title and section 313 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444);

(5) ensure coordination and cooperation between Sanctuary managers and other Federal, State, and local authorities with jurisdiction within or adjacent to the Sanctuary; and

(6) promote education among users of the Sanctuary and the general public about conservation of humpback whales, their habitat, and other marine resources.

(b) PUBLIC PARTICIPATION.—The Secretary shall provide for participation by the general public in development of the comprehensive management plan or any amendment thereto.

SEC. 27. AUTHORIZATION OF APPROPRIATIONS.

For carrying out this title, there are authorized to be appropriated to the Secretary $500,000 for fiscal year 1993 and $300,000 for fiscal year 1994. Of the amounts appropriated under this section for fiscal year 1993—

(1) not less than $50,000 shall be used by the Western Pacific Regional Team to evaluate potential national marine sanctuary sites for inclusion on the Department of Commerce's Sanctuary Evaluation List; and

(2) not less than $50,000 shall be used to continue the investigation of biological, cultural, and historical resources adjacent to Kahoolawe Island.

TITLE III—MISCELLANEOUS

SEC. 31. STELLWAGEN BANK NATIONAL MARINE SANCTUARY.

(a) DESIGNATION.—The area described in subsection (b) is designated as the Stellwagen Bank National Marine Sanctuary (hereafter in this section referred to as the "Sanctuary").

(b) AREA.—The Sanctuary shall consist of all submerged lands and waters, including living and nonliving marine resources within those waters, bounded by the area described as Boundary Alternative 3 in the Draft Environmental Impact Statement and Management Plan for the Proposed Stellwagen Bank National Marine Sanctuary, published by the Department of Commerce in January 1991, except that the western boundary shall be modified as follows:

(1) The southwestern corner of the Sanctuary shall be located at a point off Provincetown, Massachusetts, at the following coordinates: 42 degrees, 7 minutes, 44.89 seconds (latitude), 70 degrees, 28 minutes, 15.44 seconds (longitude).

(2) The northwestern corner of the Sanctuary shall be located at a point off Cape Ann, Massachusetts, at the following coordinates: 42 degrees, 37 minutes, 53.52 seconds (latitude), 70 degrees, 35 minutes, 52.38 seconds (longitude).

(c) MANAGEMENT.—The Secretary of Commerce shall issue a management plan for the Sanctuary in accordance with section 304 of the Marine Protection, Research, and Sanctuary Act of 1972 (16 U.S.C. 1434).

(d) SAND AND GRAVEL MINING ACTIVITIES PROHIBITED.—Notwithstanding any other provision of law, exploration for, and mining of, sand and gravel and other minerals in the Sanctuary is prohibited.

(e) CONSULTATION.—Pursuant to section 304(e) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended by this Act, the appropriate Federal agencies shall consult with the Secretary of Commerce on all prospective agency actions in the vicinity of the Sanctuary regarding the potential impact of those activities on sanctuary resources.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce for carrying out the purposes of this section $570,000 for fiscal year 1993 and $250,000 for fiscal year 1994.

SEC. 32. MONTEREY BAY NATIONAL MARINE SANCTUARY.

(a) ISSUANCE OF DESIGNATION NOTICE.—Notwithstanding section 304(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(b))—

(1) by not later than September 18, 1992, the Secretary of Commerce shall publish

under that Act in the Federal Register a notice of designation of the Monterey Bay National Marine Sanctuary (hereafter in this section the "Sanctuary"); and

(2) the designation of the Sanctuary pursuant to that notice shall take effect on September 18, 1992.

(b) EXCEPTIONS.—The designation or a term of the designation under subsection (a)—

(1) shall not apply if it is disapproved by a joint resolution enacted by the Congress prior to September 18, 1992; and

(2) shall not take effect in areas within the seaward boundary of the State of California, if the Governor of the State of California certifies to the Secretary of Commerce before that date that it is unacceptable.

(c) FAILURE TO DESIGNATE.—If the Secretary of Commerce fails to meet the requirements of subsection (a), the area described and depicted as Boundary Alternative 5 in the Final Environmental Impact Statement and Management Plan for the Proposed Monterey Bay National Marine Sanctuary, published by the Department of Commerce in June 1992, is designated as the Monterey Bay National Marine Sanctuary, effective September 18, 1992.

(d) SANCTUARY MANAGEMENT.—

(1) MANAGEMENT PLAN.—

(A) The Secretary of Commerce shall issue a management plan and implementing regulations for the Sanctuary in accordance with section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434).

(B) The Sanctuary shall be managed and regulations enforced under all applicable provisions of title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) as if the Sanctuary had been designated under that title.

(2) OIL AND GAS ACTIVITIES PROHIBITED.—Notwithstanding any other provision of law, no leasing, exploration, development, or production of minerals or hydrocarbons shall be permitted within the Sanctuary.

SEC. 33. SAN LUIS OBISPO STUDY.

(a) IN GENERAL.—The Secretary of Commerce shall conduct a study of the area described in subsection (d) for purposes of making determinations and findings in accordance with section 303(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(a)), regarding whether or not all or any part of that area is appropriate for designation as a national marine sanctuary under that Act. Not less than ½ of the cost of the study shall be contributed by non-Federal sources prior to beginning the study.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Commerce shall 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 report that sets forth the determinations and findings referred to in subsection (a).

(c) LIMITATION ON APPLICATION.—If not less than ½ of the cost of a study under subsection (a) have not been provided by non-Federal sources before January 1, 1994, the requirements of this section shall no longer apply.

(d) AREA INCLUDED.—The area referred to in subsection (a) includes—

(1) the area of the marine environment off the coast of California generally known as Estero Bay; and

(2) significant, adjacent marine environments associated with Estero Bay.

SEC. 34. ENHANCING SUPPORT FOR NATIONAL MARINE SANCTUARIES.

(a) IN GENERAL.—Beginning on the date of enactment of this Act, the Secretary shall conduct a 2-year pilot project to enhance funding for designation and management of national marine sanctuaries.

(b) PROJECT.—The project shall consist of—

(1) the creation, adoption, and publication in the Federal Register by the Secretary of a symbol for the national marine sanctuary program, or for individual national marine sanctuaries;

(2) the solicitation of persons to be designated as official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;

(3) the designation of persons by the Secretary as official sponsors of the national marine sanctuary program or of individual sanctuaries;

(4) the authorization by the Secretary of the use of any symbol published under paragraph (1) by official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;

(5) the establishment and collection by the Secretary of fees from official sponsors for the manufacture, reproduction or use of the symbols published under paragraph (1);

(6) the retention of any fees assessed under paragraph (5) by the Secretary in an interest-bearing revolving fund; and

(7) the expenditure of any fees and any interest in the fund established under paragraph (6), without appropriation, by the Secretary to designate and manage national marine sanctuaries.

(c) CONTRACT AUTHORITY.—The Secretary may contract with any person for the creation of symbols or the solicitation of official sponsors under subsection (b).

(d) RESTRICTIONS.—The Secretary may restrict the use of the symbols published under subsection (b), and the designation of official sponsors of the national marine sanctuary program or of individual national marine sanctuaries to ensure compatibility with the goals of the national marine sanctuary program.

(e) PROPERTY OF UNITED STATES.—Any symbol which is adopted by the Secretary and published in the Federal Register under subsection (b) is deemed to be the property of the United States.

(f) PROHIBITED ACTIVITIES.—(1) It is unlawful for any person—

(A) designated as an official sponsor to influence or seek to influence any decision by the Secretary or any other Federal official related to the designation or management of a national marine sanctuary, except to the extent that a person who is not so designated may do so;

(B) to represent himself or herself to be an official sponsor absent a designation by the Secretary;

(C) to manufacture, reproduce, or use any symbol adopted by the Secretary absent designation as an official sponsor and without payment of a fee to the Secretary; and

(D) to violate any regulation promulgated by the Secretary under this section.

(2) Violation of this section shall be considered a violation of title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(g) REPORT.—No later than 30 months after the date of enactment of this Act, the Secretary shall submit a report on the pilot project to Congress regarding the success of the program in providing additional funds for management and operation of national marine sanctuaries.

(h) DEFINITIONS.—In this section—

(1) "national marine sanctuary" or "national marine sanctuaries" means a national marine sanctuary or sanctuaries designated under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), or by other law in accordance with title III of the Marine Protection, Research, and Sanctuaries Act of 1972;

(2) "official sponsor" means any person designated by the Secretary who is authorized to manufacture, reproduce, or use any symbol created, adopted, and published in the Federal Register under this section for a fee paid to the Secretary; and

(3) "Secretary" means the Secretary of Commerce.

(i) USE OF APPROPRIATIONS.—Of sums appropriated to the Secretary under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), for administration of the national marine sanctuary program, the Secretary may expend a total of $100,000 for fiscal years 1993 and 1994 to carry out this section.

SEC. 35. TECHNICAL CORRECTIONS RELATING TO COASTAL ZONE MANAGEMENT ACT OF 1972.

(a) AMENDMENT OF COASTAL ZONE MANAGEMENT ACT OF 1972.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(b) TECHNICAL CORRECTIONS.—

(1) The Act is amended by—

(A) striking "coastal State" each place it appears and inserting "coastal state";

(B) striking "coastal States" each place it appears and inserting "coastal states"; and

(C) striking "coastal State's" each place it appears and inserting "coastal state's".

(2) Section 6203(b)(1) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388-301, relating to section 303(2) of the Coastal Zone Management Act of 1972) is amended by striking "as well as the" the first place it appears and inserting "as well as to".

(3) Section 6204(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388-302, relating to section 304(1) of the Coastal Zone Management Act of 1972) is amended—

(A) in the matter preceding paragraph (1) by striking "The third sentence of section" and inserting "Section";

(B) in paragraph (1) by inserting after "period at the end" the following: "of the third sentence"; and

(C) in paragraph (2) by inserting after "territorial sea.'" the following: "at the end of the second sentence".

(4) Section 6204(b) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388-302) is amended by striking "following'" and inserting "following:".

(5) Section 304(1) (16 U.S.C. 1453(1)) is amended in the second sentence—

(A) by striking "the outer limit of" the first place it appears; and

(B) by striking "1705," and inserting "1705),".

(6) Section 304(2) (16 U.S.C. 1453(2)) is amended by striking "the term" and inserting "The term".

(7) Section 304(9) (16 U.S.C. 1453(9)) is amended to read as follows:

"(9) The term 'Fund' means the Coastal Zone Management Fund established under section 308(b).".

(8) Section 306(b) (16 U.S.C. 1455(b)) is amended by striking the semicolon at the end and inserting a period.

(9) Section 6216(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1368-314, relating to section 306A(b)(1) of the Coastal Zone Management Act of 1972) is amended by striking "306a(b)(1)" and inserting "306A(b)(1)".

(10) Section 306A(a)(1)(B) (16 U.S.C. 1455a(a)(1)(B)) is amended by striking "specified" and all that follows through the end of the sentence and inserting "specified in section 303(2)(A) through (K).".

(11) Section 306A(b) (16 U.S.C. 1455a(b)) is amended—

(A) in paragraph (2) by striking "that are designated" and all that follows through the end of the paragraph and inserting "that are designated in the state's management program pursuant to section 306(d)(2)(C) as areas of particular concern."; and

(B) in paragraph (3) by—

(i) striking "access of" and inserting "access to"; and

(ii) striking "in accordance with" and all that follows through the end of the paragraph and inserting "in accordance with the planning process required under section 306(d)(2)(G).".

(12) Section 306A(c) (16 U.S.C. 1455a(c)) is amended in paragraph (2)(C) in the matter following clause (iii) by striking "shall not by" and inserting "shall not be".

(13) Section 6208(b)(3)(B) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388-308, relating to section 307(c)(3)(B) of the Coastal Zone Management Act of 1972) is amended by inserting "with" after "complies".

(14) Section 307(i) (16 U.S.C. 1456(i)) is amended—

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

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph) by striking the second sentence; and

(C) by adding at the end the following:

"(2)(A) The Secretary shall collect such other fees as are necessary to recover the full costs of administering and processing such appeals under subsection (c).

"(B) If the Secretary waives the application fee under paragraph (1) for an applicant, the Secretary shall waive all other fees under this subsection for the applicant.

"(3) Fees collected under this subsection shall be deposited into the Coastal Zone Management Fund established under section 308.".

(15) Section 6209 of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388-308, relating to section 308 of the Coastal Zone Management Act of 1972) is amended in the matter preceding the quoted material by striking "1456" and inserting "1456a".

(16) Section 308(a)(1) (16 U.S.C. 1456a(a)(1)) is amended in the first sentence by striking "pursuant to this Act" and inserting "pursuant to this title".

(17) Section 308(b)(1) (16 U.S.C. 1456a(b)(1)) is amended by striking "(hereinafter" and all that follows through "'Fund')".

(18) Section 308(b)(1) (16 U.S.C. 1456a(b)(1)) is amended by inserting after "subsection (a)" the following: "and fees deposited into the Fund under section 307(i)(3)".

(19) The first section 313 (16 U.S.C. 1459) is amended—

(A) in subsection (a) by striking "section 308" and inserting "section 308, as in effect before the date of the enactment of the Coastal Zone Act Reauthorization Amendments of 1990,"; and

(B) in paragraph (1) of subsection (b) by striking "section 308(d)" and all that follows through the end of the paragraph and inserting "section 308, as in effect before the date of the enactment of the Coastal Zone Act Reauthorization Amendments of 1990; and".

(20) The second section 313 (16 U.S.C. 1460, relating to Walter B. Jones excellence in coastal zone management awards) is amended—

(A) by redesignating that section as section 314;

(B) in subsection (a) by inserting after "under section 308" the following: "and other amounts available to carry out this title (other than amounts appropriated to carry out sections 305, 306, 306A, 309, 310, and 315)"; and

(C) in subsection (e) by inserting after "under section 308" the following: "and other amounts available to carry out this title (other than amounts appropriated to carry out sections 305, 306, 306A, 309, 310, and 315)".

(21) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking "National Estuarine Reserve Research System" and inserting "National Estuarine Research Reserve System".

(22) Section 315(c)(4) (16 U.S.C. 1461(c)(4)) is amended by striking "subsection (1)" and inserting "paragraph (1)".

(23) Section 316(a) (16 U.S.C. 1462(a)) is amended in clause (5) by striking "subsections (c) and (d) of this section" and inserting "subsections (c) and (d) of section 312".

(24) Section 6217(i)(3) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388-319, relating to definitions under that Act) is amended—

(A) by striking the comma; and

(B) by inserting "Zone" after "Coastal".

SEC. 36. REAUTHORIZATION OF FLORIDA KEYS NATIONAL MARINE SANCTUARY WATER QUALITY PROTECTION PROGRAM.

In addition to amounts otherwise available, there are authorized to be appropriated $1,000,000 for each of the fiscal years 1993 through 1996 for the water quality protection program for the Florida Keys National Sanctuary developed under section 8 of the Florida Keys National Marine Sanctuary and Protection Act (Public Law 101-605).

SEC. 37. RESEARCH TO IMPROVE MANAGEMENT.

(a) FLORIDA NATIONAL MARINE SANCTUARY.—Section 7(a) of the Florida Keys National Marine Sanctuary and Protection Act (Public Law 101-605) is amended by striking paragraph (4), inserting the following new paragraphs, and renumbering subsequent paragraphs accordingly:

"(4) identify priority needs for research and amounts needed to—

"(A) improve management of the Sanctuary, and in particular, the coral reef ecosystem within the Sanctuary; and

"(B) identify clearly the cause and effect relationships between factors threatening the health of the coral reef ecosystem in the Sanctuary;

"(5) establish a long-term ecological monitoring program and data base, including methods to disseminate information on the management of the coral reef ecosystem;".

(b) DEADLINES NOT AFFECTED.—The provisions of this section shall not be construed to modify, by implication or otherwise, the deadlines established under—

(1) section 7(a) of the Florida Keys National Marine Sanctuary and Protection Act regarding completion of the comprehensive management plan and final regulations; or

(2) section 8(a) of that Act regarding development of the water quality protection program.

SEC. 38. OLYMPIC COAST NATIONAL MARINE SANCTUARY.

No oil or gas leasing or preleasing activity shall be conducted within the area designated as an Olympic Coast National Marine Sanctuary in accordance with Public Law 100-627.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, as one of the authors of this bill, Mr. Speaker, I cannot emphasize enough its importance to protecting the marine environment. Ever since its creation 20 years ago, the National Marine Sanctuary Program has been visionary in one very important aspect—preserving special areas of the marine environment for a variety of uses.

Balancing humans needs against the fragility of our coastal marine environments is not easy. We in Massachusetts know that as well as anyone. But the National Marine Sanctuary Program manages to juggle those needs. It has served to protect marine resources as diverse as the commerical fisheries of the Gulf of the Farallones and the wreck of the U.S.S. *Monitor*.

Today the House will debate H.R. 4310, the National Marine Sanctuary Reauthorization and Improvement Act of 1992. The bill streamlines the designation process, clarifies and strengthens NOAA's management authority, and authorizes funding at the needed levels. With the designation of three new sanctuaries in the bill, and sanctuaries off the Olympic Coast of Washington; Norfolk Canyon off Virginia; and Thunder Bay in Michigan undergoing evaluation for designation within the next 2 years, it is clearly time to reauthorize and improve this program.

Before I explain the amendments to H.R. 4310, I would like to add a point of explanation for the record. The phrase "treaty right" added to section 304(c)(1), is deleted under the substitute amendment. The deletion eliminates concerns that the proposed language could be construed to expand the Secretary's authority to regulate Indian treaty right activities beyond the Secretary's existing authority to enact nondiscriminatory regulations to the extent necessary for resource protection. It is not the intent of this committee or of this body that H.R. 4310 in any way abrogate, modify, or diminish treaty rights.

The bill before this body today contains a committee amendment which was not in this bill as reported out of

Merchant Marine and Fisheries Committee. The amendment designates three sanctuaries that have been under NOAA consideration: The Hawaiian Islands Humpback Whale National Marine Sanctuary, the Stellwagen Bank National Marine Sanctuary, and the Monterey Bay National Marine Sanctuary. With the adoption of H.R. 4310, the National Marine Sanctuary Program will cover twice the area of the 10 sanctuaries designated from 1975 through 1991.

The amendment also instructs NOAA to conduct a study of San Luis Obispo, CA, for possible sanctuary designation, and to undertake a pilot project—modeled after the Olympics—to develop a symbol and seek out sponsors for the sanctuary program.

Two provisions relating to the Florida Keys National Marine Sanctuary are included in the committee's amendment. The first extends NOAA's authority to complete a study for water quality protection in the Florida Keys, and the second instructs NOAA to undertake the development of a coral reef research and management program unique to the Keys.

Finally, the committee's amendment establishes a ban on oil and gas leases in the Olympic Coast National Marine Sanctuary, and includes a number of technical and conforming amendments to the Coastal Zone Management Act.

A number of these amendments have been triggered by the fact that this administration and the previous one have occasionally forgotten that resource protection is a sanctuary's primary goal under the law, and have unreasonably delayed the designation of new sanctuaries in order to protect private interests. Most recently, these delaying tactics have been led by the Vice President's Council on Competitiveness. This convenient lack of memory is occurring right now in relation to the proposed Stellwagen Bank National Marine Sanctuary in the waters of Massachusetts, and has led to the inclusion of that designation in H.R. 4310.

For almost a decade, Stellwagen Bank languished on the back burners of NOAA's National Marine Sanctuary Program. During that time, threats to the integrity of this incredible marine ecosystem have continued to build. In 1990, NOAA finally began the process of making Stellwagen Bank a sanctuary—with support from virtually the entire Commonwealth of Massachusetts. NOAA has so far done an excellent job of moving Stellwagen toward sanctuary status, and I would like to take this opportunity to thank them for their efforts. However, a philosophical debate within the administration now threatens to kill this designation—a debate over the legitimacy of leaving Stellwagen Bank open to offshore sand and gravel mining.

The fact that the Department of the Interior would even consider the possibility of sand and gravel mining in a highly productive marine ecosystem is nothing short of ludicrous. Stellwagen Bank is sand and gravel—mine it, and you destroy the very reason for establishing this sanctuary in the first place. NOAA's draft environmental impact statement for the Stellwagen Bank Sanctuary recognized how harmful mining could be to this ecosystem, and the Department of the Interior should do the same. This ridiculous debate must be stopped here and now. Government by special interest does not fly in the Commonwealth of Massachusetts—government by the people does.

We have also included a provision in the Stellwagen Bank Sanctuary designation that requires Federal agencies to consult with NOAA on all proposed actions in the vicinity of the sanctuary regarding their potential impact on sanctuary resources. This provision is more stringent than the general consultation provision included in H.R. 4310, which does not require consultation on all Federal actions, only on those that are likely to harm sanctuary resources. Due to the special nature of the Stellwagen Bank ecosystem, and the variety of activities that occur in Massachusetts Bay, it is essential that we take extra care.

I would like to close by stressing the importance of this bill, and by thanking my colleagues on the Committee on Merchant Marine and Fisheries who worked so hard to bring it before you today. I urge its support.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 4310 and urge its adoption.

This bill is the product of many compromises worked out by the majority and the minority sides of our committee. It is not a perfect bill and there are still changes that some Members would like to see made. Nevertheless, I believe it is the best compromise that could be obtained under the circumstances.

I do want to call the Members' attention to section 7 of the bill dealing with prohibited activities. As the committee report—House Report 102-565—explains, we are not attempting to prohibit activities such as commercial fishing that occur outside of a sanctuary, even though those same fish may be found in the sanctuary. This same understanding applies to section 301(b)(2) of the Marine Sanctuaries Act, as amended by this bill.

Further, in regard to the Hawaiian Islands Humpback Whale Sanctuary that is created in title II of this bill, Members should note that this language does not prevent NOAA from examining other areas around the Hawaiian Islands for use as marine sanctuaries. Also, it is the intent of our committee that NOAA follow the normal procedure for developing the management plan for this sanctuary and may include regulations protecting other nationally significant marine resources within the sanctuary.

Mr. Speaker, again I believe this bill is an excellent compromise and should be supported.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mr. Speaker, I rise in support of H.R. 4310 and to thank our committee leadership on both sides of the aisle for their efforts in bringing this bill to the floor today. I particularly appreciate their efforts to address some of my concerns surrounding designation of the Olympic Coast National Marine Sanctuary. I also appreciate the support from my friends and Washington State colleagues SID MORRISON and JOHN MILLER to ensure responsible management of the unique marine resources found within the Olympic Coast Sanctuary region. We are all indebted to the esteemed chairman from Massachusetts, Mr. STUDDS, for his typically fine leadership.

Congress directed the National Oceanic and Atmospheric Administration [NOAA] to designate a portion of the Washington coast as a national marine sanctuary in 1988. This direction recognized the unique natural resource values of the Olympic Coast and the opportunity under the National Marine Sanctuary Program to promote public education and scientific research.

Unfortunately, designation of this sanctuary is 2 years behind schedule. This delay has been caused by poor program management, lack of sufficient resources, and the insistence of the Minerals Management Service that oil and gas drilling be allowed within the sanctuary boundaries.

Last July, NOAA issued its preferred management plan in a draft environmental impact statement and management plan [EIS]. This plan would designate a discrete area off the Olympic National Park and prohibit oil and gas development within the boundaries. NOAA based this preferred management option on two points: First, its findings that the area has "significant natural resource values and qualities that are especially sensitive to potential impacts from OCS activities," and second, findings of the Minerals Management Service [MMS] that this area has "a higher environmental productivity and sensitivity ranking, and even lower hydrocarbon potential, than the Monterey Bay, CA, planning area which was recently closed off to oil and gas activities"—draft EIS, page 157.

The substitute offered today includes my provision to codify NOAA's pre-

ferred management option of prohibiting oil and gas development within the sanctuary. This prohibition will apply only to the area designated by NOAA in its final EIS. I propose this amendment because, despite NOAA's best judgment, there are some within the administration who still want to leave open the option of OCS development within the sanctuary.

This language is nearly identical to a provision I included in the comprehensive energy bill already adopted by this House. I am serious about permanent protection from oil and gas development along our coast, and ensuring such protection for the sanctuary region of our coast is an important first step.

Finally, Mr. Speaker, in addition to oil and gas development, there are a number of other outstanding issues that were raised during the public hearings on the draft EIS. These include authority to regulate ship traffic, sanctuary boundaries, and the Navy's use of an area known as sea lion rock as a bombing target. Although these concerns were raised nearly a year ago at public hearings, NOAA has failed to respond to them. My provision in today's bill is intended to permanently resolve just one issue—oil and gas development. The remaining ones must still be resolved by NOAA under authority of the National Marine Sanctuary Program. But we can only wait so long. Continued failure by NOAA to fulfill its responsibility to protect the unique resources of the Olympic Coast in a timely fashion, as required by law, will result in further legislation by this Member.

Mr. STUDDS. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. I thank the subcommittee chairman for yielding this time to me.

Mr. Speaker, I requested this time in order to engage in a colloquy with the chairman of the subcommittee.

Mr. Speaker, the committee amendment includes a provision that extends the authorization of the water quality protection program for the Florida Keys National Marine Sanctuary authorized in section 8 of the Florida Keys National Marine Sanctuary and Protection Act, enacted in 1990. This provision falls within the water quality jurisdiction of the Committee on Public Works and Transportation. We have reviewed the provision, and support its adoption.

Mr. STUDDS. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the chairman of the subcommittee.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's statement. I concur in the jurisdictional point he has raised.

Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I thank the gentleman for yielding to me.

Mr. Speaker, I would like very much to commend and thank the chairman of the subcommittee, the gentleman from Massachusetts [Mr. STUDDS], and the ranking minority member, the gentleman from Alaska [Mr. YOUNG], my good friend, for their commitment to the National Marine Sanctuaries Program.

□ 1640

I think, being from Hawaii and from Alaska [Mr. YOUNG] and I have a particular affinity in that regard, and the gentleman from Massachusetts [Mr. STUDDS] of course, with his long and commendable service with respect to the Atlantic and his general knowledge with respect to matters regarding the ocean, has served this House in very good stead.

I would also like to thank the members of the Committee on Merchant Marine and Fisheries for including language in the committee amendment which will establish, as noted by the gentleman from Alaska [Mr. YOUNG], the National Humpback Whale Marine Sanctuary in Hawaiian waters. This provision will permit us to reverse a century of destruction and neglect.

Mr. Speaker, I want to note very particularly that this sanctuary is in regard to an area which is the breeding, calving, and nursing areas for the humpback whale, the breeding, calving and nursing areas. The humpback whales migrate yearly from Alaskan waters to Hawaii for calving. These 40-ton acrobats have inspired awe and enchantment for generations. Today, people visit Hawaii from all over the world to view the sight of these magnificent creatures.

But there is a downside to all this attention. The humpback whale is on the Endangered Species List and its population continues to decline. The need for Federal protection is obvious. Establishment of the Hawaiian Islands National Humpback Whale Marine Sanctuary is a welcome step in creating a protected environment for these unique animals and unique circumstances within which we find the calving and the breeding.

However, I am aware that the chairman and I share some concerns regarding the waters surrounding Kahoolawe and unexploded ordnance. People may not be aware that the Island of Kahoolawe has in the past been utilized in wartime activities, and there is the possibility of unexploded ordnance there.

Therefore, Mr. Speaker, I would like to engage in a brief colloquy with the chairman:

Do I have the gentleman's assurance that he will address this issue in conference with the Senate?

Mr. STUDDS. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Speaker, out of gratitude to the gentleman for his pronouncing the aforementioned island, the gentleman has my assurance.

Mr. ABERCROMBIE. Mr. Speaker, I say to the gentleman from Massachusetts, Thank you very much. "Kahoolawe" is a word that might prove formidable to virtually any other Member, but I am certain that the chairman, of all the Members, would be able to handle it, and we most certainly want to invite you to come out and see the situation, not necessarily where the unexploded ordnance is. Maybe I'll invite Mr. YOUNG to come with me on that one.

Mr. YOUNG of Alaska. All right.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman, and I most certainly thank the gentleman from Alaska [Mr. YOUNG], and for purposes of the RECORD let it be noted that he nodded his head most vigorously in the affirmative with respect to the invitation to come to Kahoolawe, and I offer my wholehearted support for this legislation, and the people from Hawaii say, "Mahalo."

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

Mr. Speaker, I just think the RECORD should reflect there are equally unpronounceable places in the gentleman's State of Alaska. I urge all our colleagues to support this bill.

Mr. HERTEL. Mr. Speaker, this year marks the 20th anniversary of the National Marine Protection, Research, and Sanctuaries Act of 1972. It is appropriate today that the House will debate legislation to extend title III of that landmark legislation. I am pleased to request consideration of H.R. 4310, the National Marine Sanctuary Reauthorization and Improvement Act of 1992, which I introduced on February 25, 1992. The bill is cosponsored by Mr. HUGHES, Mr. DAVIS, Mr. PANETTA, Mr. FASCELL, Mr. SCHEUER, Mr. MANTON, Mr. MCDERMOTT, Ms. NORTON, and Mr. SAXTON.

The National Marine Sanctuary Program was created by Congress to protect and conserve distinct areas of ocean, coastal and Great Lakes waters recognized for their unique qualities. The Secretary of Commerce was given authority to evaluate discrete sites for designation as National Marine Sanctuaries and to develop and implement the management plan for each sanctuary, to preserve its vast resources.

In the early stages of the program, the National Oceanic and Atmospheric Administration [NOAA] drafted regulations to take on the task of site selection, evaluation, and designation of sanctuaries. The first two National Marine Sanctuary designations were accomplished in 1975; these were the U.S.S. *Monitor* off North Carolina and Key Largo, FL. In 1980, the Channel Islands National Marine Sanctuary off California was designated. Then in 1981, three more sanctuaries of varying size and characteristics were designated. These were located at Gray's Reef, GA; Looe Key, FL; and the Gulf of Farallones, CA.

For the better part of the 1980's the National Marine Sanctuary Program was at a standstill. Denied budget support by the past administration, those sanctuaries that were designated had few, if any, resources for management. Proposals for new sites were stifled.

It was not until the smallest of all existing sanctuaries—0.2 square nautical miles—in Fagatele Bay, American Samoa was designated in 1986 that it appeared there was any life left in the National Marine Sanctuary Program. Three years later, Cordell Bank, CA was designated.

In the first 17 years of the program, the administration's interest in the sanctuary program was minimal and neglectful. By the late 1980's, congressional interest intensified. Intervention by Congress propelled the final designations, in 1990 and 1991 respectively, of the Florida Keys and the Flower Garden Banks National Marine Sanctuaries.

Today, as we reexamine the history of the National Marine Sanctuary Program, the Congress will again intervene by statute to designate sanctuaries, because several of our colleagues are interested in finalizing the lengthy and tedious designation process where the merits of specific sites are clear and where these sites require immediate management consideration.

Slated for statutory designation are Stellwagen Bank, MA, a 600-square-mile area whale summering ground, and areas around the Hawaiian Islands amounting to 830 square miles, where humpback whales and various coral reef resources can be found. In addition, Monterey, CA, Olympic Coast, WA, and the Florida Keys may each be guided through designation to management by various directives and limitations on activities in the sanctuaries. Other provisions included in the substitute amendment offered today will require new studies or projects to improve the sanctuary program.

By the time the House has adopted H.R. 4310, with final designations of Stellwagen Bank, Monterey, and the Hawaiian Islands, the National Marine Sanctuary Program will cover twice the square mile area of the 10 sanctuaries designated from 1975 through 1991. With sanctuaries off Olympic Coast, WA; Northwest Straits, WA; Norfolk Canyon, VA; and Thunder Bay, MI undergoing evaluation for designation in the next 2 years, it is clearly time to reauthorize and improve upon the purposes and policies of the National Marine Sanctuary Program. In this process, we must be farsighted and willing to ensure that NOAA has adequate resources to carry out the missions that are delineated by statute. If Congress expects NOAA to develop and implement management plans through collaboration, cooperation, and consultation, with multiple-use objectives, authorized funding levels must be based on realistic program requirements.

LEGISLATIVE HISTORY

Mr. Speaker, allow me to summarize our legislative activity and the provisions of H.R. 4310. Let me also urge support by our colleagues for this worthwhile legislation.

In contemplation of reauthorization of the National Marine Sanctuary Program, the Subcommittee on Oceanography, Great Lakes and the Outer Continental Shelf hosted two hearings jointly with the Subcommittee on Fisheries and Wildlife Conservation and the Environment.

The first hearing was held on November 7, 1991. Several of our colleagues testified concerning the priorities of the National Marine Sanctuary Program: that for 1993 the administration should request $30 million to administer the program; that training must support effective managers interacting with local communities; that research and education must be integrated fully into the management plans; and that cooperation from local and nonprofit organizations in program operations should be encouraged. Administration witnesses recounted the progress of the program; and affected industry witnesses registered support, yet cautioned against statutory bans on activities in sanctuaries, such as oil and gas exploration. Environmental and conservation organization representatives testified about the necessity for additional funding to carry out program management plans effectively. An independent review team representative submitted an extensive report providing a scientific, economic, and environmental review of the program and recommendations for future action.

A second hearing on reauthorization of the National Marine Sanctuary Program was held on March 31, 1991, following introduction of H.R. 4310, and legislation by the chairman of the Fisheries and Wildlife Conservation and the Environment Subcommittee. In addition to administration witnesses, various environmental organizations, State government, ocean industries, and scientific representatives testified. Central to the discussions were the issues of the timeliness of sanctuary designations; the reach of regulations on permitted or licensed activities affecting sanctuary resources; local consultation in developing management plans; the continuation and limitation of multiple use management regulations; promotion of research, monitoring and education; international cooperation; the scientific bases for selecting new sites; and the adequacy of funds to carry out management of existing and new expansive sanctuary areas.

Following the hearings and discussion among subcommittee members, modifications to H.R. 4310 were suggested. These were incorporated into an amendment adopted at a joint subcommittee markup on May 12, 1992. On May 14, 1992, the Merchant Marine and Fisheries Committee marked up H.R. 4310, incorporating a technical amendment and an amendment by Chairman JONES relating to the artifacts of the U.S.S. *Monitor* National Marine Sanctuary.

On June 16, 1992, on behalf of the Merchant Marine and Fisheries Committee, I requested that the Rules Committee provide an open rule for consideration of H.R. 4310. House Resolution 488, providing an open rule for debate, was subsequently reported. Since that time, members of the Committee on Merchant Marine and Fisheries on both sides of the aisle have taken the opportunity to review amendments to be offered to H.R. 4310. Consensus on the substance of those amendments has allowed for the inclusion of these amendments as titles II and III of the substitute amendment brought before the House today. The text of title I is the same as reported by the House Merchant Marine and Fisheries Committee on June 15, 1992 (House Report 102-565). Given broad support for the substitute, consideration of H.R. 4310 under suspension of the rules provides the most expeditious and efficient procedure for adopting the bill.

DESCRIPTION OF PROVISIONS

With that brief history, allow me to outline the provisions of the bill beginning with title I.

Sections 1 through 3 of the bill refine the purposes and policies of the National Marine Sanctuary Program and clarify definitions in the Act. These sections include cultural qualities, international significance, and research as factors considered in designating a sanctuary. In addition protection of the natural assemblage of living resources and biogeographic representation can be considered in site selections.

In the revised purposes and policies of the act, sanctuaries will serve as models and incentives for conservation and management and to enhance living resources by providing places for species to survive and propagate. Sanctuaries will continue to allow for lawful public and private use of marine areas, and coordinated plans for conservation and management will include a variety of affected interests. New language in these sections promotes scientific research, long-term monitoring, and education. Cooperation in international programs for conserving marine resources is also encouraged.

Sections 4 through 6 amend designation procedures to allow for additional factors to be considered. The resource assessment that serves as a baseline for determining damages is amended under section 5 to include a report on past, present, or proposed disposal of materials or detonation of ordnance affecting a sanctuary.

Section 5 requires interagency cooperation and consultation with the Secretary of Commerce to determine if a permitted activity may potentially harm sanctuary resources.

These sections streamline the designation process by requiring less paperwork, a 60-day agency review of environmental impact statements, expanded and cooperative consultations in selecting sanctuaries and implementing management plans, and a brief annual progress report on program activities and requirements.

Sections 7, 8, and 11 define prohibited, unlawful activities in a sanctuary; establish enforcement procedures and penalties; describe how amounts recouped from damages or penalties may be collected, accrued, and spent; and clarify the limits of liability for loss of, or injury to sanctuary resources.

Sections 9, 10, and 13 will greatly enhance public awareness and participation in the National Marine Sanctuary Program. First, these sections promote education, research, and monitoring. Second, they allow new, supportive cooperative agreements, and financial arrangements, including the acceptance by the Secretary of tax-free donations, for use in meeting the management and operational goals of a sanctuary. Third, the Secretary is given direct authority to purchase or lease facilities, such as docks or visitors stations, necessary for routine sanctuary field operations. Fourth, the Secretary is allowed to enter into agreements for nonprofit organizations to so-

licit donations on behalf of the sanctuary program, thus obviating the need for a separate foundation as proposed in H.R. 4310 and H.R. 3694. Finally, the Secretary may establish advisory councils to assist in designation and management of a sanctuary.

Section 12 augments the authorization of funds for the Marine Sanctuary Program to $15 million in fiscal year 1993, with incremental increases of $5 million each year through 1996. Of these amounts, it is expected that 75 percent of the amounts provided will be used for onsite management and operations of designated sanctuaries. This new focus on management and operations is key to this reauthorization, recognizing that the number of designated sanctuaries has recently grown quite significantly. As a point of clarity, it is recognized that some activities that support on-site management may be more efficiently contracted through a central office and would not be charged against headquarters functions. However, the shift in focus from analysis to management remains.

Section 14 of the bill authorizes $800,000 for the acquisition of facilities for artifacts recovered from the graveyard of the Atlantic and for office space for the *Monitor* Marine Sanctuary.

Title II of the substitute amendment provides for the designation of the Hawaiian Islands Humpback Whale National Marine Sanctuary. This new sanctuary provides a management plan for protecting humpback whales and their delicate habitat, as well as ensuring the balance of multiuse in the designated area.

Title III includes in the substitute amendment a variety of important designations. First, section 31 designates the long delayed Stellwagen Bank National Marine Sanctuary off Massachusetts. Restrictions are placed on sand and gravel mining that could be detrimental to the area, and consultation on dredge disposal is required.

Second, section 32 requires issuance of a designation notice for the Monterey Bay National Marine Sanctuary by September 18, 1992, granting automatic designation if the deadline is not met. In addition, section 33 requires a study of San Luis Obispo, CA for purposes of determining whether it is an appropriate area for a sanctuary designation.

Section 34 establishes a 2-year pilot promotion project for sanctuaries that encourages sponsors and donations from the private sector.

Section 35 includes technical corrections recommended by the Law Revision Counsel to the 1972 Coastal Zone Management Act. These technical adjustments are nonsubstantive and will cure statutory references and omissions in the 1990 amendments.

Section 36 of the substitute amendment bolsters the Florida Keys National Marine Sanctuary Water Quality Program by increasing the authorization by $1 million. Section 37 provides for a coral reef research and management program unique to the Keys.

Finally, section 38 restricts oil and gas leasing and preleasing activities in the Olympic Coast National Marine Sanctuary.

VIEWS AND SUMMARY

The National Marine Sanctuary Program survived in very bleak years of budget austerity. Now, because the program is achieving a higher level of visibility and popularity, the committee agreed unanimously to increase the authorization and appropriation levels that support the program. During our discussions on reauthorization, recommendations of the National Marine Sanctuary Review Team were considered. Although the committee did not elect at this time to elevate the Marine Sanctuary Program to a separate program office within NOAA's National Ocean Service, this is a proposal that merits certain consideration in the next reauthorization cycle.

As initially introduced, I recommended $28 million in fiscal year 1993 for the National Marine Sanctuary Program with reasonable inflationary increases provided in subsequent years. This amount was justified by an analysis of requirements for site designation, management plan development and implementation, and operational resources based on the schedule of designations presented by the administration in 1991. This amount did not assume statutory designations of new sanctuaries or require their implementation ahead of that schedule.

In the course of committee deliberations, several Members advocated that $10 million would be adequate for the National Marine Sanctuary Program in 1993. Given the statutory mandates in this legislation, coupled with the size and total number of designated sanctuaries, it would be impossible to authorize less than the compromise amount of $15 million for fiscal year 1993 and expect the program to function. Anything less, in my opinion, would force NOAA to operate without sufficient resources, ultimately making the program ineffective, damaging its reputation, and undermining its potential for success.

As a final note, Mr. Speaker, I would hope that the reputation of the National Marine Sanctuary Program will be held in positive high regard and that the commitment of appropriations and resources made by the Congress will steadily grow to meet the size of that national trust we have designated.

I urge the support of our colleagues of H.R. 4310 and for the future of the National Marine Sanctuary Program.

The need for additional Marine Sanctuary Program funds is demonstrated best by the administration's acknowledgment that areas designated require more management and operations resources.

For example, the President's fiscal year 1993 budget request for the sanctuary program included a 46-percent increase over 1992 appropriations. Passbacks from the Department of Commerce indicate that $14 million—a 164-percent increase was initially requested for 1993; however, OMB scaled back the request to $7.3 million—the 46-percent increase.

The administration's reauthorization bill authorizes $7.3 million for fiscal year 1993 and "such sums as may be necessary" through 1996. Given the scope of expanded responsibilities and the dramatic increase in size of areas to be managed, the sums necessary to meet program requirements assume significant increases in the outyears.

The statement of administration policy [SAP] issued by OMB indicates that the administration supports House passage of H.R. 4310.

During the course of committee consideration of H.R. 4310, the 1993 authorization level was scaled back from $28 million to $15 million, a compromise that recognizes fiscal constraints. Only incremental increases were allowed for inflation and operating costs through 1996.

H.R. 4310 increases civil penalties that flow to the program. Additional damages collections are included in statutes directed for restoration and monitoring of sanctuary resources.

The committee provided statutory authority in three areas intended to enhance resources to the program: First, is direct statutory authority for donations to the Secretary of Commerce for sanctuaries; second, cooperative agreements with Federal, State, and local government agencies and nonprofit organizations are permitted for sanctuary management related activities; and third, the substitute provides for promotional arrangements that will hopefully provide private sector support to the program.

No funds were provided for over $65 million in capital expenditures and major equipment costs estimated as startup requirements for sanctuaries.

An independent review panel appointed by the administration projected costs of the Marine Sanctuary Program in upcoming years based on the current schedule of designations by NOAA. The amount estimated for on-going management, start-up costs at new sites, and continuing analyses, research and monitoring required by law was $50 million in 1994. H.R. 4310 authorizes $20 million in fiscal year 1994—less than half the amount recommended by the panel.

The Science and Technology Committee took the opportunity to review H.R. 4310 and provided the chairman with a letter of support for the bill as reported to committee. No changes were recommended to the bill.

Based on the current schedule of designations, the National Marine Sanctuary Program will in 1993 encompass an area twice the size as it did in 1992. Basic operations and management of these areas require at least the commitment of funds provided in H.R. 4310.

STATEMENT OF ADMINISTRATION POLICY

H.R. 4310—NATIONAL MARINE SANCTUARIES ACT AMENDMENTS

The Administration supports House passage of H.R. 4310, which would strengthen the marine sanctuaries program, with amendments to:

Delete the earmarking of funds in section 12. This provision would severely restrict other important activities, including designation of new sanctuaries and central management responsibilities.

Revise section 8(c)(3) to list the Exclusive Economic Zone (EEZ) of the United States as an area in which the marine sanctuaries program applies and is enforceable. This will clarify that marine sanctuaries located in whole or in part in the EEZ are covered.

Revise section 12, which authorizes appropriations for the marine sanctuaries program, to conform with the President's budget request of $7.3 million for FY 1993.

Delete provisions requiring grants for the acquisition of space in Hatteras Village, North Carolina. Funding specific activities or sanctuary operations does not recognize competing priorities within the national marine sanctuaries program.

The Administration opposes amendments that may be offered to H.R. 4310 designating

or regulating activities in individual marine sanctuaries. These amendments would bypass congressionally-established administrative procedures concerning designation and management of sanctuaries.

Pay-as-You-Go Scoring

H.R. 4310 would increase receipts because it increases the maximum civil money penalty for violations of the law. It would also require a grant to be made and would authorize the acceptance of gifts and bequests. Therefore, H.R. 4310 is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990.

OMB's preliminary scoring estimates for this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If H.R. 4320 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending will be issued in monthly reports transmitted to the Congress.

ESTIMATES FOR PAY-AS-YOU-GO

[In millions of dollars]

	1992	1993	1994	1995	1996	1997	1992–97
Outlays	+[1]	+[1]	+[1]	+[1]	+[1]	+[1]	+[1]
Receipts	+[1]	+[1]	+[1]	+[1]	+[1]	+[1]	+[1]
Net Deficit· Increase (+) /decrease (−)	−[1]	+[1]	−[1]	−[1]	−[1]	−[1]	+[1]

[1] Less than $500,000.

Mr. DAVIS. Mr. Speaker, I am a strong advocate of the bill and the committee amendment supported by the Merchant Marine and Fisheries Committee. It combines the best of the bills authored by Chairman STUDDS and Chairman HERTEL, and adds several ideas from a bill submitted to Congress by President Bush last month. It is a truly bipartisan effort.

The amendments to the National Marine Sanctuary Program in H.R. 4310 will make designation of new sanctuaries easier and, once designated, will strengthen existing educational uses and provide greater protection of sanctuary resources. I am pleased that the proposed Thunder Bay sanctuary in Lake Huron—the first freshwater national marine sanctuary—will be able to take advantage of these improvements.

In addition, I thank Chairman HERTEL for including in the committee amendment a measure I authored which creates a pilot program to help increase funding for management of national marine sanctuaries.

My amendment authorizes the creation of a marine sanctuaries logo and initiates a pilot program that will allow solicitation of corporate sponsorship fees for use of that logo. It will allow for the designation of official sponsors of the marine sanctuary program, and the fees raised from official sponsors will go directly to the sanctuary program.

The amendment is written to ensure that the logo and sponsorship designation are used only in a manner consistent with the overall objectives of the sanctuary program. We do not want this pilot program to detract in any way from the high regard in which the sanctuary program is held. In addition, the amendment expressly prohibits sponsors from having any undue influence on sanctuary policy.

The best analogy, I believe, is to the United States Olympic Committee [USOC]. In the mid-1980's, in a search for increased revenues, the USOC developed an unprecedented sponsorship and licensing program. That program has progressed to the point where today 42 percent of the USOC's revenues—more than $125 million between 1988–92—comes from licensing and sponsorships.

I believe we can have similar success with the sanctuary program, and at the end of this pilot program we will know for sure. We are in an era of extraordinarily tight budgets, a time when we have no choice but to take innovative, creative steps. This amendment is such a step. I urge its adoption.

I look forward to quick passage of H.R. 4310 and the committee amendment.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 4310.

It is appropriate that the Congress take up a major reauthorization of this program during the year of its 20th anniversary. For many years, this program languished in administration indifference. Now, with renewed enthusiasm downtown and on the hill, the National Marine Sanctuary Program is finally coming into its own.

The committee is indebted to Mr. HERTEL for his enthusiasm and support for marine sanctuaries and for his leadership in bringing this bill before the house. Mr. STUDDS, Mr. DAVIS, and Mr. YOUNG have all shown great interest and leadership on this issue as well. Last, I would like to thank our colleagues LEON PANETTA and DANTE FASCELL, who are not committee members but who have been enthusiastic supporters of the program and strong advocates of marine resource protection in general.

The committee amendment before you enjoys strong bipartisan support from the Committee on Merchant Marine and Fisheries. The amendment strengthens the National Marine Sanctuary Program by clarifying and enhancing the purposes of the program and by providing NOAA with new authority to improve sanctuary management and to better protect sanctuary resources.

I urge my colleagues to support this legislation.

Mr. PANETTA. Mr. Speaker, I rise today in strong support of H.R. 4310, the National Marine Sanctuary Program Reauthorization and Improvement Act of 1992. I would like to commend Chairman JONES, Chairman HERTEL, and Chairman STUDDS for their diligent work on this legislation and thank them for their efforts on behalf of the Monterey Bay National Marine Sanctuary. The committee had made the Monterey Sanctuary designation a priority and its support has been invaluable.

The committee substitute contains two sections I authored to expedite the designation of the Monterey Sanctuary and require a study of Estero Bay in San Luis Obispo County, CA, for a possible national marine sanctuary designation.

Ensuring adequate protection for the Monterey Bay through a sanctuary designation has been one of my highest priorities since I was first elected to the Congress in 1976. The upcoming designation of the Monterey Sanctuary signals the final victory of a long, hard fought battle. With the support of this committee, we have overcome the resistance of two administrations and their attempts to stonewall a strong designation for Monterey Bay. After the Reagan administration effectively prohibited the designation of the Monterey Sanctuary through the administrative process, I introduced legislation to statutorily mandate the designation of the Monterey Sanctuary. This legislation was entered into law in 1988 and required the designation of the Monterey Sanctuary by the end of 1989.

Obviously, this designation is long overdue. Much of the delay associated with the Monterey site has been due to the national marine sanctuary program's unfortunate lack of resources. Many months have been lost however due to conflicts within the administration concerning the strength and effectiveness of the sanctuary designation. For example, in 1990 I engaged in a 6-month battle with the administration who refused to accept a proposed oil and gas ban for the Monterey Sanctuary. While we were eventually successful in securing this ban, valuable time was wasted deciding whether to allow oil and gas activities in a national marine sanctuary, a decision that never should have been an issue.

The National Oceanic and Atmospheric Administration [NOAA] released the final environmental impact statement/management plan—management plan—for the Monterey Sanctuary in June and I expect the final designation notice for Monterey will be released in mid-August. Unfortunately, there are not enough legislative days left in the session for the Congress to complete its review period of the designation notice prior to its adjournment in October. Section 32 of the legislation considered today would mandate the designation of the Monterey Bay National Marine Sanctuary by September 18, 1992—with the largest boundary alternative and an oil and gas prohibition—but would preserve the Congress and State of California's right to review and amend the rest of the Monterey Sanctuary regulations per section 304 of the Marine Protection, Resources and Sanctuaries Act [MPRSA].

It is important that the legislation protects Congress' right to amend the Monterey Sanctuary regulations as I have concerns with some of the regulations, as proposed. While I am generally supportive of the management plan's provisions, I object to the management plan's unconditional exemption of potential dredge disposal sites being considered as part of the San Francisco Bay Long-Term Management Strategy from regulation under the sanctuary regime.

NOAA's ability to regulate the discharge of substances from beyond the boundaries of the

Sanctuary is one of the management plans most important terms, section 944.5(a)(3). Boundaries drawn on a map do not necessarily protect Sanctuary resources from the potential harmful effects of activities beyond its borders. In NOAA's defense, I would say it is possible that, due to the depth of the disposal site and the nature of the material being disposed, this proposed disposal site will not harm sanctuary resources. However, it would be my opinion that such a finding would be best determined during the permit review process for the disposal site, not prior to its selection. Furthermore, I am concerned that this exemption may set a weak precedent of NOAA's regulation of dredge disposal sites in future sanctuaries. At a minimum, NOAA should retain the authority to consult with the other appropriate agencies regulating this site.

Second, I remain concerned with the regulation of vessel traffic in the Monterey Sanctuary. Although vessel traffic is in the scope of regulations, the proposed regulations do not regulate vessel traffic upon designation. In my comments on the management plan, I encouraged NOAA to work with the U.S. Coast Guard to devise commercial vessel traffic lanes that would steer vessel traffic outside of the most sensitive areas.

If the issues of dredge disposal and vessel traffic regulations are not adequately addressed in the final designation document for the Monterey Sanctuary, I reserve the right to object to those terms of designation and will seek legislation to amend these regulations so they provide strong, adequate protection to the Monterey Bay.

Section 33 of the legislation considered today is a provision I authored to direct NOAA to undertake a study of Estero Bay and adjacent marine environments in San Luis Obispo County, CA to determine if the area warrants a national marine sanctuary designation.

Earlier this year, I introduced legislation, H.R. 3099, to designate this area as a national marine sanctuary. Ideally, I would have liked to enact the San Luis Obispo designation as part of the program reauthorization. It does not appear, however, that enacting such legislation would be possible at this time. Realizing that, I have decided to pursue the San Luis Obispo designation through the enactment of this amendment.

Given the large variety of significant and sensitive marine resources in Estero Bay, I am confident the study will conclude that the area warrants a sanctuary designation. It is my hope that this study will provide us with the documentation needed to achieve that eventual designation.

I would also point out to my colleagues that in the interest of conserving NOAA's financial resources, my amendment requires that one-half of the study be funded by non-Federal sources.

It is my belief that the marine area of the central coast of California noted in this amendment possesses the ecological, historical, recreational, and educational qualities noted above which make it an area of national significance and a beneficial addition to the national marine sanctuary program.

This coastal area represents one of the most significant marine ecosystems along the Nation's west coast. It has a rich variety of sensitive coastal habitats including significant wetlands and estuaries as well as rocky intertidal zones and subtidal rocky reef communities. The area is home to many threatened and endangered species including the California sea otter, seven endangered species of whale, and four species of sea turtles, and is also a major feeding and resting area for migratory birds protected under international treaties.

Mr. Chairman, Estero Bay is an important, significant, and sensitive marine resource worthy of consideration for inclusion in the national marine sanctuary program. I urge my colleagues to aid this effort and to ensure the timely designation of the Monterey Bay National Marine Sanctuary by supporting this legislation.

Mr. HUGHES. Mr. Speaker, I rise in support of H.R. 4310, the National Marine Sanctuaries Reauthorization and Improvement Act. Through hard work the committee has produced legislation that is a good compromise and will enhance the success of the program.

The National Marine Sanctuaries Program protects our vital marine resources from degradation, provides important natural research laboratories, and helps educate the public concerning the coastal oceans, as well as provides recreational opportunities.

I am particularly pleased that the legislation increases the authorization level of the program. This increase is crucial if the program is to meet its goal of sustaining, conserving and replenishing the natural and functional diversity of significant and ecologically representative marine areas.

I am also pleased that the legislation streamlines the designation process, broadens the criteria for designation and strengthens enforcement.

Further, the management of marine sanctuaries is a particularly difficult task as we must balance economic considerations with recreational and conservational uses. This bill goes a long way to achieving this balance.

The National Marine Sanctuaries Reauthorization bill will enhance the program's ability to maintain the health and integrity of a variety of ecosystems in our coastal, ocean and Great Lakes regions.

I offer my strongest support for its passage and urge my colleagues to do the same.

Mrs. MINK. Mr. Speaker, I rise today in strong support of H.R. 4310, legislation to reauthorize and improve the National Marine Sanctuaries Program.

Since 1972, when Congress passed the National Marine Protection, Research, and Sanctuaries Act, this valuable program has undertaken a formidable task—the protection of special areas of the marine environment for conservation and multiple use. And it has done this despite the fact that like so many other Federal programs, it received a low priority throughout the 1980's. In fact, the administration's support was so meager through these years that the policies and purpose of the enacting legislation were threatened because such limited resources were made available to carry them out.

I am truly gratified to see the Congress acting to give the Marine Sanctuaries Program the funding it needs to fulfill its mission.

In my home State of Hawaii we are well aware that effective marine conservation is an essential building block of our economy and our future. Without it, we risk losing the fishing and tourism industries that have served so well and so long as our economic foundation. The sanctuaries program is a solid contributor to the goal of dependable marine conservation, and it should be improved and expanded.

This legislation is also particularly important for my district because it includes the National Humpback Whale Marine Sanctuary in Hawaiian waters. The humpback whale is on the endangered species list and its population is declining. The new sanctuary in the waters surrounding the island of Kahoolawe, and adjacent to the islands of Maui, Molokai, and Lanai, will protect the breeding, calving, and nursing areas of these beautiful creatures.

My only regret about this bill is that in designating the Humpback Whale Marine Sanctuary we have not included the waters around the island of Kauai. We know well that the humpback whales live and frolic under the watchful eye of the national wildlife refuge at Kilauea Point. The bill is deficient in that we don't include this region. I also would like to someday see the sanctuary expanded to include other species of marine life.

For too long we have neglected the magnificent animals in our oceans, and it is imperative that we reverse the trend. H.R. 4310 does this and more; it is with great enthusiasm that I join my colleagues in support of this legislation.

Mr. LANCASTER. Mr. Speaker, I rise in strong support of the National Marine Sanctuaries Reauthorization Act of 1992. I would like to particularly address my colleagues' favorable attention to section 14 of the bill, which authorizes the Secretary to make a grant for the acquisition of appropriate facilities for display and interpretation of the artifacts recovered from the Graveyard of the Atlantic off Cape Hatteras, NC.

The location of such a museum at Hatteras, NC, would be beneficial to the local economy and a great honor to the local people, many of whom are direct descendents of shipwreck survivors whose vessels went down in storms and battles and pirate raids in the Graveyard of the Atlantic. Others manned the life saving stations—later Coast Guard Stations—that protected the lives of those whose ships perished in these treacherous waters. No location would be more appropriate, and no

location would better enhance the historical significance of these artifacts from ships that sailed during the formative years of our Nation.

Mr. Speaker, I commend my fellow members of the Committee on Merchant Marine and Fisheries, especially Chairman WALTER JONES, for their hard work and good judgment in this bipartisan effort to improve our National Marine Sanctuaries program and to preserve and enhance or priceless marine heritage and resources.

Mr. STUDDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 4310, 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.

The title of the bill was amended so as to read: "A bill to reauthorize and improve the national marine sanctuaries program, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

FAA CIVIL PENALTY ADMINISTRATIVE ASSESSMENT ACT OF 1992

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5481) to amend the Federal Aviation Act of 1958 relating to administrative assessment of civil penalties, as amended.

The Clerk read as follows:

H.R. 5481

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 "FAA Civil Penalty Administrative Assessment Act of 1992".

SEC. 2. ADMINISTRATIVE ASSESSMENT.

(a) IN GENERAL.—Section 901(a)(3) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)(3)) is amended to read as follows:

"(3) ADMINISTRATIVE ASSESSMENT.—

"(A) GENERAL AUTHORITY.—Upon written notice and finding of a violation by the Administrator, the Administrator or the delegate of the Administrator, may assess a civil penalty for a violation of title III, V, VI, or XII or section 1101 or 1115(e)(2)(B) or any rule, regulation, or order issued thereunder.

"(B) NO REEXAMINATION OF LIABILITY OR AMOUNT.—In the case of a civil penalty assessed by the Administrator under this paragraph, the issue of liability or amount of civil penalty shall not be reexamined in any subsequent suit for collection of such civil penalty.

"(C) CONTINUING JURISDICTION OF DISTRICT COURTS.—Notwithstanding subparagraph (A), the United States district courts shall have exclusive jurisdiction of any civil penalty initiated by the Administrator—

"(i) which involves an amount in controversy in excess of $50,000;

"(ii) which is an in rem action or in which an in rem action based on the same violation has been brought;

"(iii) regarding which an aircraft subject to lien has been seized by the United States; and

"(iv) in which a suit for injunctive relief based on the violation giving rise to the civil penalty has also been brought.

"(D) PROCEDURES WITH RESPECT TO VIOLATIONS BY PILOTS, FLIGHT ENGINEERS, MECHANICS, AND REPAIRMEN.—

"(i) NOTICE OF CHARGES.—Before issuing an order assessing a civil penalty under this paragraph against a person acting in the capacity of a pilot, flight engineer, mechanic, or repairman, the Administrator shall advise such person of the charges or any reasons relied upon by the Administrator for the proposed action and shall provide such person an opportunity to answer any charges and be heard as to why such order should not be issued.

"(ii) APPEAL TO NTSB.—Any person acting in the capacity of a pilot, flight engineer, mechanic, or repairman against whom an order assessing a civil penalty is issued by the Administrator under this paragraph may appeal the order to the National Transportation Safety Board, and the Board shall, after notice and a hearing on the record in accordance with section 554 of title 5, United States Code, affirm, modify, or reverse the order of the Administrator.

"(iii) WEIGHT AFFORDED TO FINDINGS AND INTERPRETATIONS OF FAA.—In the conduct of its hearings under this subparagraph, the National Transportation Safety Board shall not be bound by any findings of fact of the Administrator but shall be bound by all validly adopted interpretations of laws and regulations administered by the Federal Aviation Administration and of written agency policy guidance available to the public relating to sanctions to be imposed under this subsection unless the Board finds that any such interpretation is arbitrary, capricious, or otherwise not in accordance with law. The Board may, consistent with this subsection, modify the type of sanctions to be imposed from assessment of a civil penalty to suspension or revocation of a certificate.

"(iv) EFFECT OF FILING OF APPEAL.—The filing of an appeal of an order of the Administrator with the National Transportation Safety Board under this subparagraph shall stay the effectiveness of the order.

"(v) JUDICIAL REVIEW.—A person substantially affected by an order of the National Transportation Safety Board under this subparagraph or the Administrator, in any case in which the Administrator determines that such an order will have a significant adverse impact on the implementation of this Act, may obtain judicial review of such order under the provisions of section 1006 of this Act. The Administrator shall be a party to all proceedings for judicial review under this clause. In any such proceedings, the findings of fact of the Board shall be conclusive if supported by substantial evidence.

"(E) PROCEDURES WITH RESPECT TO VIOLATIONS BY OTHER PERSONS.—

"(i) GENERAL PROCEDURES.—A civil penalty may be assessed against any person (other than a person acting in the capacity of a pilot, flight engineer, mechanic or repairman) by the Administrator under this paragraph only after notice and an opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.

"(ii) STANDARD OF REVIEW.—In any appeal from a decision of an administrative law judge, the Administrator shall consider only the following issues:

"(I) Whether each finding of fact is supported by a preponderance of reliable, probative, and substantial evidence.

"(II) Whether each conclusion of law is made in accordance with applicable law, precedent, and public policy.

"(III) Whether the administrative law judge committed any prejudicial errors that support the appeal.

"(iii) TIME FOR COMMENCING PROCEEDING.—Except where good cause exists, a civil penalty action shall not be initiated under this subparagraph after 2 years from the date the violation occurred.

"(F) LIMITATION ON APPLICABILITY.—This paragraph only applies to violations occurring on or after the date of the enactment of the FAA Civil Penalty Administrative Assessment act of 1992.

"(G) MAXIMUM AMOUNT.—The maximum amount of a civil penalty which may be assessed by the Administrator or the National Transportation Safety Board under this paragraph may not exceed $50,000.

"(H) DEFINITIONS.—In this paragraph, the following definitions apply:

"(i) FLIGHT ENGINEER.—The term 'flight engineer' means a person who holds a flight engineer certificate issued under part 63 of title 14 of the Code of Federal Regulations.

"(ii) MECHANIC.—The term 'mechanic' means a person who holds a mechanic certificate issued under part 65 of title 14 of the Code of Federal Regulations.

"(iii) PILOT.—The term 'pilot' means a person who holds a pilot certificate issued under part 61 of title 14 of the Code of Federal Regulations.

"(iv) REPAIRMEN.—The term 'repairman' means a person who holds a repairman certificate issued under part 65 of title 14 of the Code of Federal Regulations.".

(b) REPEAL OF DEMONSTRATION PROGRAM.—Section 905 of such Act (49 U.S.C. App. 1475) is repealed.

(c) CONTINUATION OF FORMER PROGRAMS WITH RESPECT TO PREENACTMENT VIOLATIONS.—Notwithstanding subsections (a) and (b) of this section, sections 901(a)(3) and 905 of the Federal Aviation Act of 1958 as in effect on July 31, 1992, shall continue in effect on and after such date of enactment with respect to violations of the Federal Aviation Act of 1958 occurring before such date of enactment.

SEC. 3. CONFORMING AMENDMENTS TO REVOCATION OF CERTIFICATES PROCEDURE.

(a) GENERAL AUTHORITY.—Section 609(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1429(a)) is amended—

(1) by striking the fifth sentence and inserting the following: "In the conduct of its hearings under this subsection, the Board shall not be bound by any findings of fact of the Administrator but shall be bound by all validly adopted interpretations of laws and regulations administered by the Federal Aviation Administration and of written agency policy guidance available to the public relating to sanctions to be imposed under