Title VI is identical to H.R. 711, by the gentleman from California [Mr. DOOLITTLE], another bill that has already been passed by the House. It would clear the title to a number of parcels of land in Truckee and other California communities by resolving problems associated with their former status as part of the right-of-way granted for the first transcontinental railroad.

Mr. Speaker, this bill includes a variety of provisions involving management of the National Park System and the public lands, assisting in national defense, and resolving the legal problems of many landowners in California and other States. I urge its approval by the House.

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

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to S. 1704, the now misnamed housing for employees of public lands bill. The origin of this bill rests with the concern by Members on this side of the aisle to try to improve the deplorable housing conditions faced by Park Service, Forest Service and other Land Management Agency personnel around the country. We currently have employees living in land-sea shipping containers, unwinterized homes, buildings without indoor plumbing and often at exorbitant rents.

I am saddened today to see that the chairman of the Parks and Public Lands Subcommittee has seen fit to take this simple bill sent over by the Senate and load it up with nearly $600 million in pork barrel spending. In effect saying to Senator WALLOP who orchestrated passage of this bill in the Senate, if you want this bill, you will have to support A $20 million visitor center at the Lincoln homesite, A $500 million authorization to buy land at Santa Monica Mountains, a $2.5 million authorization to buy the unneeded William O. Douglas Nature Center, and a study to examine the possibility of a Federal takeover of the third worst beach in the country. These are all measures strongly opposed by the administration, as well as Members on this side of the aisle and on which the Senate has never even held hearings.

When Senator WALLOP introduced this bill, it was for no great political gain. While he no doubt has a handful of constituents in Wyoming who live in the dilapidated housing which characterizes so many of our great parks, Senator WALLOP introduced this bill because he believed it was the right thing to do. The gentleman from Minnesota responds by making this bill into a Christmas tree, with numerous highly objectionable provisions, and in effect killing this important bill.

When Republican Members who had titles added to this bill in an effort to provide bipartisan cover found out that their provisions were being used in an attempt to garner their support for this bill, each one of them requested they be removed from the bill. While those titles remain, this measure is by no means bipartisan.

When you have a chance to vote down this measure later this morning, portions of which have already been rejected by this body on a previous suspension vote, you will be making two statements. First, you will be casting a vote against wasteful Government spending. Second, you will be casting a vote which sends a message that we should not play political games with the very real concerns of our public employees.

I hope we will be able to return in the next Congress and work in a bipartisan fashion to improve the unacceptable housing conditions in our parks and forests.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I just want to call to the gentleman's attention that we have removed the authorization of the Santa Monica Mountains so that type of authorization, that debate is not in here. We are only dealing with the educational center. I thought that was clear to the gentleman.

Mr. TAYLOR of North Carolina. Mr. Speaker, as I understand the gentleman, they have removed a $500 million authorization. There is still the $20 million that I mentioned earlier. There is a $2.5 million authorization for the William O. Douglas Nature Center. There is a study to examine the Federal takeover of the beach mentioned earlier by the gentleman, and many measures that I oppose and I feel add to legislation that is totally intended for a different purpose. Mr. Speaker, I would object to this legislation.

□ 0540

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

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

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 1704, as amended.

The question was taken.

Mr. TAYLOR of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL MARINE SANCTUARIES PROGRAM AMENDMENTS ACT OF 1992

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5617) to provide Congressional approval of a Governing International Fishery Agreement, as amended.

The Clerk read as follows:

H.R. 5617

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

TITLE I—APPROVAL OF GOVERNING INTERNATIONAL FISHERY AGREEMENT

SEC. 101. APPROVAL OF AGREEMENT.

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the Government of the Republic of Estonia, as contained in the message to Congress from the President of the United States dated June 24, 1992, is approved by the Congress as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this title.

TITLE II—NATIONAL MARINE SANCTUARIES PROGRAM

SEC. 201. SHORT TITLE.

This Act may be cited as the "National Marine Sanctuaries Program Amendments Act of 1992".

Subtitle A—Amendments to Marine Protection, Research, and Sanctuaries Act of 1972

SEC. 2101. FINDINGS, PURPOSES, AND POLICIES.

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

(1) in paragraph (2) 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 "; and"; 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.".

(b) PURPOSES AND POLICIES.—Section 301(b) of the (16 U.S.C. 1431(b)) 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 facilitate, to the extent compatible with the primary objective of resource pro-

tection, 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 protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

"(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. 2102. 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 adding "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) EXCLUSIVE ECONOMIC ZONE.—Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432) is amended—(1) by striking the period at the end of paragraph (8) and inserting "; and"; and (2) by adding after paragraph (8) the following: "(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. 2103. 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 following: "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, including information on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary. Public disclosure by the Secretary of such information shall be consistent with national security regulations."; and

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

SEC. 2104. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

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

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

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

(3) in paragraph (5)—

(A) by striking "United States Fishery Conservation Zone" and inserting "exclusive economic zone"; and

(B) by adding at the end: "The Secretary shall also cooperate with other appropriate fishery management authorities with rights 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 all that follows and inserting ", 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 seward boundary of the State.";

(2) in paragraph (2)—

(A) striking "paragraph (1)(A) or (B)" and inserting "paragraph (1)";

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

(C) by striking "paragraph (1)(B)" and inserting "paragraph (1)"; and

(3) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(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)(2)) 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) INTERAGENCY COOPERATION; REVIEW OF MANAGEMENT PLAN.—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 new subsections:

"(d) INTERAGENCY COOPERATION.—

"(1) REVIEW OF AGENCY ACTION.—

"(A) IN GENERAL.—Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Secretary.

"(B) AGENCY STATEMENTS REQUIRED.—Subject to any regulations the Secretary * * * establish each Federal agency proposing an action described in subparagraph (A) shall provide the Secretary with a written statement describing the action and its potential effects on sanctuary resources at the earliest practicable time, but in no case later than 45 days before the final approval of the action unless such Federal agency and the Secretary agree to a different schedule.

"(2) SECRETARY'S RECOMMENDED ALTERNATIVES.—If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary shall (within 45 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which may include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources.

"(3) RESPONSE TO RECOMMENDATIONS.—The agency head who receives the Secretary's recommended alternatives under paragraph (2) shall promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the alternatives, the agency head shall provide the Secretary with a written statement explaining the reasons for that decision.

"(e) REVIEW OF MANAGEMENT PLANS.—Not more than 5 years after the date of designation of any national marine sanctuary, and thereafter at intervals not exceeding 5 years, the Secretary shall evaluate the substantive progress toward implementing the management plan and goals for the sanctuary, especially the effectiveness of site-specific management techniques, and shall revise the management plan and regulations as necessary to fulfill the purposes and policies of this title.".

SEC. 2105. APPLICATION OF REGULATIONS; INTERNATIONAL COOPERATION.

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

(1) in subsection (a)—

(A) by striking "The" in the first sentence and inserting in lieu thereof "This title and the"; and

(B) by inserting "or be enforced against" immediately after "apply to"; and

(2) by adding at the end the following new subsection:

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

(b) TECHNICAL AMENDMENT.—The section heading for section 305 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1435) is amended by striking all after "REGULATIONS" and inserting in lieu thereof "; INTERNATIONAL NEGOTIATIONS AND COOPERATION.".

SEC. 2106. 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. 2107. 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 "$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—

(a) by striking "and may be proceeded" and all that follows through "jurisdiction"; and

(B) by adding at the end of the following sentence: "Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.".

(b) PROCEEDS FROM CIVIL FORFEITURES.—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 following new sentence: "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 civil damages under section 312. None of those proceeds shall be subject to set-off.".

(c) USE OF RECEIVED AMOUNTS.—Section 307(e) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(e)) is amended by striking paragraph (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 Responses, Compensation and Liability Act (42 U.S.C. 9607(f)(1)).

"(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 of 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—

(d) by striking "and civil penalties under section 307";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(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 new subsection:

"(j) AREA OF APPLICATION AND ENFORCEMENT.—The areas 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. 2108. RESEARCH, MONITORING, AND EDUCATION.

Section 309 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

"(a) IN GENERAL.—The Secretary shall conduct research, monitoring, evaluation, and education programs as are necessary and reasonable to carry out the purposes and policies of this title.

"(b) PROMOTION AND COORDINATION OF SANCTUARY USE.—The Secretary shall take such action as is necessary and reasonable to promote and coordinate the use of national marine sanctuaries for research, monitoring, and education purposes. Such action may include consulting with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons to promote use of one or more sanctuaries for research, monitoring, and education, including coordination with the National Estuarine Research Reserve System.".

SEC. 2109. COOPERATIVE AGREEMENTS; DONATIONS, AND ACQUISITIONS.

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; DONATIONS, AND ACQUISITIONS.

"(a) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—The Secretary may enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.

"(b) AUTHORIZATION TO SOLICIT DONATIONS.—The Secretary may enter into such agreements with any nonprofit organization authorizing the organization to solicit private donations to carry out the purposes and policies of this title.

"(c) DONATIONS.—The Secretary may accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this title. Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

"(d) 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. 2110. DESTRUCTION OF 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 injures any sanctuary resource is liable to the United States for an amount equal to the sum of—

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

"(B) interest on that amount calculated in the manner described under section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

(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 following: "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".

(e) USE OF RECOVERED AMOUNTS.—Section 312(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(d)) is amended in paragraph (3), as redesignated by this Act, by inserting "the court decree or settlement agreement, and" after "in accordance with".

SEC. 2111. 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) $12,500,000 for fiscal year 1994;

"(3) $15,000,000 for fiscal year 1995; and

"(4) $20,000,000 for fiscal year 1996.".

SEC. 2112. 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 new sections:

"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 (16 U.S.C. 1852); 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 Program Amendments Act of 1992, the membership of Advisory Councils shall be limited to no more than 15 members.

"(d) STAFFING AND ASSISTANCE.—The Secretary may make available to an Advisory Council any staff, information, administrative services, or assistance the Secretary de-

termines are reasonably required to enable the Advisory Council to carry out its functions.

"(e) 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'.".

Subtitle B—Miscellaneous

SEC. 2201. GRAVEYARD OF THE ATLANTIC ARTIFACTS.

(a) ACQUISITON 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 of Commerce 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 responsibilities of the Secretary of Commerce under this section, there are authorized to be appropriated to the Secretary of Commerce 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.

SEC. 2202. 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), as amended by this title.

(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) CONSULATION.—In accordance with the procedures established in section 304(e) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended by this title, the appropriate Federal agencies shall consult with the Secretary on proposed agency actions in the vicinity of the Sanctuary that may affect 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.

(d) OFFICE.—The Secretary of Commerce shall consider establishing a satellite office for the Stellwagen Bank National Marine Sanctuary in Provincetown, Gloucester, or Hull, Massachusetts.

SEC. 2203. 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)), the designation of the Monterey Bay National Marine Sanctuary (hereinafter in this section the "Sanctuary"), as described in the notice of designation submitted to the Congress on September 15, 1992, shall take effect on September 18, 1992.

(b) OIL AND GAS ACTIVITIES PROHIBITED.—Notwithstanding any other provision of law, no leasing, exploration, development, or production of oil or gas shall be permitted within the Sanctuary as provided by section 944.5 of the Final Environmental Impact Statement and Management Plan for the Monterey Bay National Marine Sanctuary, published by the Department of Commerce in June 1992.

(c) CONSULTATION.—Section 304(e) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended by this title, shall apply to the Sanctuary as designated by the Secretary of Commerce.

(d) VESSEL TRAFFIC.—Within 18 months after the date of enactment of this title, the Secretary of Commerce and the Secretary of Transportation, in consultation with the State of California and with adequate opportunity for public comment, shall report to Congress on measures for regulating vessel traffic in the Sanctuary if it is determined that such measures are necessary to protect Sanctuary resources.

SEC. 2204. ENHANCING SUPPORT FOR NATIONAL MARINE SANCTUARIES.

(a) IN GENERAL.—Beginning on the date of enactment of this title, 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 subsection 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) the term "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) the term "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) the term "Secretary" means the Secretary of Commerce.

SEC. 2205. 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 6215(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388-314, 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 208(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 (c) 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. 2206. RESEARCH TO IMPROVE MANAGEMENT.

(a) FLORIDA NATIONAL MARINE SANCTUARY.—Section 7(a) of the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note) is amended by striking paragraph (4); by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively, and by inserting after paragraph (3) the following new paragraphs:

"(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 amendments made by subsection (a) 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 9(a) of that Act regarding development of the water quality protection program.

SEC. 2207. OLYMPIC COAST NATIONAL MARINE SANCTUARY.

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

SEC. 2208. PROVASOLI-GUILLARD CENTER FOR CULTURE OF MARINE PHYTOPLANKTON.

(a) FINDINGS.—The Congress finds the following:

(1) The oceans cover 70 percent of the surface of the Earth.

(2) The foundation of the food webs and fisheries productivity of the oceans rests with microscopic plants known as phytoplankton.

(3) Phytoplankton serve as a vital natural resource in the oceans.

(4) By serving as primary agents in the control of the flux of atmospheric carbon dioxide to the deep ocean, phytoplankton influence climate and the rate of global warming.

(5) There is limited knowledge of the biology, physiology, chemistry, and taxonomy of phytoplankton, and it is of vital interest to this Nation to improve the body of knowledge relating to phytoplankton to benefit this Nation and other countries.

(6) The Provasoli-Guillard Center for the Culture of Marine Phytoplankton located in West Boothbay Harbor, Maine, houses a

phytoplankton collection that contains species from each of the ocean environments of the World, and is recognized as the largest collection of phytoplankton in the World.

(7) The Provasoli-Guillard Center for the Culture of Marine Phytoplankton is of vital interest to oceanographers in this Nation and throughout the World, and provides cultures of phytoplankton for critical research on global issues.

(b) DESIGNATION.—In light of the findings under subsection (a), the Provasoli-Guillard Center for the Culture of Marine Phytoplankton located in West Boothbay Harbor, Maine, is designated as a National Center and Facility.

SEC. 2209. FLORIDA KEYS NATIONAL MARINE SANCTUARY.

(a) IMPLEMENTATION.—Section 8 of the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note) is amended by adding at the end the following new subsection:

"(d) IMPLEMENTATON.—(1) The Administrator of the Environmental Protection Agency and the Governor of the State of Florida shall implement the program required by this section, in cooperation with the Secretary of Commerce.

"(2)(A) The Regional Administrator of the Environmental Protection Agency shall with the Governor of the State of Florida establish a Steering Committee to set guidance and policy for the development and implementation of such program. Membership shall include representatives of the Environmental Protection Agency, the National Park Service, the United States Fish and Wildlife Service, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, the Florida Department of Community Affairs, The Florida Department of Environmental Regulation, the South Florida Water Management District, and the Florida Keys Aqueduct Authority; three individuals in local government in the Florida Keys; and three citizens knowledgeable about such program.

"(B) The Steering Committee shall, on a biennial basis, issue a report to Congress that—

"(i) summarizes the progress of the program;

"(ii) summarizes any modifications to the program and its recommended actions and plans; and

"(iii) incorporates specific recommendations concerning the implementation of the program.

"(C) The Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration shall cooperate with the Florida Department of Environmental Regulation to establish a Technical Advisory Committee to advise the Steering Committee and to assist in the design and prioritization of programs for scientific research and monitoring. The Technical Advisory Committee shall be composed of scientists from Federal agencies, State agencies, academic institutions, private non-profit organizations, and knowledgeable citizens.

"(3)(A) The Regional Administrator of the Environmental Protection Agency shall appoint a Florida Keys Liaison Officer. The Liaison Officer, who shall be located within the State of Florida, shall have the authority and staff to—

"(i) assist and support the implementation of the program required by this section, including administrative and technical support for the Steering Committee and Technical Advisory Committee;

"(ii) assist and support local, State, and Federal agencies in developing and implementing specific action plans designed to carry out such program;

"(iii) coordinate the actions of the Environmental Protection Agency with other Federal agencies, including the National Oceanic and Atmospheric Administration and the National Park Service, and State and local authorities, in developing strategies to maintain, protect, and improve water quality in the Florida Keys;

"(iv) collect and make available to the public publications, and other forms of information that the Steering Committee determines to be appropriate, related to the water quality in the vicinity of the Florida Keys; and

"(v) provide for public review and comment on the program and implementing actions.

"(4)(A) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency $2,000,000 for fiscal year 1993, $3,000,000 for fiscal year 1994, and $4,000,000 for fiscal year 1995, for the purpose of carrying out this section.

"(B) There are authorized to be appropriated to the Secretary of Commerce $300,000 for fiscal year 1993, $400,000 for fiscal year 1994, and $500,000 for fiscal year 1995, for the purpose of enabling the National Oceanic and Atmospheric Administration to carry out this section.

"(C) Amounts appropriated under this paragraph shall remain available until expended.

"(D) No more than 15 percent of the amount authorized to be appropriated under subparagraph (A) for any fiscal year may be expended in that fiscal year on administrative expenses.".

(B) TECHNICAL AMENDMENT.—Section 8(c) of the Florida Keys National Marine Sanctuary Protection Act (16 U.S.C. 1433 note) is amended by striking "paragraph (1)" and inserting in lieu thereof "subsection (a)".

Subtitle C—Hawaii Islands Humpback Whale Sanctuary

SEC. 2301. SHORT TITLE.

This subtitle may be cited as the "Hawaiian Islands National Marine Sanctuary Act".

SEC. 2302. 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 Site 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 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 that 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 are 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 Islands 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. 2303. DEFINITIONS.

In this subtitle, 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 2305.

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

SEC. 2304. POLICY AND PURPOSES.

(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) PURPOSES.—The purposes of this subtitle are—

(1) to protect humpback whales and their habitat in the area described in section 2305(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 subtitle 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 2305(a).

SEC. 2305. 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.), as amended by this title.

(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, and Molokai, including Penguin Bank but excluding the area within 3 nautical miles of the upper reaches of the waves on the shore of Kahoolawe Island;

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

(C) to the 100-fathom (183-meter) isobath *adjoining the Kilauea National Wildlife Refuge* on the island of Kauai.

(2)(A) On January 1, 1996, the area of the marine environment within 3 nautical miles of the upper reaches of the wash of the waves on the shore of Kahoolawe Island is designated a part of the Sanctuary, unless during the 3-month period immediately preceding January 1, 1996, the Secretary certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives that the area *is not suitable for inclusion in* the Sanctuary. If such certification is made, it shall be accompanied by a written explanation of the Secretary's reasoning in support of the certification.

(B) After a certification of unsuitability is made under subparagraph (A), the Secretary shall annually make a finding concerning the suitability of the area for inclusion in the Sanctuary and submit to such congressional committees a report on that finding and the reasons therefor. If the Secretary finds that the area is suitable for inclusion in the Sanctuary, the area is designated a part of the Sanctuary on the 30th day after such report is submitted.

(C) Upon designation of the area under subparagraph (A) or (B), the area shall be managed as if it has been designated under section 2305, and the Secretary shall—

(i) publish a notice in the Federal Register announcing the designation and identifying the area; and

(ii) issue such regulations for the area as are necessary to fulfill the Secretary's responsibilities under this subtitle and title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(3) 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), and any* additional designation under paragraph (2) of this subsection.

(c) EFFECT OF OBJECTION BY GOVERNOR.—(1) If within 45 days after the date of enactment of this title the Governor of Hawaii certifies to the Secretary that the designation (including the prospective additional designation under subsection (b)(2) of the area within 3 nautical miles of Kahoolawe Island) 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 2306 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 goals and objectives of this subtitle 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 appro*priate, may make modifications to the* boundaries of the Sanctuary as necessary to fulfill the purposes of this subtitle. 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. 2306. 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 title a comprehensive management plan and implementing regulations to achieve the policy and purposes of this subtitle. 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), as amended by this title. Such comprehensive management plan shall—

(1) facilitate 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 2307 of this subtitle 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

(7) 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. 2307. AUTHORIZATION OF APPROPRIATIONS.

For carrying out this subtitle, 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 *Site 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—MARINE MAMMAL STRANDINGS

SEC. 301. SHORT TITLE.

This title may be cited as the "Marine Mammal Health and Stranding Response Act".

SEC. 302. FINDINGS.

The Congress finds the following:

(1) Current stranding network participants have performed an undeniably valuable and ceaseless job of responding to marine mammal strandings over the last 15 years.

(2) Insufficient understanding of the connection between marine mammal health and the physical, chemical, and biological parameters of their environment prevents an adequate understanding of the causes of marine mammal unusual mortality events.

(3) An accurate assessment of marine mammal health, health trends in marine mammal populations in the wild, and causes of marine mammal unusual mortality events cannot be made without adequate reference data on marine mammals and the environment in which they live.

(4) A systematic assessment of the sources, *presence, levels, and effects of potentially* harmful contaminants on marine mammals would provide a better understanding of some of the causes of marine mammal unusual mortality events and may serve as an indicator of the general health of our coastal and marine environments.

(5) Responses to marine mammal unusual mortality events are often uncoordinated, due to the lack of sufficient contingency planning.

(6) Standardized methods for the reporting of dying, dead, or otherwise incapacitated

marine mammals in the wild would greatly assist in the determination of the causes of marine mammal unusual mortality events and enhance general knowledge of marine mammal species.

(7) A formal system for collection, preparation, and archiving of, and providing access to, marine mammal tissues will enhance efforts to investigate the health of marine mammals and health trends of marine mammal populations, and to develop reference data.

(8) Information on marine mammals, including results of analyses of marine mammal tissues, should be broadly available to the scientific community, including stranding network participants, through a marine mammal data base.

SEC. 303. MARINE MAMMAL HEALTH AND STRANDING RESPONSE PROGRAM.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following new title:

"TITLE III—MARINE MAMMAL HEALTH AND STRANDING RESPONSE

"SEC. 301. ESTABLISHMENT OF PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall, in consultation with the Secretary of the Interior, the Marine Mammal Commission, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, including stranding network participants, establish a program to be known as the 'Marine Mammal Health and Stranding Response Program'.

"(b) PURPOSES.—The purposes of the Program shall be to—

"(1) facilitate the collection and dissemination of reference data on the health of marine mammals and health trends of marine mammal populations in the world;

"(2) correlate the health of marine mammals and marine mammal populations, in the wild, with available data on physical, chemical, and biological environmental parameters; and

"(3) coordinate effective responses to unusual mortality events by establishing a process in the Department of Commerce in accordance with section 304.

"SEC. 302. DETERMINATION; DATA COLLECTION AND DISSEMINATION.

"(a) DETERMINATION FOR RELEASE.—The Secretary shall, in consultation with the Secretary of the Interior, the Marine Mammal Commission, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, including stranding network participants, develop objective criteria, after an opportunity for public review and comment, to provide guidance for determining at what point a rehabilitated marine mammal is releasable to the wild.

"(b) COLLECTION.—The Secretary shall, in consultation with the Secretary of the Interior, collect and update, periodically, existing information on—

"(1) procedures and practices for—

"(A) rescuing and rehabilitating stranded marine mammals, including criteria used by stranding network participants, on a species-by-species basis, for determining at what point a marine mammal undergoing rescue and rehabilitation is returnable to the wild; and

"(B) collecting, preserving, labeling, and transporting marine mammal tissues for physical, chemical, and biological analyses;

"(2) appropriate scientific literature on marine mammal health, disease, and rehabilitation;

"(3) strandings, which the Secretary shall compile and analyze, by region, to monitor species, numbers, conditions, and causes of illnesses and deaths of stranded marine mammals; and

"(4) other life history and reference level data, including a marine mammal tissue analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters.

"(c) AVAILABILITY.—The Secretary shall make information collected under this section available to stranding network participants and other qualified scientists.

"SEC. 303. STRANDING RESPONSE AGREEMENTS.

"(a) IN GENERAL.—The Secretary may enter into agreement under section 112(c) with any person to take marine mammals under section 209(h)(1) in response to a stranding.

"(b) REQUIRED PROVISION.—An agreement authorized by subsection (a) shall—

"(1) specify each person who is authorized to perform activities under the agreement; and

"(2) specify any terms and conditions under which a person so specified may delegate that authority to another person.

"(c) REVIEW.—The Secretary shall periodically review agreements under section 112(c) that are entered into pursuant to this title, for performance adequacy and effectiveness.

"SEC. 304. UNUSUAL MORTALITY EVENT RESPONSE.

"(a) RESPONSE.—

"(1) WORKING GROUP.—

"(A) The Secretary, acting through the Office, shall establish, in consultation with the Secretary of the Interior, a marine mammal unusual mortality event working group, consisting of individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, marine conservation, and medical science, to provide guidance to the Secretary and the Secretary of the Interior for—

"(i) determining whether an unusual mortality event is occurring;

"(ii) determining, after an unusual mortality event has begun, if response actions with respect to that event are no longer necessary; and

"(iii) developing the contingency plan in accordance with subsection (b), to assist the Secretary in responding to unusual mortality events.

"(B) The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the marine mammal unusual mortality event working group established under this paragraph.

"(2) RESPONSE TIMING.—The Secretary, in consultation with the Secretary of the Interior, shall to the extent necessary and practicable—

"(A) within 24 hours after receiving notification from a stranding network participant that an unusual mortality event might be occurring, contact as many members as is possible of the unusual mortality event working group for guidance; and

"(B) within 48 hours after receiving such notification—

"(i) make a determination as to whether an unusual mortality event is occurring;

"(ii) inform the stranding network participant of that determination; and

"(iii) if the Secretary has determined an unusual mortality event is occurring, designate an Onsite Coordinator for the event, in accordance with subsection (c).

"(b) CONTINGENCY PLAN.—

"(1) IN GENERAL.—The Secretary shall, in consultation with the Secretary of the Interior and the unusual mortality event working group, and after an opportunity for public review and comment, issue a detailed contingency plan for responding to any unusual mortality event.

"(2) CONTENTS.—The contingency plan required under this subsection shall include—

"(A) a list of persons, including stranding network participants, at a regional, State, and local level, who can assist the Secretary in implementing a coordinated and effective response to an unusual mortality event;

"(B) the types of marine mammal tissues and analyses necessary to assist in diagnosing causes of unusual mortality events;

"(C) training, mobilization, and utilization procedures for available personnel, facilities, and other resources necessary to conduct a rapid and effective response to unusual mortality events; and

"(D) such requirements as are necessary to—

"(i) minimize death of marine mammals in the wild and provide appropriate care of marine mammals during an unusual mortality event;

"(ii) assist in identifying the cause or causes of an unusual mortality event;

"(iii) determine the effects of an unusual mortality event on the size estimates of the affected populations of marine mammals; and

"(iv) identify any roles played in an unusual mortality event by physical, chemical, and biological factors, including contaminants.

"(c) ONSITE COORDINATORS.—

"(1) DESIGNATION.—

"(A) The Secretary shall, in consultation with the Secretary of the Interior, designate one or more Onsite Coordinators for an unusual mortality event, who shall make immediate recommendations to the stranding network participants on how to proceed with response activities.

"(B) An Onsite Coordinator so designated shall be one or more appropriate Regional Directors of the National Marine Fisheries Service or the United States Fish and Wildlife Service, or their designees.

"(C) If, because of the wide geographic distribution, multiple species of marine mammals involved, or magnitude of an unusual mortality event, more than one Onsite Coordinator is designated, the Secretary shall, in consultation with the Secretary of the Interior, designate which of the Onsite Coordinators shall have primary responsibility with respect to the event.

"(2) FUNCTIONS.—

"(A) An Onsite Coordinator designated under this subsection shall coordinate and direct the activities of all persons responding to an unusual mortality event in accordance with the contingency plan issued under subsection (b), except that—

"(i) with respect to any matter that is not covered by the contingency plan, an Onsite Coordinator shall use his or her best professional judgment; and

"(ii) the contingency plan may be temporarily modified by an Onsite Coordinator, consulting as expeditiously as possible with the Secretary, the Secretary of the Interior, and the unusual mortality event working group.

"(B) An Onsite Coordinator may delegate to any qualified person authority to act as an Onsite Coordinator under this title.

"SEC. 305. UNUSUAL MORTALITY EVENT ACTIVITY FUNDING.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury a fund to be known as the 'Marine Mammal Unusual Mortality

Event Fund', which shall consist of amounts deposited into the Fund under subsection (c).

"(b) USES.—

"(1) IN GENERAL.—Amounts in the Fund—

"(A) shall be available only for use by the Secretary, in consultation with the Secretary of the Interior—

"(i) to compensate persons for special costs incurred in acting in accordance with the contingency plan issued under section 304(b) or under the direction of an Onsite Coordinator for an unusual mortality event; and

"(ii) for reimbursing any stranding network participant for costs incurred in preparing and transporting tissues collected with respect to an unusual mortality event for the Tissue Bank; and

"(B) shall remain available until expended.

"(2) PENDING CLAIMS.—If sufficient amounts are not available in the Fund to satisfy any authorized pending claim, such claim shall remain pending until such time as sufficient amounts are available. All authorized pending claims shall be satisfied in the order received.

"(c) DEPOSITS INTO THE FUND.—There shall be deposited into the Fund—

"(1) amounts appropriated to the Fund;

"(2) other amounts appropriated to the Secretary for use with respect to unusual mortality events; and

"(3) amounts received by the United States in the form of gifts, devises, and bequests under subsection (d).

"(d) ACCEPTANCE OF DONATIONS.—For purposes of carrying out this title, the Secretary may accept, solicit, and use the services of volunteers, and may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

"SEC. 306. LIABILITY.

"(a) IN GENERAL.—A person who is authorized to respond to a stranding pursuant to an agreement entered into under section 112(c) is deemed to be an employee of the government for purposes of chapter 171 of title 28, United States, with respect to actions of the person that are—

"(1) in accordance with the agreement; and

"(2) in the case of an unusual mortality event, in accordance with—

"(A) the contingency plan issued under section 304(b);

"(B) the instructions of an Onsite Coordinator designated under section 304(c); or

"(C) the best professional judgment of an Onsite Coordinator, in the case of any matter that is not covered by the contingency plan.

"(b) LIMITATION.—Subsection (a) does not apply to actions of a person described in that subsection that are grossly negligent or that constitute willful misconduct.

"SEC. 307. NATIONAL MARINE MAMMAL TISSUE BANK AND TISSUE ANALYSIS.

"(a) TISSUE BANK.—

"(1) IN GENERAL.—The Secretary shall make provision for the storage, preparation, examination, and archiving of marine mammal tissues. Tissues achieved pursuant to this subsection shall be known as the 'National Marine Mammal Tissue Bank'.

"(2) GUIDANCE FOR MARINE TISSUE COLLECTION, PREPARATION, AND ARCHIVING.—The Secretary shall, in consultation with individuals with knowledge and expertise in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, issue guidance, after an opportunity for public review and comment, for marine mammal tissue collection, preparation, archiving, and quality control procedures, regarding—

"(A) appropriate and uniform methods and standards for those activities to provide confidence in marine mammal tissue samples used for research; and

"(B) documentation of procedures used for collecting, preparing, and archiving those samples.

"(3) SOURCE OF TISSUE.—In addition to tissue taken during marine mammal unusual mortality events, the Tissue Bank shall incorporate tissue samples taken from other sources in the wild, including—

"(A) samples from marine mammals taken incidental to commercial fishing operations;

"(B) samples from marine mammals taken for subsistence purposes;

"(C) biopsy samples; and

"(D) any other samples properly collected.

"(b) TISSUE ANALYSIS.—The Secretary shall, in consultation with the Marine Mammal Commission, the Secretary of the Interior, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, issue guidance, after an opportunity for public review and comment, for analyzing tissue samples (by use of the most effective and advanced diagnostic technologies and tools practicable) as a means to monitor and measure overall health trends in representative species or populations of marine mammals, including—

"(1) the levels of, and if possible, the effects of, potentially harmful contaminants; and

"(2) the frequency of, and if possible, the causes and effects of abnormal lesions or anomalies.

"(c) DATA BASE.—

"(1) IN GENERAL.—The Secretary shall maintain a central data base which provides an effective means for tracking and accessing data on marine mammals, including relevant data on marine mammal tissues collected for and maintained in the Tissue Bank.

"(2) CONTENTS.—The data base established under this subsection shall include—

"(A) reference data on the health of marine mammals and populations of marine mammals; and

"(B) data on species of marine mammals that are subject to unusual mortality events.

"(d) ACCESS.—The Secretary shall, in consultation with the Secretary of the Interior, establish criteria, after an opportunity for public review and comment, for access to—

"(1) marine mammal tissues in the Tissue Bank;

"(2) analyses conducted pursuant to subsection (b); and

"(3) marine mammal data in the data base maintained under subsection (c);

which provide for appropriate uses of the tissues, analyses, and data by qualified scientists, including stranding network participants.

"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated—

"(1) to the Secretary for carrying out this title (other than sections 305 and 307) $250,000 for each of fiscal years 1993 and 1994;

"(2) to the Secretary for carrying out section 307, $250,000 for each of fiscal years 1993 and 1994; and

"(3) to the Fund, $500,000 for fiscal year 1993.

"SEC. 309. DEFINITIONS.

"In the title, the following definitions apply:

"(1) The term 'Fund' means the Marine Mammal Unusual Mortality Event Fund established by section 305(a).

"(2) The term 'Office' means the Office of Protected Resources, in the National Marine Fisheries Service.

"(3) The term 'stranding' means an event in the wild in which—

"(A) a marine mammal is dead and is—

"(i) on a beach or shore of the United States; or

"(ii) in waters under the jurisdiction of the United States (including any navigable waters); or

"(B) a marine mammal is alive and is—

"(i) on a beach or shore of the United States and unable to return to the water;

"(ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or

"(iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.

"(4) The term 'stranding network participant' means a person who is authorized by an agreement under section 112(c) to take marine mammals as described in section 109(h)(1) in response to a stranding.

"(5) The term 'Tissue Bank' means the National Marine Tissue Bank provided for under section 307(a).

"(6) The term 'unusual mortality event' means a stranding that—

"(A) is unexpected;

"(B) involves a significant die-off of any marine mammal population; and

"(C) demands immediate response."

(b) IMPLEMENTATION.—The Secretary of Commerce shall—

(1) in accordance with section 302 (a) and (b) of the Marine Mammal Protection Act of 1972, as amended by this Act, and not later than 24 months after the date of enactment of this Act—

(A) develop and implement objective criteria to determine at what point a marine mammal undergoing rehabilitation is returnable to the wild; and

(B) collect and make available information on marine mammal health and health trends; and

(2) in accordance with section 304(b) of the Marine Mammal Protection Act of 1972, as amended by this Act, issue a detailed contingency plan for responding to any unusual mortality event—

(A) in proposed form by not later than 18 months after the date of enactment of this Act; and

(B) in final form by not later than 24 months after the date of enactment of this Act.

SEC. 304. CONFORMING AMENDMENTS.

(a) CROSS REFERENCES.—The Marine Mammal Protection Act of 1972 is amended—

(1) in section 102(a) (16 U.S.C. 1372(a)) by inserting "or title III" after "this title" the first place it appears;

(2) in section 109(h)(1) (16 U.S.C. 1379(h)(1)) by inserting "or title III" after "this title"; and

(3) in section 112(c) (16 U.S.C. 1382(c)) by inserting "or title III" after "this title".

(b) DEFINITION OF SECRETARY.—Section 3(11) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(11)) is amended—

(1) by striking "The term" and inserting "(A) Except as provided in subparagraph (B), the term";

(2) by redesignating subparagraph (A) as clause (i);

(3) by redesignating subparagraph (B) as clause (ii); and

(4) by adding at the end the following new subparagraph:

"(B) In title III the term 'Secretary' means the Secretary of Commerce."

SEC. 305. COASTAL IMPROVEMENTS.

The Secretary of the Army shall conduct studies for navigation projects for Provincetown Harbor, Massachusetts, and Aunt Lydia's Cove, Chatham, Massachusetts, and shall evaluate the benefits of the projects to commercial fishermen at full manufacturing wages. After completion of the studies, the Secretary of the Army shall carry out the projects under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

SEC. 306. TECHNICAL CLARIFICATION.

Section 4283B of the Revised Statutes (46 App. U.S.C. 183c) is amended in paragraph (2) by adding the word "any" before the word "court".

TITLE IV—NEW YORK ZEBRA MUSSELS

SEC. 402. NEW YORK CITY ZEBRA MUSSEL PROGRAM.

(a) MONITORING AND PREVENTION.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, the Governor of the State of New York and the Mayor of the city of New York, shall—

(A) develop a prevention monitoring program for zebra mussels throughout the New York City water supply system;

(B) develop appropriate zebra mussel prevention and removal technologies for the New York City water supply system; and

(C) provide technical assistance to the State of New York and the city of New York on alternative design and maintenance practices for the New York City water supply system in the event of zebra mussel infestation.

(2) COST SHARING.—The Secretary shall not initiate any monitoring, prevention, or technical assistance project or program under this subsection until appropriate non-Federal interests agree, by contract, to contribute 25 percent of the cost for such project or program during the period of such project or program.

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this subsection, there is authorized to be appropriated to the Secretary $2,000,000 for each fiscal years 1993, 1994, 1995, 1996, and 1997. Such sums shall remain available until expended.

(b) EXOTIC AQUATIC ORGANISMS.—

(1) IN GENERAL.—Section 1101(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711(b)) is amended by adding at the end the following new paragraph:

"(3) In addition to issuing regulations under paragraph (1), the Secretary, in consultation with the Task Force shall, not later than 24 months after the date of the enactment of this paragraph, issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through ballast water carried on vessels that, after operating on the waters beyond the exclusive economic zone, enter a United States port on the Hudson River north of the George Washington Bridge.".

(2) TECHNICAL CORRECTIONS.—The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*) is amended—

(A) by striking paragraph (1) of section 1003 and renumbering paragraphs (2) through (15) as paragraphs (1) through (14); and

(B) in subparagraph 1101(b)(2)(A) by striking "require" and inserting "apply to".

TITLE V—COAST GUARD AUTHORIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the "Coast Guard Authorization Act of 1992".

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for Fiscal Year 1993, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,603,000,000, of which—

(A) $253,100,000 shall be transferred from the Department of Defense;

(B) $31,876,000 shall be derived from the Oil Spill Liability Trust Fund; and

(C) $35,000,000 shall be expended from the Boat Safety Account.

(2) For the acquisition, construction, rebuilding, and improvement of aids-to-navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $419,300,000 to remain available until expended, of which—

(A) $18,000,000 shall be transferred from the Department of Defense; and

(B) $38,122,000 shall be derived from the Oil Spill Liability Trust Fund.

(3) For research, development, test, and evaluation, $29,900,000, to remain available until expended, of which $4,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $519,700,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Administration Program, $12,600,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, $30,500,000, to remain available until expended.

SEC. 503. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING.

(a) As of September 30, 1993, the Coast Guard is authorized an end-of-year strength for active duty personnel of 39,732. The authorized strength does not include members of the Ready Reserve called to active duty under section 712 of title 14, United States Code.

(b) For Fiscal Year 1993, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,653 student years.

(2) For flight training, 110 student years.

(3) For professional training in military and civilian institutions, 362 student years.

(4) For officer acquisition, 878 student years.

SEC. 504. SHORE FACILITIES IMPROVEMENTS AT GROUP CAPE HATTERAS.

Of amounts authorized to be appropriated for acquisition, construction rebuilding and improvement, the Secretary of Transportation shall expend not more than $5,500,000, in Fiscal Years 1993, 1994, 1995, 1996, and 1997, for shore facilities improvements within Group Cape Hatteras, North Carolina.

SEC. 505. PREPOSITIONED OIL SPILL CLEANUP EQUIPMENT.

Of the amounts authorized to be appropriated for acquisition, construction, rebuilding, and improvement that are derived from the Oil Spill Liability Trust Fund in fiscal year 1993, the Secretary of Transportation shall expend not more than—

(1) $890,000 to acquire and preposition oil spill response equipment at Houston, Texas; and

(2) $1,160,000 for the enhancement of Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Maritime Fire and Safety Association.

SEC. 506. OIL SPILL TRAINING SIMULATORS.

Of the amounts authorized to be appropriated for acquisition, construction, rebuilding, and improvement that are derived from the Oil Spill Liability Trust Fund in fiscal year 1993, the Secretary of Transportation shall make available not more than—

(1) $1,250,000 to the Texas Center for Marine Training and Safety at Galveston, Texas, for the purchase of a marine oil spill management simulator; and

(2) $1,250,000 to the Massachusetts Center for Marine Environmental Protection, located at Buzzards Bay, Massachusetts, for the purchase of a marine oil spill management simulator.

SEC. 507. EVACUATION ALLOWANCE.

Section 208 of the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102-368) applies to military personnel and civilian employees of the United States Coast Guard to the same extent as that section applies to the Department of Defense, except that funds available to the Coast Guard shall be used.

Subtitle A—Boating Safety

SEC. 5101. TREATMENT OF UNOBLIGATED ALLOCATIONS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.

Section 13104 of title 46, United States Code, is amended to read as follows: §13104. Availability of allocations

"(a)(1) Amounts allocated to a State shall be available for obligation by that State for a period of 3 years after the date of allocation.

"(2) Amounts allocated to a State that are not obligated to the end of the 3-year period referred to in paragraph (1) shall be withdrawn and allocated by the Secretary in addition to any other amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal year.

"(b) Amounts available to the Secretary for State recreational boating safety programs for a fiscal year that have not been allocated at the end of the fiscal year shall be allocated among States in the next fiscal year in addition to amounts otherwise available for allocation to States for the next fiscal year.".

SEC. 5102. INCREASED PENALTIES FOR OPERATING A VESSEL WHILE INTOXICATED.

Section 2302(c)(1) of title 46, United States Code, is amended by striking "$1,000;" and inserting "$1,000 for a first violation and not more than $5,000 for a subsequent violation;"

SEC. 5103. FUTURE BOATERS EDUCATION PROGRAM.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation 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 plan to increase the availability of voluntary safe boating education to individuals 16 years of age or younger. In developing the plan, the Sec-

retary shall consider using the resources of the Coast Guard Auxiliary to provide boating education to the greatest extent possible.

Subtitle B—Miscellaneous

SEC. 5201. COAST GUARD BAND DIRECTOR.

Section 336(d) of title 14, United States Code, is amended by striking "lieutenant".

SEC. 5202. RECYCLING PROGRAM.

Section 641 of title 14, United States Code, is amended by adding the following:

"(c)(1) The Commandant may—

"(A) provide for the sale of recyclable materials that the Coast Guard holds;

"(B) provide for the operation of recycling programs at Coast Guard installations; and

"(C) designate Coast Guard installations that have qualified recycling programs for the purposes of subsection (d)(2).

"(2) Recyclable materials shall be sold in accordance with section 203 of the Federal Property and Administrative Services Act of 1949 (U.S.C. 484).

"(d)(1) Proceeds from the sale of recyclable materials at a Coast Guard installation shall be credited to funds available for operations and maintenance at that installation in amounts sufficient to cover operations, maintenance, recycling equipment, and overhead costs for processing recyclable materials at the installation.

"(2) If, after funds are credited, a balance remains available to a Coast Guard installation and the installation has a qualified recycling program, not more than 50 percent of that balance may be used at the installation for projects for pollution abatement, energy conservation, and occupational safety and health activities. The cost of the project may not be greater than 50 percent of the amount permissible for a minor construction project.

"(3) The remaining balance available to a Coast Guard installation may be transferred to the Coast Guard Morale, Welfare and Recreation Program.

"(e) If the balance available to the Coast Guard installation under this section at the end of a fiscal year is in excess of $200,000, the amount of that excess shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.".

SEC. 5203. CONFIDENTIALITY OF MEDICAL RECORDS.

(a) Title 14, United States Code is amended by inserting after section 644 the following new section:

"§ 645. Confidentiality of medical quality assurance records; qualified immunity for participants

"(a) In this section—

"(1) 'medical quality assurance program' means any activity carried out by or for the Coast Guard to assess the quality of medical care, incuding activities conducted by individuals, military medical or dental treatment facility committees, or other review bodies responsible for quality assurance, credentials, infection control, patient care assessment (including treatment procedures, blood, drugs, and therapeutics) medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

"(2) 'medical quality assurance record' means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (1) and are produced or compiled by the Coast Guard as part of a medical quality assurance program.

"(3) 'health care provider' means any military or civilian health care professional who, under regulations prescribed by the Secretary, is granted clinical practice privileges to provide health care services in a military medical or dental treatment facility or who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

"(b) Medical quality assurance records created by or for the Coast Guard as part of a medical quality assurance program are confidential and privileged. The records may not be disclosed to any person or entity except as provided in subsection (d).

"(c)(1) Medical quality assurance records are not subject to discovery and may not be admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (d).

"(2) Except as provided in this section, an individual who reviews or creates quality assurance records for the Coast Guard or who participates in any proceeding that reviews or creates the records may not testify in any judicial or administrative proceeding with respect to the records or with respect to any finding, recommendation, evaluation, opinion, or action taken by that person in connection with the records.

"(d)(1) Subject to paragraph (2), a medical quality assurance record may be disclosed, and an individual referred to in subsection (c) may testify in connection with a record only as follows:

"(A) To a Federal executive agency or private organization, if necessary to license, accredit, or monitor Coast Guard health care facilities.

"(B) To an administrative or judicial proceeding commenced by a present or former Coast Guard or Coast Guard Public Health Service assignee, health care provider concerning the termination, suspension, or limitation of clinical privileges of the health care provider.

"(C) To a governmental board or agency or to a professional health care society or organization, if necessary to perform licensing, or privileging, or to monitor professional standards for a health care provider who is or was a member or an employee of the Coast Guard or the Public Health Service assigned to the Coast Guard.

"(D) To a hospital, medical center, or other institution that provides health care services, if necessary to assess the professional qualifications of any health care provider who is or was a member or employee of the Coast Guard or the Public Health Service assigned to the Coast Guard and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

"(E) To an officer, member, employee, or contractor of the Coast Guard or the Public Health Service assigned to the Coast Guard if for official purposes.

"(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that the record or testimony be provided for a purpose authorized by law.

"(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of the proceeding.

"(2) Except in a quality assurance action, the identity of any individual receiving health care services from the Coast Guard or the identity of any other individual associated with the agency for the purposes of a medical quality assurance program that is disclosed in a medical quality assurance record shall be deleted from that record or document before any disclosure of the record is made outside the Coast Guard. This requirement does not apply to the release of information under section 552a of title 5.

"(d) Except as provided in this section, a person having possession of or access to a record or testimony described by this section may not disclose the contents of the record or testimony.

"(e) Medical quality assurance records may not be made available to any person under section 552 of title 5.

"(f) An individual who participates in or provides information to an individual that reviews or creates medical quality assurance records is not civilly liable for participating or providing the information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

"(g) Nothing in this section shall be construed as—

"(1) authority to withhold from any person aggregate statistical information regarding the results of Coast Guard medical quality assurance programs;

"(2) authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the General Accounting Office if the record pertains to any matter within their respective jurisdictions;

"(3) limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

"(h) Except as otherwise provided in this section, an individual who willfully discloses a medical quality assurance record knowing that the record is a medical quality assurance record, is liable to the United States Government for a civil penalty of not more than $3,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense."

(b) The analysis for chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 644 the following new item:

"§ 645. Confidentiality of medical quality assurance records; qualified immunity for participants".

SEC. 5204. TELEPHONE INSTALLATION AND CHARGES.

(a) Title 14, United States Code, is amended by adding the following new section:

"§ 669. Telephone installation and charges

"Under regulations prescribed by the Secretary, amount appropriated to the Department of Transportation are available to install, repair, and maintain telephone wiring in residences owned or leased by the United States Government and, if necessary for national defense purposes in other private residences."

(b) The analysis for chapter 17 of title 24, United States Code, is amended by adding at the end the following new item:

"§ 669. Telephone installation and charges".

SEC. 5205. SPECIAL PAY.

(a) Section 306(a) of title 37, United States Code, is amended by striking "of pay grade O-3, O-4, O-5, or O-6" and inserting "of pay grade O-6 or below", and by striking the chart and inserting the following new chart:

"Pay Grade	Monthly Rate
O-6	$150
O-5	100
O-4 and below	50".

(b) Section 306(c) of title 307, United States Code, is amended by striking "in pay grade O-3," and inserting "in each of the pay grades O-3 and below,".

SEC. 5206. AMENDMENT OF INLAND NAVIGATIONAL RULES.

Section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) is amended by amending Rule 1(d) (33 U.S.C. 2001(d)) to read as follows:

"(d) Traffic separation schemes may be established for the purpose of these rules. Vessel traffic service regulations may be in effect in certain areas."; and

(2) by amending Rule 10 (33 U.S.C. 2010) to read as follows:

"RULE 10

"TRAFFIC SEPARATION SCHEMES

"(a) This Rule applies to traffic separation schemes and does not relieve any vessel of her obligation under any other Rule.

"(b) A vessel using a traffic separation scheme shall:

"(i) proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;

"(ii) so far as practicable keep clear of a traffic separation line or separation zone;

"(iii) normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

"(c) A vessel shall, so far as practicable, avoid crossing traffic lanes but if obliged to do so shall cross on a heading as nearly as practicable at right angles to the general direction of traffic flow.

"(d)(i) A vessel shall not use an inshore traffic zone when she can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than 20 meters in length, sailing vessels, and vessels engaged in fishing may use the inshore traffic zone.

"(ii) Notwithstanding subparagraph (d)(i), a vessel may use an inshore traffic zone when en route to or from a port, offshore installation or structure, pilot station, or any other place situated within the inshore traffic zone, or to avoid immediate danger.

"(e) A vessel other than a crossing vessel or a vessel joining or leaving a land shall not normally enter a separation zone or cross a separation line except:

"(i) in cases of emergency to avoid immediate danger; or

"(ii) to engage in fishing within a separation zone.

"(f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

"(g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

"(h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.

"(i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

"(j) A vessel of less than 20 meters in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

"(k) A vessel restricted in her ability to maneuver when engaged in an operation for the maintenance of safety of navigation in a traffic separation scheme is exempted from complying with this rule to the extent necessary to carry out the operation.

"(l) A vessel restricted in her ability to maneuver when engaged in an operation for the laying, servicing, or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this rule to the extent necessary to carry out the operation.".

SEC. 5207. STATE MARITIME ACADEMY VESSEL INSPECTION FEE RELIEF.

Section 2110 of title 46, United States Code, is amended by adding at the end the following:

"(j) The Secretary may not establish or collect a fee or charge for the inspection under part B of this subtitle of training vessels operated by state maritime academies.".

SEC. 5208. INSPECTION OF GREAT LAKES BARGES.

(a) Section 2101 of title 46, United States Code, is amended by inserting after paragraph (13) the following new paragraph:

"(13a) 'Great Lakes barge' means a nonself-propelled vessel of at least 3,500 gross tons operating on the Great Lakes."

(b) Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(13) Great Lakes barges.".

(c) For Great Lakes barges placed in operation after the date of enactment of this Act, the amendments made by this section take effect on the date of enactment of this Act.

(d)(1) For Great Lakes barges in operation on the date of enactment of this Act, the amendments made by this section take effect one year after the date of enactment of this Act.

(2) The Secretary of Transportation may impose reasonable interim requirements to assure safe operation of the barges affected by paragraph (1).

SEC. 5209. TANK VESSEL DEFINITION CLARIFICATION.

(a) In this section, "offshore supply vessel", "fish tender vessel", "fishing vessel", and "tank vessel" have the meanings given those terms under section 2101 of title 46, United States Code.

(b) The following vessels are deemed not to be a tank vessel for the purposes of any law:

(1) An offshore supply vessel.

(2) A fishing or fish tender vessel of not more than 750 gross tons that transfers without charge to a fishing vessel owned by the same person.

(c)(1) This section does not affect the authority of the Secretary of Transportation under chapter 33 of title 46, United States Code, to regulate the operation of the vessels listed in subsection (b) to ensure the safe carriage of oil and hazardous substances.

(2) This section does not affect the requirement for fish tender vessels engaged in the Aleutian trade to comply with chapters 33, 45, 51, 81, and 87 of title 46, United States Code, as provided in the Aleutian Trade Act of 1990 (Public Law 101-595).

(d) Current regulations governing the vessels in subsection (b) remain in effect.

SEC. 5210. AUTHORITY FOR THE COAST GUARD TO INSPECT AND WITHHOLD DOCUMENTS OF CERTAIN FOREIGN PASSENGER VESSELS.

(a) Section 3303(a) of title 46, United States Code, is amended in the first sentence—

(1) by striking "only" immediately after "is subject"; and

(2) by striking "the condition of the vessel's propulsion equipment and lifesaving equipment are" and inserting in lieu thereof "the condition of the vessel is".

(b) Section 3505 of title 46, United States Code, is amended by striking "or domestic vessel of more than 100 gross tons having berth or stateroom accommodations for at least 50 passengers" and insert "vessel".

SEC. 5211. REIMBURSEMENT FOR OVERSEAS INSPECTIONS AND EXAMINATIONS.

Section 3317(b) of title 46, United States Code, is amended—

(1) by striking "chapter" and inserting "part"; and

(2) by inserting "or a foreign vessel" immediately after "documented vessel".

SEC. 5212. WATCHSTANDING ON CERTAIN VESSELS.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (g), by inserting "a vessel used only to respond to a discharge of oil or a hazardous substance," after "an offshore supply vessel,"; and

(2) by redesignating the second subsection (n) as subsection (o).

SEC. 5213. DENIAL AND REVOCATION OF ENDORSEMENTS.

(a) Chapter 121 of title 46, United States Code, is amended—

(1) in section 12103(a), by striking "On" and inserting "Except as provided in section 12123 of this title, on";

(2) by amending section 12110(c) to read as follows:

"(c) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government—

"(1) when a vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(2) when a vessel is employed in a trade without an appropriate trade endorsement; or

"(3) when a documented vessel with a recreational endorsement is operated other than for pleasure."; and

(3) by adding the following new section:

§ 12123. Denial and revocation of endorsements

"When the owner of a vessel fails to pay a civil penalty assessed by the Secretary, the Secretary may deny the issuance or renewal of an endorsement or revoke the endorsement on a certificate of documentation issued under this chapter.".

(b) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following:

§ 12123. Denial and revocation of endorsements".

SEC. 5214. ACCEPTANCE OF EVIDENCE OF PAYMENT OF COAST GUARD FEES.

The Secretary of Transportation may not issue a citation for failure to pay a fee or charge established under section 2110 of title 46, United States Code, to an owner or operator of a recreational vessel who provides reasonable evidence of prior payment of the fee or charge to a Coast Guard boarding officer.

SEC. 5215. SCHEDULE FOR OPERATION OF DRAWBRIDGE OF WOODROW WILSON MEMORIAL BRIDGE.

(a)(1) The Secretary of the department in which the Coast Guard is operating (in this section referred to as the "Secretary") shall not operate the drawbridge of the Woodrow Wilson Memorial Bridge in the following periods for the passage of a commercial vessel:

(A) Monday through Friday (except Federal holidays), 5:00 a.m. to 10:00 a.m. and 2:00 p.m. to 8:00 p.m.

(B) Saturday, Sunday, and Federal holidays, 2:00 p.m. to 7:00 p.m.

(2) The Secretary need not operate the drawbridge of the Woodrow Wilson Memorial

Bridge for the passage of a commercial vessel under paragraph (1) unless—

(A) the owner or operator of the vessel provides the bridge tender with an estimate of the approximate time of that passage at least 12 hours in advance; and

(B) the owner or operator of the vessel notifies the bridge tender at least 4 hours in advance of the requested time for that passage.

(3) Not later than 180 days after the date of enactment of this Act, the Secretary shall issue an Advance Notice of Proposed Rulemaking to solicit comments on whether there are practical ways to encourage owners and operators of commercial vessels to make every reasonable effort to notify the bridge tender of the time a vessel will pass the Woodrow Wilson Memorial Bridge by not later than 24 hours before that passage.

(b)(1) The Secretary shall not operate the drawbridge of the Woodrow Wilson Memorial Bridge in the following periods for the passage of a recreational vessel:

(A) Monday through Friday (except Federal holidays), 5:00 a.m. to 12:00 midnight;

(B) Saturday, Sunday, and Federal holidays, 7:00 a.m. to 12:00 midnight, except as provided in paragraph (2).

(2) Notwithstanding paragraph (1)(B), the Secretary may operate the drawbridge of the Woodrow Wilson Memorial Bridge beginning at 10:00 p.m. on Saturday, Sunday, or a Federal holiday for the passage of a recreational vessel, if the owner or operator of the vessel notifies the Secretary of the time of that passage by not later than 12 hours before that time.

(3) This subsection shall not be construed to prohibit a recreational vessel from passing the Woodrow Wilson Memorial Bridge at any time at which the drawbridge is being operated for the passage of a commercial vessel.

(c) The Secretary shall operate the drawbridge of the Woodrow Wilson Memorial Bridge on signal at anytime for a vessel in distress.

SEC. 5216. STATION BRANT POINT BOAT HOUSE.

(a)(1) The Secretary of Transportation shall convey to the town of Nantucket, Massachusetts, all right, title, and interest of the United States in and to the building known as the Station Brant Point Boat House located at Coast Guard Station Brant Point, Nantucket, Massachusetts.

(2) A conveyance of the building under paragraph (1) shall be made—

(A) without the payment of consideration; and

(B) subject to appropriate terms and conditions the Secretary considers necessary.

(b)(1) The Secretary shall enter into a lease of not less than 20 years permitting the town of Nantucket to occupy the property on which the Brant Point Boat House is located, subject to appropriate terms and conditions the Secretary considers necessary.

(2) If the Secretary determines that the property leased under paragraph (1) is necessary for purposes of Coast Guard, the Secretary—

(A) may terminate the lease without payment of compensation; and

(B) shall provide the town of Nantucket with not less than 12 months notice of the requirement to vacate the site and move the Boat House to another location.

SEC. 5217. STUDY OF THE APPLICATION OF TILTROTOR AIRCRAFT TECHNOLOGY TO COAST GUARD MISSIONS.

(a) Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall submit a study to Congress on the application of the V-22 Osprey tiltrotor technology to Coast Guard missions.

(b) In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the application of tiltrotor technology to Coast Guard mission including—

(A) search and rescue at sea; and

(B) the enforcement of laws of the United States especially with respect to drug interdiction;

(2) determine whether use of the technology in the Coast Guard marine environmental protection program would minimize the damage caused by oil or hazardous substances spills in the waters of the United States; and

(3) determine what effect the technology would have on Coast Guard manpower and operating costs, compared to those costs associated with technology currently used by the Coast Guard.

SEC. 5218. ENFORCEMENT AGREEMENTS.

The Coast Guard and the Department of Commerce shall enter into a Memorandum of Agreement regarding fisheries enforcement practices and procedures that provide at a minimum for the opportunity, if timely requested, to appear in person to respond to charges of violation of law or regulation when the opportunity for a hearing is granted by statue. The Memorandum of Agreement shall also provide that all enforcement procedures shall be fair and consistently applied.

SEC. 5219. AUTHORIZING PAYMENTS TO CERTAIN SUBCONTRACTORS.

(a) Not later than 6 months after the date of enactment of this title, the Secretary of Transportation shall determine the amounts that MZIP, Incorporated, owes to all subcontractors that performed work or supplied materials under Coast Guard contract DTCG50-87-C-00096.

(b) Investigation or interviews conducted to determine amounts owed under subsection (a) shall be conducted in Ketchikan, Alaska.

(c) Not later than two months after making the determinations under subsection (a), the Secretary is authorized to pay the subcontractors the amounts owed.

SEC. 5220. SANKATY HEAD LIGHT STATION.

(a)(1) The Secretary of Transportation shall convey to the Nantucket Historical Association in Nantucket, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising the Sankaty Head Light Station.

(2) The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b)(1) A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration;

(B) subject to the condition that all or part of the property may be sold and the money from the sale used for the purpose of moving the Sankaty Head Lighthouse to a location at which the Lighthouse can be maintained and preserved and for its maintenance and preservation in accordance with paragraph (2); and

(C) subject to such other terms and conditions as the Secretary may consider appropriate.

(2) In addition to any term or condition established pursuant to paragraph (1), any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Sankaty Head Lighthouse shall immediately revert to the United States if the Lighthouse ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of Nantucket, Massachusetts.

(3) Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Nantucket Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Sankaty Head Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed, or the property to which the Sankaty Head Lighthouse is relocated, without notice for the purpose of maintaining navigation aids; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property.

(4) The Nantucket Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section or on property to which the Sankaty Head Lighthouse may be relocated.

(c) The Nantucket Historical Association shall maintain the Sankaty Head Lighthouse in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(d) For purposes of this section—

(1) "Sankaty Head Light Station" means the Coast Guard lighthouse located on the eastern shore of Nantucket Island, Massachusetts, including the keeper's dwelling, adjacent Coast Guard rights of way, and such land as may be necessary to enable the Nantucket Historical Association to use the proceeds from the sale of the land for the relocation, maintenance and preservation of the Sankaty Head Lighthouse; and

(2) "Sankaty Head Lighthouse" means the Coast Guard lighthouse located at the Sankaty Head Light Station.

SEC. 5221. STUDY OF BUOY CHAIN PROCUREMENT PRACTICES.

(a) Not later than 6 months after the date of enactment of this title, the Secretary of Transportation shall submit a study to Congress on acquisition of Coast Guard buoy chain.

(b) In conducting the study under subsection (a), the Secretary shall consider—

(1) the ability of United States buoy chain manufacturers to successfully compete for United States Government contracts to provide buoy chain to the Coast Guard; and

(2) the effect on the national security of United States dependence on foreign sources for acquisition of buoy chain.

SEC. 5222. CORRECTION REGARDING CERTAIN EXEMPTIONS.

Section 4506 of title 46, United States Code, is amended by striking "4502(b)(2)" and inserting "4502(b)(2)(B)".

SEC. 5223. CONTRACT FOR CERTAIN SERVICES AT COAST GUARD SUPPORT CENTER IN KODIAK, ALASKA.

Notwithstanding any other law, the Coast Guard is authorized, pursuant to the provi-

sions of applicable acquisition regulations, to enter into a negotiated contract with PTI, at a fair and reasonable price that reflects a fair allocation of costs between Alaska ratepayers and the Coast Guard, to provide Digitrex central-office-based business services to the Coast Guard Support Center in Kodiak, Alaska, at Building 576. The Coast Guard shall pay only for service and service enhancements received or to be received by the United States at the Coast Guard Support Center, Kodiak, Alaska. The termination liability of such contract shall be negotiated, but shall not exceed $342,047.

Subtitle C—Abandoned Barges

SEC. 5301. SHORT TITLE.

This subtitle may be cited as the "Abandoned Barge Act of 1992".

SEC. 5302. ABANDONMENT OF BARGES.

Part B of subtitle II of title 46, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 47—ABANDONMENT OF BARGES

"Sec.
"4701. Definitions.
"4702. Abandonment of barge prohibited.
"4703. Penalty for unlawful abandonment of barge.
"4704. Removal of abandoned barges.
"4705. Liability of barge removal contractors.

"§ 4701. Definitions

"In this chapter—

"(1) 'abandon' means to moor, strand, wreck, sink, or leave a barge of more than 100 gross tons unattended for longer than forty-five days.

"(2) 'barge removal contractor' means a person that enters into a contract with the United States to remove an abandoned barge under this chapter.

"(3) 'navigable waters of the United States' means waters of the United States, including the territorial sea.

"(4) 'removal' or 'remove' means relocation, sale, scrapping, or other method of disposal.

"§ 4702. Abandonment of barge prohibited

"(a) An owner or operator of a barge may not abandon it on the navigable waters of the United States. A barge is deemed not to be abandoned if—

"(1) it is located at a Federally- or State-approved mooring area;

"(2) it is on private property with the permission of the owner of the property; or

"(3) the owner or operator notifies the Secretary that the barge is not abandoned and the location of the barge."

"§ 4703. Penalty for unlawful abandonment of barge

"Thirty days after the notification procedures under section 4704(a)(1) are completed, the Secretary may assess a civil penalty of not more than $1,000 for each day of the violation against an owner or operator that violates section 4702. A vessel with respect to which a penalty is assessed under this chapter is liable in rem for the penalty.

"§ 4704. Removal of abandoned barges

"(a)(1) The Secretary may remove a barge that is abandoned after complying with the following procedures;

"(A) If the identity of the owner or operator can be determined, the Secretary shall notify the owner or operator by certified mail—

"(i) that if the barge is not removed it will be removed at the owner's or operator's expense; and

"(ii) of the penalty under section 4703.

"(B) If the identity of the owner or operator cannot be determined, the Secretary shall publish an announcement in—

"(i) a notice to mariners; and

"(ii) an official journal of the county in which the barge is located

that if the barge is not removed it will be removed at the owner's or operator's expense.

"(2) The United States, and any officer or employee of the United States is not liable to an owner or operator for damages resulting from removal of an abandoned barge under this chapter.

"(b) The owner or operator of an abandoned barge is liable, and an abandoned barge is liable in rem, for all expenses that the United States incurs in removing an abandoned barge under this chapter.

"(c)(1) The Secretary may, after providing notice under subsection (a)(1), solicit by public advertisement sealed bids for the removal of an abandoned barge.

"(2) After solicitation under paragraph (1) the Secretary may award a contract. The contract—

"(A) may be subject to the condition that the barge and all property on the barge is the property of the barge removal contractor; and

"(B) must require the barge removal contractor to submit to the Secretary a plan for the removal.

"(3) Removal of an abandoned barge may begin thirty days after the Secretary completes the procedures under subsection (a)(1).

"§ 4705. Liability of barge removal contractors

"(a)(1) A barge removal contractor and its subcontractor not liable for damages that result from actions taken or omitted to be taken in the course of removing a barge under this chapter.

"(2) Paragraph (1) does not apply—

"(A) with respect to personal injury or wrongful death; or

"(B) if the contractor or subcontractor is grossly negligent or engages in willful misconduct.".

SEC. 5303. APPLICATION TO CERTAIN BARGES.

Chapter 47 of title 46, United States Code, as added by subsection (a), does not apply to a barge abandoned before June 11, 1992, if the barge was removed before the date that is 1 year after the date of enactment of this title.

SEC. 5304. CLERICAL AMENDMENT.

The analysis of subtitle II at the beginning of title 46, United States Code, is amended by inserting after the item relating to chapter 45 the following:

"47. Abandonment of barges ..... 4701".

SEC. 5305. NUMBERING OF BARGES.

Section 12301 of title 46, United States Code, is amended—

(1) by inserting "(a)" before "An undocumented vessel"; and

(2) by adding at the end the following:

"(b) The Secretary shall require an undocumented barge more than 100 gross tons operating on the navigable waters of the United States to be numbered.".

Subtitle D—Honoring the Coast Guard Women's Reserve

SEC. 5401. FINDINGS.

The Congress finds the following:

(1) The Congress passed legislation 50 years ago establishing the Coast Guard Women's Reserve.

(2) The Congress recognized both women's right to participate in the total war effort and the military's pressing need for women during World War II.

(3) The Congress responded to women's commitment and dedication by creating the Coast Guard Women's Reserve as a sister service to the WACS, and the Women Marines.

(4) The first director of the Coast Guard Women's Reserve, Captain Dorothy C. Stratton, named the Coast Guard Women's Reserve SPAR, an acronym derived from the Latin and English translations of the Coast Guard motto, Semper Paratus Always Ready.

(5) The first director recruited the best and brightest women from industry, educational institutions, and homes.

(6) SPARs' high level of education and experience greatly reduced the need for further training and SPARs only needed to be taught military structure and Coast Guard missions and traditions.

(7) SPARs made history by being the first women trained at a service academy.

(8) SPARs performed admirably as executive officers, division heads, officers of the day, watch officers, and courts martial members.

(9) SPARs served our Nation as boatswain mates, coxswains, gunners mates, carpenters, and machinists mates.

(10) SPARs served with distinction in highly specialized jobs during the Korean War and the Vietnam conflict.

(11) A group of Coast Guard Women's Reserves remained on active duty during the 1950's and 1960's primarily at Coast Guard headquarters.

(12) In 1950, women were integrated into the Organized Reserve Training Program.

(13) In every phase of Coast Guard history, women have served our Nation with dedication, honor, and sacrifice.

SEC. 5402. DESIGNATION OF SPAR ANNIVERSARY WEEK.

November 17 through November 23, 1992, is designated as "SPAR Anniversary Week". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Subtitle E—Merchant Marine Provisions

SEC. 5501. COASTWISE LAWS.

(a)(1) Section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), is amended to read as follows:

"SECTION 1. VESSELS THAT MAY ENGAGE IN DREDGING.

"(a) IN GENERAL.—Except as provided in subsection (b), a vessel may engage in dredging in the navigable waters of the United States only if—

"(1) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920 and section 2 of the Shipping Act, 1916 for engaging in the coastwise trade;

"(2) when chartered, the charterer of the vessel is a citizen of the United States under section 2 of the Shipping Act, 1916 for engaging in the coastwise trade; and

"(3) for a vessel that is at least 5 net tons, the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(b) EXCEPTION.—A documented vessel with a registry endorsement may engage in the dredging of gold in Alaska.

"(c) PENALTY.—When a vessel is operated in knowing violation of this section, that vessel and its equipment are liable to seizure by and forfeiture to the United States Government.".

(2) The amendment made by paragraph (1) does not apply to—

(A)(i) the vessel STUYVESANT, official number 648540;

(ii) any other hopper dredging vessel documented under chapter 121 of title 46, United States Code before the effective date of this Act and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest; however, this exception expires on December 3, 2022, or when the vessel STUYVESANT ceases to be documented under chapter 121, whichever first occurs; and

(iii) any other non-hopper dredging vessel documented under chapter 121 and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest, as is necessary (a) to fulfill dredging obligations under a specific contract, including any extension periods; or (b) as temporary replacement capacity for a vessel which has become disabled but only for so long as the disability shall last and until the vessel is in a position to fully resume dredging operations; however, this exception expires on December 8, 2022, or when the vessel STUYVESANT ceases to be documented under chapter 121, whichever first occurs;

(B) the vessel COLUMBUS, official number 590658, except that the vessel's certificate of documentation shall be endorsed to prohibit the vessel from engaging in the transportation of merchandise (except valueless material), including dredge material of value, between places within the navigable waters of the United States;

(C) a vessel that is engaged in dredged material excavation if that excavation is not more than a minority of the total cost of the construction contract in which the excavation is a single, integral part, and the vessel is—

(i) built in the United States;

(ii) a non-self-propelled mechanical clamshell dredging vessel; and

(iii) owned or chartered by a corporation that had on file with the Secretary of Transportation, on August 1, 1989, the certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883-1); or

(D) any other documented vessel engaged in dredging and time chartered to an entity that, on August 1, 1989, was, and has continuously remained, the parent of a corporation that had on file with the Secretary of Transportation on August 1, 1989, a certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883-1) if the vessel is—

(i) not engaged in a federally funded navigation dredging project; and

(ii) engaged only in dredging associated with, and integral to, accomplishment of that parent's regular business requirements.

(b) Section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) is amended by striking "merchandise" the first place it appears and inserting "merchandise, including merchandise owned by the United States Government, a State (as defined in section 2101 of title 26, United States Code), or a subdivision of a State,".

(c) The Act of June 7, 1988 (Public Law 100-329; 102 Stat. 588), including the amendments made by that Act, does not apply to a vessel—

(1) engaged in the transportation of valueless material or valueless dredged material; and

(2) owned or chartered by a corporation that had on file with the Secretary of Transportation on August 1, 1989, the certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883-1).

SEC. 5502. TREATMENT OF CERTAIN SEIZED FISHING VESSELS UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) Notwithstanding another law, each of the vessels described in subsection (b) of this section is deemed to have been covered by an agreement, beginning August 13, 1992, and ending September 29, 1992, with the Secretary of State under section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977).

(b) The vessels referred to in subsection (a) are the following:

(1) THE KANAOLA (United States official number 923848).

(2) THE MANA LOA (United States official number 919649).

(3) THE MANA OLA (United States official number 902605).

(4) THE MANA IKI (United States official number 906800).

Subtitle F—Clean Vessel

SEC. 5601. SHORT TITLE.

This subtitle may be cited as the "Clean Vessel Act of 1992".

SEC. 5602. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The discharge of untreated sewage by vessels is prohibited under Federal law in all areas within the navigable waters of the United States.

(2) The discharge of treated sewage by vessels is prohibited under either Federal or State law in many of the United States bodies of water where recreational boaters operated.

(3) There is currently an inadequate number of pumpout stations for type III marine sanitation devices where recreational vessels normally operate.

(4) Sewage discharged by recreational vessels because of an inadequate number of pumpout stations is a substantial contributor to localized degradation of water quality in the United States.

(b) PURPOSE.—The purpose of this subtitle is to provide funds to States for the construction, renovation, operation, and maintenance of pumpout stations and waste reception facilities.

SEC. 5603. DETERMINATION AND PLAN REGARDING STATE MARINE SANITATION DEVICE PUMPOUT STATION NEEDS.

(a) SURVEY.—Within 3 months after the notification under section 5605(b), each coastal State shall conduct a survey to determine—

(1) the number and location of all operational pumpout stations and waste reception facilities at public and private marinas, mooring areas, docks, and other boating access facilities within the coastal zone of the state; and

(2) the number of recreational vessels in the coastal waters of the State with type III marine sanitation devices or portable toilets, and the areas of those coastal waters where those vessels congregate.

(b) PLAN.—Within 6 months after the notification under section 5605(b), and based on the survey conducted under subsection (a), each coastal State shall—

(1) develop and submit to the Secretary of the Interior a plan for any construction or renovation of pumpout stations and waste reception facilities that are necessary to ensure that, based on the guidance issued under section 5605(a), there are pumpout stations and waste reception facilities in the State that are adequate and reasonably available to meet the needs of recreational vessels using the coastal waters of the State; and

(2) submit to the Secretary of the Interior with that plan a list of all stations and facilities in the coastal zone of the State which are operational on the date of submittal.

(c) PLAN APPROVAL.—

(1) IN GENERAL.—Not later than 60 days after a plan is submitted by a State under subsection (b), the Secretary of the Interior shall approve or disapprove the plan, based on—

(A) the adequacy of the survey conducted by the State under subsection (a); and

(B) the ability of the plan, based on the guidance issued under section 5605(a), to meet the construction and renovation needs of the recreational vessels identified in the survey.

(2) NOTIFICATION OF STATE; MODIFICATION.—The Secretary of the Interior shall promptly notify the affected Governor of the approval or disapproval of a plan. If a plan is disapproved, the Secretary of the Interior shall recommend necessary modifications and return the plan to the affected Governor.

(3) RESUBMITTAL.—Not later than 60 days after receiving a plan returned by the Secretary of the Interior, the governor shall make the appropriate changes and resubmit the plan.

(d) INDICATION OF STATIONS AND FACILITIES ON NOAA CHARTS.—

(1) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall indicate, on charts published by the National Oceanic and Atmospheric Administration for the use of operators of recreational vessels, the locations of pumpout stations and waste reception facilities.

(2) NOTIFICATION OF NOAA.—

(A) LISTS OF STATIONS AND FACILITIES.—The Secretary of the Interior shall transmit to the Under Secretary of Commerce of Oceans and Atmosphere each list of operational stations and facilities submitted by a State under subsection (b)(2), by not later than 30 days after the date of receipt of that list.

(B) COMPLETION OF PROJECT.—The Director of the United States Fish and Wildlife Service shall notify the Under Secretary of the location of each station or facility at which a construction or renovation project is completed by a State with amounts made available under the Act of August 9, 1950 (16 U.S.C. 777a et seq.), as amended by this subtitle, by not later than 30 days after the date of notification by a State of the completion of the project.

SEC. 5604. FUNDING.

(a) TRANSFER.—Section 4 of the Act of August 9, 1950 (16, U.S.C. 777c), is amended—

(1) by striking "So much, not to exceed 6 per centum," and all that follows through "shall apportion the remainder of the appropriation for each fiscal year among the several States" and inserting the following:

"(a) The Secretary of the Interior shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 3 of this Act as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (title III, Public Law 101-646). Notwithstanding the provisions of section 3 of this Act, such sums shall remain available to carry out such Act through fiscal year 1999.

"(b) Of the balance of each such annual appropriation remaining after making the distribution under subsection (a), an amount equal to $10,000,000 for fiscal year 1993, $15,000,000 for each of fiscal years 1994 and 1995, and $20,000,000 for each of fiscal years 1996 and 1997 shall be used as follows:

"(1) One-half shall be transferred to the Secretary of Transportation and be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code; and

"(2) One-half of amounts made available under this subsection in a fiscal year shall be available for two years for obligation under section 5604(c) of the Clean Vessel Act of

1992. The Secretary of Interior may make grants for qualified projects in an amount up to the amount available under this paragraph. Amounts unobligated by the Secretary of the Interior after 2 years shall be transferred to the Secretary of Transportation and be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

"(c) Of the balance of each such annual appropriation remaining after the distribution and use under subsections (a) and (b), respectively, so much, not to exceed 6 per centum of such balance, as the Secretary of the Interior may estimate to be necessary for his or her expenses in the conduct of necessary investigations, administration, and the execution of this Act and for aiding in the formulation, adoption, or administration of any compact between 2 or more States for the conservation and management of migratory fishes in marine or freshwaters, shall be deducted for that purpose, and such sum is authorized to be made available until the expiration of the next succeeding fiscal year.

"(d) The Secretary of the Interior, after the distribution, transfer, use, and deduction under subsections (a), (b), and (c), respectively, shall apportion the remainder of each such annual appropriation among the several States"; and

(2) by inserting "(e)" before "So much of any sum" and redesignating the last 2 sentences of that section as subsection (e).

(b) ACCESS INCREASE.—Section 8 of the Act of August 9, 1950 (16 U.S.C. 777g), is amended—

(1) in subsection (b)(1) by:

(A) striking "10 per centum" and inserting "12½ per centum"; and

(B) inserting after the first sentence the following: "Notwithstanding this provision, States within a United States Fish and Wildlife Service Administrative Region may allocate more or less than 12½ per centum in a fiscal year, provided that the total regional allocation averages 12½ per centum over a 5 year period.";

(2) in subsection (b)(2) by:

(A) striking "fiscal year" after "succeeding" the first time it appears and inserting "four fiscal years"; and

(B) striking "succeeding fiscal year" the second time it appears and inserting "period";

(3) in subsection (c) by inserting "and outreach" in the first sentence after "education"; and

(4) by adding at the end the following new subsection:

"(d) Pumpout Stations and Waste Reception Facilities.—Amounts apportioned to States under section 4 of this Act may be used to pay not more than 75 percent of the costs of constructing, renovating, operating, or maintaining pumpout stations and waste reception facilities (as those terms are defined in the Clean Vessel Act of 1992).".

(c) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior may obligate an amount not to exceed the amount made available under section 4(b)(2) of the Act of August 8, 1950 (16 U.S.C. 777c(b)(2), as amended by this Act), to make grants to—

(A) coastal States to pay not more than 75 percent of the cost to a coastal State of—

(i) conducting a survey under section 5603(a);

(ii) developing and submitting a plan and accompanying list under section 5603(b);

(iii) constructing and renovating pumpout stations and waste reception facilities; and

(iv) conducting a program to educate recreational boaters about the problem of human body waste discharges from vessels and inform them of the location of pumpout stations and waste reception facilities.

(B) inland States, which can demonstrate to the Secretary of the Interior that there are an inadequate number of pumpout stations and waste reception facilities to meet the needs of recreational vessels in the waters of that State, to pay 75 percent of the cost to that State of—

(i) constructing and renovating pumpout stations and waste reception facilities in the inland state; and

(ii) conducting a program to educate recreational boaters about the problem of human body waste discharges from vessels and inform them of the location of pumpout stations and waste reception facilities.

(2) PRIORITY.—In awarding grants under this subsection, the Secretary of the Interior shall give priority consideration to grant applications that—

(A) in coastal States, propose constructing and renovating pumpout stations and waste reception facilities in accordance with a coastal State's plan approved under section 5603(c);

(B) provide for public/private partnership efforts to develop and operate pumpout stations and waste receptions facilities; and

(C) propose innovative ways to increase the availability and use of pumpout stations and waste reception facilities.

(d) DISCLAIMER.—Nothing in this subtitle shall be interpreted to preclude a State from carrying out the provisions of this subtitle with funds other than those described in this section.

SEC. 5605. GUIDANCE AND NOTIFICATION.

(a) ISSUANCE OF GUIDANCE.—Not later than 3 months after the date of the enactment of this subtitle, the Secretary of the Interior shall, after consulting with the Commandant of the Coast Guard, issue for public comment pumpout station and waste reception facility guidance. The Secretary of the Interior shall finalize the guidance not later than 6 months after the date of enactment of this subtitle. The guidance shall include—

(1) guidance regarding the types of pumpout stations and waste reception facilities that may be appropriate for construction, renovation, operation, or maintenance with amounts available under the Act of August 9, 1950 (16 U.S.C. 777a et seq.), as amended by this subtitle, and appropriate location of the stations and facilities within a marina or boatyard;

(2) guidance defining what constitutes adequate and reasonably available pumpout stations and waste reception facilities in boating areas;

(3) guidance on appropriate methods for disposal of vessel sewage from pumpout stations and waste reception facilities;

(4) guidance on appropriate connector fittings to facilitate the sanitary and expeditious discharge of sewage from vessels;

(5) guidance on the waters most likely to be affected by the discharge of sewage from vessels; and

(6) other information that is considered necessary to promote the establishment of pumpout facilities to reduce sewage discharges from vessels and to protect United States waters.

(b) NOTIFICATION.—Not later than 1 month after the guidance issued under subsection (a) is finalized, the Secretary of the Interior shall provide notification in writing to the fish and wildlife, water pollution control, and coastal zone management authorities of each State, of—

(1) the availability of amounts under the Act of August 9, 1950 (16 U.S.C. 777a et seq.) to implement the Clean Vessel Act of 1992; and

(2) the guidance developed under subsection (a).

SEC. 5606. EFFECT ON STATE FUNDING ELIGIBILITY.

This subtitle shall not be construed or applied to jeopardize any funds available to a coastal State under the Act of August 9, 1950 (16 U.S.C. 777a et seq.), if the coastal State is, in good faith, pursuing a survey and plan designed to meet the purposes of this subtitle.

SEC. 5607. APPLICABILITY.

The requirements of section 5603 shall not apply to a coastal State if within 6 months after the date of enactment of this subtitle the Secretary of the Interior certifies that—

(1) the State has developed and is implementing a plan that will ensure that there will be pumpout stations and waste reception facilities adequate to meet the needs of recreational vessels in the coastal waters of the State; or

(2) existing pumpout stations and waste reception facilities in the coastal waters of the State are adequate to meet those needs.

SEC. 5608. DEFINITIONS.

For the purposes of this subtitle the term:

(1) "coastal State"—

(A) means a State of the United States in, or bordering on the Atlantic, Pacific, or Arctic Ocean; the Gulf of Mexico; Long Island Sound; or one or more of the Great Lakes;

(B) includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

(C) does not include a State for which the ratio of the number of recreational vessels in the State numbered under chapter 123 of title 46, United States Code, to number of miles of shoreline (as that term is defined in section 926.2(d) of title 15, Code of Federal Regulations, as in effect on January 1, 1991), is less than one.

(2) "coastal waters" means—

(A) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes; and

(B) in other areas, those waters, adjacent to the shorelines, which contain a measurable percentage of sea water, including sounds, bays, lagoons, bayous, ponds, and estuaries.

(3) "coastal zone" has the same meaning that term has in section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1));

(4) "inland State" means a State which is not a coastal state;

(5) "type III marine sanitation device" means any equipment for installation on board a vessel which is specifically designed to receive, retain, and discharge human body wastes;

(6) "pumpout station" means a facility that pumps or receives human body wastes out of type III marine sanitation devices installed on board vessels;

(7) "recreational vessel" means a vessel—

(A) manufactured for operation, or operated, primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure; and

(8) "waste reception facility" means a facility specifically designed to receive wastes from portable toilets carried on vessels, and does not include lavatories.

Subtitle G—Maritime Amendments.

SEC. 5701. STUDENT INCENTIVE PAYMENTS.

(a) AMOUNT OF ANNUAL PAYMENT.—

(1) INCREASE IN AMOUNT.—Section 1304(g)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(1) is amended by striking "$1,200" and inserting "$3,000".

(2) APPLICATION.—The amendment made by subsection (a) shall apply to payments under section 1304(g)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(1)) made with respect to academic years beginning after the date of the enactment of this Act.

(b) MANNER OF PAYMENT.—Section 1304(g)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(1)) is further amended—

(1) in subparagraph (B) by inserting "and" after the semicolon;

(2) by striking subparagraph (C);

(3) by redesignating subparagraph (D) as subparagraph (C); and

(4) in subparagraph (C) (as so redesignated) by striking ", for the academic years after those years specified in subparagraph (C),".

(c) CONFORMING AMENDMENT.—Section 1304(g)(4) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1293c(g)(4)) is amended by striking "paragraph (1)(C) of this subsection" and inserting "paragraph (1)".

SEC. 5702. TRANSFER OF CERTAIN VESSELS.

The Secretary of the Navy shall transfer to the Department of Transportation the following vessels, to be assigned as training ships to Texas A&M University at Galveston, Texas, and to the Maine Maritime Academy at Castine, Maine, when those vessels are no longer required for use by the Navy.

(1) U.S.N.S. CHAUVENET (T-AG-29).

(2) U.S.N.S. HARKNESS (T-AG-32).

SEC. 5703. MASSACHUSETTS CENTER FOR MARINE ENVIRONMENTAL PROTECTION.

For Fiscal Year 1993, $242,000 is authorized to be appropriated to the Maritime Administration for the Massachusetts Center for Marine Environmental Protection located at the Massachusetts Maritime Academy.

SEC. 5704. FEDERAL SHIP MORTGAGE INSURANCE FOR CERTAIN CONSTRUCTION AND RECONSTRUCTION.

Section 1104B(b)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274a(b)(2)) is amended by striking "75 percent" and inserting "87½ percent".

SEC. 5705. TECHNICAL CORRECTIONS.

(a) MERCHANT SHIP SALES ACT OF 1946.—Section 11(b) of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744), as amended by section 6 of the Act of October 13, 1989 (Public Law 101-115; 103 Stat. 693; commonly referred to as the "Maritime Administration Authorization, 1990"), is amended to read as if it had not been repealed by section 307(12) of the Coast Guard Authorization Act of 1989 (Public Law 101-225; 103 Stat. 1925). The effective date of this subsection is December 12, 1989.

(b) MERCHANT MARINE ACT, 1920.—Section 19 of the Merchant Marine Act, 1920 (46 App. U.S.C. 876) is amended—

(1) in paragraph (1)(b) by striking "systems" and inserting "systems"; and

(2) in paragraph (7)(d) by striking "in proceedings under paragraph (1)(b)(7) of this section," and inserting "under subdivision (b),".

TITLE VII—PARTNERSHIPS FOR WILDLIFE

SEC. 7101. SHORT TITLE.

This title may be cited as the "Partnerships for Wildlife Act".

SEC. 7102. FINDINGS.

The Congress finds the following:

(1) Three-fourths of all American children and adults participate in wildlife-related recreational activities other than hunting, fishing and trapping.

(2) In 1985, Americans spent over $14 billion on non-consumptive wildlife-related recreation.

(3) The United States and Canada are inhabited by approximately two thousand six hundred vertebrate species of native fish and wildlife, which have provided food, clothing, and other essentials to a rapidly expanding human population.

(4) Over 80 percent of vertebrate fish and wildlife species in North America are not harvested for human use.

(5) The continued well-being of this once-abundant fish and wildlife resource, and even the very existence of many species, is in peril.

(6) In 1987, the United States Fish and Wildlife Service reported that forty-five common migratory bird species, which are not hunted, had exhibited significant declines in abundance, and that thirteen of these species have experienced widespread, systematic declines of 46.9 percent during a twenty-year study period.

(7) There have been nationwide declines in frogs and other amphibians.

(8) Over two hundred and seventy-five of vertebrate fish and wildlife species in the United States are now officially classified as threatened or endangered by the Federal Government.

(9) During the past decade, fish and wildlife species, including invertebrates, were added to the rapidly growing list of threatened and endangered species in North America at the average rate of over one per month.

(10) Currently, eighty-two species of invertebrates in the United States are listed as threatened or endangered under the Endangered Species Act, and another nine hundred and fifty-one United States invertebrate species are candidates for listing under that Act.

(11) Proper management of fish and wildlife, before species become threatened or endangered with extinction, is the key to reversing the increasingly desperate status of fish and wildlife.

(12) Proper fish and wildlife conservation includes not only management of fish and wildlife species taken for recreation and protection of endangered and threatened species, but also management of the vast majority of species which fall into neither category.

(13) Partnership in fish and wildlife conservation, such as the Federal Aid in Wildlife Restoration Program, the Federal Aid in Sport Fish Restoration Program, and the North American Wetlands Conservation Act have benefitted greatly the conservation of fish and wildlife and their habitats.

(14) A program that encourages partnerships among Federal and State governments and private entities to carry out wildlife conservation and appreciation projects would benefit all species of fish and wildlife through such activities as management, research, and interagency coordination.

(15) Many States, which are experiencing declining revenues, are finding it increasingly difficult to carry out projects to conserve the entire array of diverse fish and wildlife species and to provide opportunities for the public to associate with, enjoy, and appreciate fish and wildlife through nonconsumptive activities.

SEC. 7103. PURPOSES.

The purposes of this title are to establish a partnership among the United States Fish and Wildlife Service, designated State agencies, and private organizations and individuals—

(1) to carry out wildlife conservation and appreciation projects to conserve the entire array of diverse fish and wildlife species in the United States and to provide opportunities for the public to use and enjoy these fish and wildlife species through nonconsumptive activities;

(2) to enable designated State agencies to respond more fully and utilize their statutory and administrative authorities by carrying out wildlife conservation and appreciation projects; and

(3) to encourage private donations, under the leadership of the National Fish and Wildlife Foundation, to carry out wildlife conservation and appreciation projects.

SEC. 7104. DEFINITIONS.

As used in this title—

(1) The terms "conserve" and "conservation" means to use, and the use of, such methods and procedures which are necessary to ensure, to the maximum extent practicable, the well being and enhancement of fish and wildlife and their habitats for the educational, aesthetic, cultural, recreational, scientific, and ecological enrichment of the public. Such methods and procedures may include, but are not limited to, any activity associated with scientific resources management, such as research, census, law enforcement, habitat acquisition, maintenance, development, information, education, population manipulation, propagation, technical assistance to private landowners, live trapping, and transplantation.

(2) The term "designated State agency" means the State fish and wildlife agency, which shall be construed to mean any department, or any division of any department of another name, of a State that is empowered under its laws to exercise the functions ordinarily exercised by a State fish and wildlife agency.

(3) The term "fish and wildlife" means wild members of the animal kingdom that are in an unconfined state.

(4) The term "Fund" means the Wildlife Conservation and Appreciation Fund established under section 5(f) of this Act.

(5) The term "National Fish and Wildlife Foundation" means the charitable and nonprofit corporation established under section 2 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701).

(6) The term "nonconsumptive activities" means fish and wildlife associated activities other than harvesting of fish and wildlife and includes, but is not limited to, photographing, observing, learning about, or associating with, fish and wildlife.

(7) The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(8) The term "wildlife conservation and appreciation project" means a project which is directed toward nonconsumptive activities or toward the conservation of those species of fish and wildlife that—

(A) are not ordinarily taken for recreation, fur, or food; except that if under applicable State law, any fish and wildlife may be taken for recreation, fur, or food in some but not all, areas of the State, a wildlife con-

servation and appreciation project may be directed toward the conservation of any of such fish and wildlife within any area of the State in which such taking is not permitted.

(B) are not listed as endangered species or threatened species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543); and

(C) are not marine mammals within the meaning of section 3(5) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1362(5)).

SEC. 7105. WILDLIFE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The secretary shall provide the amounts available in the Fund to designated State agencies on a matching basis to assist in carrying out wildlife conservation and appreciation projects that are eligible under subsection (b) of this section.

(b) ELIGIBLE PROJECTS.—The following wildlife conservation and appreciation projects shall be eligible for matching funds from the Fund:

(1) inventory of fish and wildlife species;

(2) determination and monitoring of the size, range and distribution of populations of fish and wildlife species;

(3) identification of the extent, condition, and location of the significant habitats of fish and wildlife species;

(4) identification of the significant problems that may adversely affect fish and wildlife species and their significant habitats;

(5) actions to conserve fish and wildlife species and their habitats; and

(6) actions of which the principal purpose is to provide opportunities for the public to use and enjoy fish and wildlife through nonconsumptive activities.

(c) PROJECT STANDARDS.—The Secretary shall not provide funding to carry out as eligible wildlife conservation and appreciation project unless the Secretary determines that such a project—

(1) is planned adequately to accomplish the stated objective or objectives;

(2) utilizes accepted fish and wildlife management principles, sound design and appropriate procedures;

(3) will yield benefits pertinent to the identified need at a level commensurate with project costs;

(4) provides for the tracking of costs and accomplishments related to the project;

(5) provides for monitoring, evaluating, and reporting of the accomplishment of project objectives; and

(6) complies with all applicable Federal environmental laws and regulations.

(d) LIMITATIONS ON FEDERAL PAYMENT.—The amount of appropriated Federal funds provided from the Fund by the Secretary to any designated State Agency with respect to any fiscal year to carry out an eligible wildlife conservation and appreciation project under this section—

(1) may not exceed $250,000;

(2) may not exceed one third of the total project cost for that fiscal year;

(3) may not exceed 40 percent of the total project cost for that fiscal year if designated State agencies from two or more States cooperate in implementing such a project;

(4) may not be used to defray the administrative cost of State programs; and

(5) may not exceed the State share of the cost of implementing such a project.

(e) FORM OF STATE SHARE.—The share of the cost of carrying out eligible projects under this section shall be from a non-Federal source and shall not be in the form of an in-kind contribution.

(f) ELIGIBILITY OF DESIGNATED STATE AGENCIES.—No designated State agency shall be eligible to receive matching funds from the Wildlife Conservation and Appreciation Fund if revenue derived from activities regulated by such an agency is diverted for any purpose other than the management and conservation of fish and wildlife. Such revenue shall include, but not be limited to, all income from the sale of hunting, fishing and trapping licenses; all income from nongame checkoff systems; all income from the sale of waterfowl, habitat conservation, and other stamps that are requisite for engaging in certain activities regulated by the designated State agency; all income from the sale of any commodities and products by the designated State agency from lands and waters administered by the State for fish and wildlife purposes; and all funds apportioned to the designated State agency under the Federal Aid in Wildlife and Sport Fish Restoration Programs.

(g) ESTABLISHMENT OF FUND.—(1) The Secretary shall establish the Fund, which shall consist of amounts deposited into the Fund by the Secretary under paragraph (2) of this subsection.

(2) The Secretary shall deposit into the Fund—

(A) amounts appropriated to the Secretary for deposit to the Fund, of which not more than 4 percent shall be available to the Secretary and the National Fish and Wildlife Foundation to defray the costs of administering this Act and evaluating wildlife conservation and appreciation projects; and

(B) amounts received as donations from the National Fish and Wildlife Foundation or other private entities or persons for deposit to the Fund.

(3) The Secretary may accept and use donations from the National Fish and Wildlife Foundation and other private entities or persons for purposes of assisting States under this section.

(4) Of the total amount provided from the Fund to assist a State in carrying out a wildlife conservation and appreciation project under subsection (a) of this section, at least 50 percent shall have been donated to the Fund by the National Fish and Wildlife Foundation.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund and to the Secretary for each of fiscal years 1992 through 1995 not to exceed $6,250,000 to match the amount of contributions made to the Fund by the National Fish and Wildlife Foundation.

TITLE VIII—NORTH PACIFIC ANADROMOUS STOCKS CONVENTION

SEC. 8001. SHORT TITLE.

This title may be cited as the "North Pacific Anadromous Stocks, Convention Act of 1992".

SEC. 8002. PURPOSE.

It is the purpose of this title to implement the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, signed in Moscow, February 11, 1992.

SEC. 8003. DEFINITIONS.

As used in this title, the term—

(1) "Anadromous stocks" means stocks of species listed in the Annex to the Convention that migrate into the Convention area.

(2) "Anadromous fish" means fish of the species listed in the Annex to the Convention that migrate into the Convention area.

(3) "Authorized officer" means a law enforcement official authorized to enforce this title under section 8009(a).

(4) "Commission" means the North Pacific Anadromous Fish Commission provided for by article VIII of the Convention.

(5) "Convention" means the Convention for the Conservation of Anadromous Stocks of the North Pacific Ocean, signed in Moscow, February 11, 1992.

(6) "Convention area" means the waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees North Latitude, beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

(7) "Directed fishing" means fishing targeted at a particular species or stock of fish.

(8) "Ecologically related species" means living marine species which are associated with anadromous stocks found in the Convention area, including, but not restricted to, both predators and prey of anadromous fish.

(9) "Enforcement officer" means a law enforcement official authorized by any Party to enforce this title.

(10) "Exclusive economic zone" means the zone established by Proclamation Numbered 5030, dated March 10, 1983. For purposes of applying this title, the inner boundary of that zone is a line coterminous with the seaward boundary of each of the coastal States.

(11) "Fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

(12) "Fishing" means—

(A) the catching, taking, or harvesting of fish, or any other activity that can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(B) any operation at sea in preparation for or in direct support of any activity described in subparagraph (A).

(13) "Fishing vessel" means—

(A) any vessel engaged in catching fish within the Convention area or in processing or transporting fish loaded in the Convention area;

(B) any vessel outfitted to engage in any activity described in subparagraph (A);

(C) any vessel described in subparagraph (A) or (B).

(14) "Incidental taking" means catching, taking, or harvesting a species or stock of fish while conducting directed fishing for another species or stock of fish.

(15) "Party" means Canada, Japan, the Russian Federation, the United States, and any other nation that may accede to the Convention.

(16) "Secretary" means the Secretary of State.

(17) "United States Section" means the United States Commissioners of the Commission.

SEC. 8004. UNITED STATES COMMISSIONERS.

(a) COMMISSIONERS.—The United States shall be represented on the Commission by not more than three United States Commissioners to be appointed by and serve at the pleasure of the President. Each United States Commissioner shall be appointed for a term of office not to exceed 4 years, but is eligible for reappointment. Of the Commissioners—

(1) one shall be an official of the United States Government;

(2) one shall be a resident of the State of Alaska; and

(3) one shall be a resident of the State of Washington.

An individual is not eligible for appointment under paragraph (2) or (3) as a Commissioner unless the individual is knowledgeable or experienced concerning the anadromous stocks and ecologically related species of the North Pacific Ocean.

(b) ALTERNATE COMMISSIONERS.—The Secretary, in consultation with the Secretary of

Commerce, may designate from time to time Alternate United States Commissioners to the Commission. An Alternate United States Commissioner may exercise all designated powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present.

(c) UNITED STATES SECTION.—The United States Section, in consultation with the Advisory Panel established in section 8005, shall identify and recommend to the Commission research needs and priorities for anadromous stocks and ecologically related species subject to the Convention, and oversee the United States research programs involving such fisheries, stocks, and species.

(d) COMPENSATION.—United States Commissioners and Alternate United States Commissioners shall receive no compensation for their services as Commissioners and Alternate Commissioners.

SEC. 8005. ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—An Advisory Panel to the United States Section is established. The Advisory Panel shall be composed of the following:

(1) The Commissioner of the Alaska Department of Fish and Game.

(2) The Director of the Washington Department of Fisheries.

(3) One representative of the Pacific States Marine Fisheries Commission, designated by the Executive Director of that commission.

(4) Eleven members (six of whom shall be residents of the State of Alaska and five of whom shall be residents of the State of Washington), appointed by the Secretary, in consultation with the Secretary of Commerce, from among a slate of 12 persons nominated by the Governor of Alaska and a slate of 10 persons nominated by the Governor of Washington.

(b) QUALIFICATIONS.—Persons appointed to the Advisory Panel shall be individuals who are knowledgeable or experienced concerning anadromous stocks and ecologically related species. In submitting a slate of nominees pursuant to subsection (a)(4), the Governors of Alaska and Washington shall seek to represent the broad range of parties interested in anadromous stocks and ecologically related species, and at a minimum shall include on each slate at least one representative of commercial salmon fishing interests and of environmental interests concerned with protection of living marine resources.

(c) LIMITATION ON SERVICE.—Any person appointed to the Advisory panel pursuant to subsection (a)(4) shall serve for a term not to exceed 4 years, and may not serve more than two consecutive terms.

(d) FUNCTIONS.—The Advisory Panel shall be invited to all nonexecutive meetings of the United States Section and at such meetings shall be granted the opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section.

(e) COMPENSATION AND EXPENSES.—The members of the Advisory Panel shall receive no compensation or travel expenses for their services as such members.

SEC. 8006. COMMISSION RECOMMENDATIONS.

The Secretary, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with article IX of the Convention.

SEC. 8007. ADMINISTRATION AND ENFORCEMENT OF CONVENTION.

(a) RESPONSIBILITIES.—The Secretary of Commerce shall be responsible for administering provisions of the Convention, this title, and regulations issued under this title. The Secretary, in consultation with the Secretary of Commerce and the Secretary of Transportation, shall be responsible for coordinating the participation of the United States in the Commission.

(b) CONSULTATION AND COOPERATION.—In carrying out such functions, the Secretary of Commerce—

(1) shall, in consultation with the Secretary of Transportation and the United States Section, issue such regulations as may be necessary to carry out the purposes and objectives of the Convention and this title; and

(2) may, with the concurrence of the Secretary, cooperate with the authorized officials of the government of any party.

SEC. 8008. COOPERATION WITH OTHER AGENCIES.

(a) IN GENERAL.—Any agency of the Federal Government is authorized, upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish, on a reimbursable basis, facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the convention. Such agency may accept reimbursement from the Commission.

(b) FUNCTIONS OF SECRETARY OF COMMERCE.—In carrying out the provisions of the Convention and this title, the Secretary of Commerce may arrange for cooperation with agencies of the United States, the States, private institutions and organizations, and agencies of the government of any Party, to conduct scientific and other programs, and may execute such memoranda as may be necessary to reflect such agreements.

SEC. 8009. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES OF COMMERCE AND TRANSPORTATION.—This title shall be enforced by the Secretary of Commerce and the Secretary of Transportation. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under the preceding sentence may (if the agreement so provides), authorize officers to enforce the provisions of the Convention, this title, and regulations issued under this title. Any such agreement or contract entered into pursuant to this section shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title.

(c) POWERS OF ENFORCEMENT OFFICERS.—Authorized officers may, shoreward of the outer boundary of the exclusive economic zone, or during hot pursuit from the zone—

(1) with or without a warrant or other process—

(A) arrest any person, if he or she has reasonable cause to believe that such person has committed an act prohibited by section 8010;

(B) board, and search or inspect, any fishing vessel subject to the provisions of the Convention and this title;

(C) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of the Convention, this title, or regulations issued under this title;

(D) seize any fish (wherever found) taken or retained in violation of any provision referred to in subparagraph (C);

(E) seize any other evidence related to any violation of any provision referred to in subparagraph (c);

(2) execute any warrant or other process issued by any court of competent jurisdiction; and

(3) exercise any other lawful authority.

(d) ADDITIONAL POWERS.—(1) An authorized officer may in the Convention area—

(A) board a vessel of any Party that reasonably can be believed to be engaged in directed fishing for, incidental taking of, or processing of anadromous fish, and, without warrant or process, inspect equipment, logs, documents, catch, and other articles, and question persons, on board the vessel, for the purpose of carrying out the provisions of the Convention, this title, or any regulation issued under this title; and

(B) if any such vessel or person on board is actually engaged in operations in violation of any such provision, or there is reasonable ground to believe any person or vessel was obviously so engaged before the boarding of such vessel by the authorized officer, arrest or seize such person or vessel and further investigate the circumstance if necessary.

If an authorized officer, after boarding and investigation, has reasonable cause to believe that any such fishing vessel or person engaged in operations in violation of any provision referred to in subparagraph (A), the officer shall deliver the vessel or person as promptly as practicable to the enforcement officers of the appropriate Party, in accordance with the provisions of the Convention.

(2) When requested by the appropriate authorities of a Party, an authorized officer may be directed to attend as a witness, and to produce such available records and files or duly certified copies thereof as may be necessary, for the prosecution by that Party of any violation of the provisions of the Convention or any law of that Party relating to the enforcement thereof.

SEC. 8010. UNLAWFUL ACTIVITIES.

It is unlawful for any person or fishing vessel subject to the jurisdiction of the United States—

(1) to fish for any anadromous fish in the Convention area;

(2) to retain on board any anadromous fish taken incidentally in a fishery directed at nonanadromous fish in the Convention area;

(3) to fail to return immediately to the sea any anadromous fish taken incidentally in a fishery directed at nonanadromous fish in the Convention area;

(4) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any anadromous fish taken or retained in violation of the Convention, this title or any regulation issued under this title;

(5) to refuse to permit any enforcement officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this title, or any regulation issued under this title;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any en-

forcement officer in the conduct of any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detection for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section; or

(9) to violate any provision of the Convention, this title, or any regulation issued under this title.

SEC. 8011. PENALTIES.

(a) CIVIL PENALTIES.—(1) Any person who is found by the Secretary of Commerce, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 8010 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary of Commerce, or the Secretary's designee, by written notice. In determining the amount of such penalty, the Secretary of Commerce shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, and history of prior offenses, ability to pay, and such other matters as justice may require.

(2) Any person against who a civil penalty is assessed under paragraph (1) may obtain review thereof in the appropriate court of the United States by filing a complaint in such court within 30 days from the date of such order and by simultaneously serving a copy of such complaint by certified mail on the Secretary of Commerce, the Attorney General, and the appropriate United States Attorney. The Secretary of Commerce shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary of Commerce shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(3) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary of Commerce, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(4) A fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission mission of an act prohibited by section 8010 shall be liable in rem for any civil penalty assessed for such violation under paragraph (1) and may be proceeded against in any district court of the United States have jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

(5) The Secretary of Commerce may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(6) For the purposes of conducting any hearing under this section, the Secretary of Commerce may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary of Commerce or to appear and produce documents before the Secretary of Commerce, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) OFFENSES.—(1) A person is guilty of an offense if that person commits any act prohibited by section 8010 (5), (6), (7), or (8).

(2) Any offense described in paragraph (1) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than 6 months, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any enforcement officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

(c) FORFEITURE.—(1) Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish (or a fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 1810 shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(2) Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under paragraph (1) and any action provided for under paragraph (4).

(3) If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this title or for which security has not previously been obtained. The provisions of the customs laws relating to—

(A) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(B) the disposition of such property or the proceeds from the sale thereof; and

(C) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, unless such provisions are inconsistent with the purposes, policy, and provisions of this title.

(4)(A) Any officer authorized to serve any process in rem that is issued by a court having jurisdiction under section 8009(b) shall—

(i) stay the execution of such process; or

(ii) discharge any fish seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(B) Any fish seized pursuant to this title may be sold, subject to the approval and direction of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(5) For purposes of this section, it shall be a rebuttable presumption that all fish found on board a fishing vessel and which is seized in connection with an act prohibited by section 8010 were taken or retained in violation of the Convention and this title.

SEC. 8012. FUNDING REQUIREMENTS.

(a) AUTHORIZATION.—There are authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this title, including—

(1) necessary travel expenses of the United States Commissioners or Alternate Commissioners; and

(2) the United States share of the joint expenses of the Commission.

(b) RESEARCH.—Such funds as shall be made available to the Secretary of Commerce for research and related activities shall be expended to carry out the program of the Commission in accordance with the recommendations of the United States Section and to carry out other research and observer programs pursuant to the Convention.

SEC. 8013. DISPOSITION OF PROPERTY.

The Secretary shall dispose of any United States property held by the International North Pacific Fisheries Commission on the date of its termination in a manner that would further the purposes of this title.

SEC. 8014. REPEAL OF THE NORTH PACIFIC FISHERIES ACT OF 1954.

The Act of August 12, 1954 (16 U.S.C. 1021–1035) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. DAVIS] 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, H.R. 5617, as amended by the committee amendment, is a good, composite bill that deserves broad support. It is comprised of five separate reauthorizations which reflect the traditional bipartisan approach of the Merchant Marine Committee and its Senate counterparts.

Title I of the amendment confers congressional approval on a new fisheries agreement between the United States and the Republic of Estonia. The agreement is necessitated by the breakup of the former Soviet Union and will make possible joint fishing ventures between the United States and Estonia in the United States exclu-

sive economic zone. It is strongly supported by the administration.

Title II of the amendment is comprised of a House-Senate text of a bill to reauthorize and strengthen the marine sanctuaries program, which is of considerable importance to many Members and to the administration. It represents a bipartisan agreement on the reauthorization and is to my knowledge without opposition.

As one of authors of H.R. 4310, the National Marine Sanctuaries Reauthorization and Improvement Act of 1992, 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 of coastal management—preserving special areas of the coast for a variety of uses.

Balancing human needs against the fragility of our marine environments is not easy. But the bill we bring before this body today manages just such a balance.

H.R. 4310 was passed by the House under suspension of the rules on August 3. The title we offer here is virtually identical to the House-passed version.

The bill streamlines the sanctuary designation process, and clarifies and strengthens NOAA's management authority by adding a provision requiring Federal agencies to consult with NOAA on proposed actions that are likely to harm sanctuary resources. Finally, the bill designates new sanctuaries at Stellwagen Bank, MA, and in the Hawaiian Islands.

I would like to thank my colleagues on the Merchant Marine and Fisheries Committee who worked hard to get a good strong sanctuaries bill out of the committee—Mr. HERTEL, who has chosen to leave us at the end of this year for calmer and, I assume, greener pastures; and Mr. YOUNG, whose efforts to negotiate a bill acceptable to both sides of the aisle deserve special thanks.

Mr. Speaker, I am pleased to include as title III, the text of H.R. 3486, the Marine Mammal Health and Stranding Response Act, in this composite.

This bill is a response to the need to understand and better coordinate our responses to the mass strandings of whales and dolphins that regularly occur along the coasts of our Nation.

Until just a few years ago, it was believed that nothing could be done to help these animals. Fortunately, that has changed. On Cape Cod, thanks to the tireless efforts of hundreds of volunteers willing to do anything from handing out coffee to supporting exhausted and disoriented whales in the cold midwinter waters of Cape Cod Bay, we know that—with human assistance—stranded whales can survive, and we no longer stand by in frustration and watch them die.

H.R. 3486 was passed by the House under suspension of the rules on August 3, and the title presented here is virtually identical to the bill passed by this body. It provides a means by which we can monitor health trends of marine mammals, and use those trends to determine the general health of the marine environment.

H.R. 3486 is a good bill, thanks to the efforts of my colleague from Delaware, who authored the legislation. The administration supports the bill as well, and I'm pleased to bring it before you today.

This title also includes an amendment to section 4283B of the revised statutes (46 App. U.S.C. 183c) to make it clear that plaintiffs may bring actions for bodily injury or loss of life in any court of competent jurisdiction. This amendment is needed because of the Supreme Court ruling in *Carnival Cruise Lines* v. *Shute*, 111 S.Ct. 1522, 113 LEd.2d 662, 1991 AMC 1697 (1991), which allowed a cruise line to enforce a forum selection cause.

The amendment ensures that the general prohibition in section 4283B of the revised statutes against stipulations purporting to lessen, weaken, or avoid the passenger's right to a trail apply to forum selection clauses. It would overturn the result in *Carnival*. Allowing the plaintiff to choose the forum will further the plaintiff's due process rights.

Title IV contains the provisions of S. 36, as passed by the Senate, that would address the continuing problems of zebra mussel infestations. Its purpose is to require the Corps of Engineers to establish a monitoring and remediation program for the New York City water supply system. Title IV also requires the Coast Guard to establish a mandatory ballast water exchange program for vessels entering the upper reaches of the Hudson River.

Title V of the bill authorizes approximately $3.6 billion for the U.S. Coast Guard in fiscal year 1993, which represents a modest increase of 6 percent over fiscal year 1992 spending levels. Approximately 60 percent of this increase is attributable to personnel costs, including cost-of-living increases, improved family housing, barracks upgrades, and child care centers. This emphasis reflects Commandant Kime's commitment to improving the quality of life for the Coast Guard's most valuable resources—its people. While not exactly a windfall, it will allow the Coast Guard to fulfill its missions of search and rescue, protection of the marine environment, law enforcement, and national security.

This bill does more than just fund the operations of the Coast Guard. Once again, the Coast Guard authorization bill has become the end-of-session vehicle to move other important legislative initiatives through the Halls of Congress.

Several of those provisions are particularly important to my own State of Massachusetts. The bill provides $1.5 million for a marine management oilspill training simulator at the Massachusetts Center for Marine Environmental Protection. This center, located at the Massachusetts Maritime Academy, is operated in conjunction with the Woods Hole Oceanographic Institution. The chief purpose of the center is to educate and train undergraduates and professionals in environmentally sound maritime operations and the simulator will be a great tool with which to teach effective oilspill response.

The legislation also transfers the boat house at Coast Guard Station Brant Point to the town of Nantucket. This boathouse, constructed in 1936, is obsolete. It's too small for the Coast Guard's rescue boats and badly in need of repair. The town of Nantucket has been leasing the building for the past decade, and currently uses it as an aquaculture shellfish laboratory. This provision would permanently convey the building to Nantucket, while allowing the Coast Guard to reclaim access to the land should it be required for its operations.

Also the bill provides for the transfer of the Sankaty Head Light Station—a national historic monument—to the Nantucket Historical Association. The association plans to maintain the lighthouse as a nonprofit center for the preservation of the maritime history and culture of the Coast Guard and the town of Nantucket.

While these Massachusetts provisions are immensely important, this legislation also addresses myriad other matters. In short, it: improves the quality of medical care for Coast Guard personnel; pays tribute to the Coast Guard's Women's Reserve; empowers the Coast Guard to remove thousands of abandoned barges that currently foul our waterways; increases the stockpile of repositioned oil spill response equipment; and improves safety on our waterways.

I am inserting in the RECORD at this point a detained section-by-section analysis of the Coast Guard Authorization Act.

Mr. Speaker, we have also included selected provisions from H.R. 4484, the fiscal year 1993 authorization for the Maritime Administration [MarAd], approved by the House on September 9, 1992. The provisions include changes in State maritime academy programs and an authorization of $242,000 for the nation's first Center for Maritime Environmental Protection and Safety located at the Massachusetts Maritime Academy.

SECTION-BY-SECTION ANALYSIS OF TITLE V—COAST GUARD AUTHORIZATION ACT OF 1992

AUTHORIZATION OF APPROPRIATIONS

Section 5001. Short title

This section states that the Act may be cited as the Coast Guard Authorization Act of 1992.

Section 5002. Authorization of appropriations

This section authorizes the appropriation of approximately $3.615 billion to support Coast Guard activities in Fiscal Year 1993.

Subsection (1) authorizes the appropriation of $2.603 billion for Coast Guard operations and maintenance. Of this amount, $253.1 million is to be transferred from the Department of Defense; $31.876 million is to be derived from the Oil Spill Liability Trust Fund; and $35 million is to be expended from the Boat Safety Account as authorized by section 6 of the Coast Guard Authorization Act of 1988 (Public Law 100-448).

Subsection (2) authorizes the appropriation of $419.3 million for acquisition, construction, rebuilding, and improvements (the AC&I Account). These funds are for the acquisition, construction, rebuilding, and improvement of aids-to-navigation, shore and offshore facilities, vessels, aircraft and related equipment. Of this amount, $18 million is to be transferred from the Department of Defense, and $38.122 million is to be derived from the Oil Spill Liability Trust Fund.

Subsection (3) authorizes an appropriation of $29.9 million for research and development, of which $4 million is to be derived from the Oil Spill Liability Trust Fund.

Subsection (4) authorizes an appropriation of $519.7 million for retired pay and related benefits.

Subsection (5) authorizes the appropriation of $12.6 million for alteration or removal of bridges that obstruct navigation over navigable waters of the United States.

Subsection (6) authorizes the appropriation of $30.5 million for the Environmental Compliance and Restoration Account. This Account is used to clean up and minimize environmental problems at Coast Guard facilities.

Section 5003. Authorized levels of military strength and military training

Subsection (a) authorizes an end-of-year (as of September 30, 1993) strength for active duty personnel of 39,732 for the Coast Guard. This does not include members of the Ready Reserve authorized under section 712 of title 14, United States Code.

Subsection (b) authorizes training levels for recruitment and special training, (2,653 student years); flight training, (110 student years); professional training in civilian and military institutions, (362 student years); and officer acquisition (878 student years).

Section 5004. Shore facilities improvements at group Cape Hatteras

This section requires the Secretary of Transportation, in Fiscal Years 1993-1997, to expend not more than $5.5 million for shore facilities within Coast Guard Group Cape Hatteras, North Carolina. This is to be expended from the AC&I Account. Expenditures at or near this level will be necessary to eliminate the deplorable conditions noted by the Committee on Merchant Marine and Fisheries in Committee Report 102-564. The Coast Guard is given flexibility to determine how to allocate these funds over a five-year period.

Section 5005. Prepositioned oil spill cleanup equipment

This section requires the Secretary of Transportation to expend $890,000 to acquire and preposition oil spill response equipment at Houston, Texas, and $1.16 million for certain activities of the Maritime Fire and Safety Association located in Portland, Oregon. These funds are to be derived from the Oil Spill Liability Trust Fund through the AC&I Account.

Section 5006. Oil spill training simulators

This section provides that, of the amount derived from the Oil Spill Liability Trust Fund through the AC&I Account, the Secretary of Transportation shall expend $2.5 million for the purchase of two marine oil spill management training simulators. These simulators are to be located at the Texas Center for Marine Training and Safety at Texas A&M University at Galveston, Texas, and at the Massachusetts Center for Marine Environmental Protection at Buzzards Bay, Massachusetts. These funds are to be evenly divided between these two institutions.

Section 5007. Evacuation allowance

Section 208 of the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102-368) authorizes the Department of Defense to pay evacuation allowances for victims of Hurricane Andrew retroactively to August 23, 1992. However, Coast Guard military personnel and civilian employees were inadvertently omitted from coverage. Section 107 would correct this oversight. It also provides that Coast Guard funds are to be made available for these payments.

SUBTITLE A—BOATING SAFETY

Section 5101. Treatment of unobligated allocations for State recreational boating safety programs

This section amends section 13104 of title 46, United States Code, to modify the cap on the Boat Safety Account. Current laws provides that funds from the Boat Safety Account that have been allocated to a state but not obligated by the state within three years shall be withdrawn from the state, added to funds appropriated for that fiscal year and reallocated by the Secretary. The need to reallocate funds may be caused by a variety of reasons. For example, the Coast Guard may allocate the full amount but retain a small amount from the nonprofit grant program, or states may not make actual expenditures and request reimbursements in the years the funds are allocated.

Because of the cap on the total amount that can be credited to the Boat Safety Account at any given time, the fact that funds are reallocated means that not all of the amounts appropriated by Congress are transferred into the Account. Any amounts not actually obligated by the States within the three-year period provided in current law are, in effect, lost by virtue of the fact that the full amount authorized cannot be deposited into the Account. In the past, funds authorized for the state grant programs have been lost as a result of this cap.

This corrective amendment would require no increase in the Federal budget.

Section 5102. Increased penalties for operating a vessel while intoxicated

Under section 2302(c)(1) of title 46, United States Code, the civil penalty for an individual who operates a vessel under the influence of alcohol or a dangerous drug is not more than $1,000. This section retains the $1,000 penalty for a first violation, and provides for a civil penalty of not more than $5,000 for subsequent violations.

Section 5103. Future boaters education program

This section requires the Secretary of Transportation to submit a plan to the House Committee on Merchant Marine and Fisheries and to the Senate Committee on Commerce, Science, and Transportation on ways to increase the availability of voluntary safe boating education to individuals 16 years of age or younger.

SUBTITLE B—MISCELLANEOUS

Section 5201. Coast Guard band director

This section amends current law to allow the Coast Guard to promote the Coast Guard band director to the grade of commander. Currently, the Coast Guard band director's maximum attainable grade is lieutenant commander, two pay grades below his counterparts in the other armed services.

Section 5202. Recycling program

This section authorizes the Coast Guard to establish programs for the sale of recyclable materials. Proceeds will be credited to the Coast Guard's Operations and Maintenance Account to defray the costs associated with processing recyclable materials. Coast Guard installations with a qualifying recycling program may apply up to 50 percent of any remaining funds to pollution abatement, energy conservation, and occupational safety and health projects. All remaining funds may be transferred to the Coast Guard Morale, Welfare, and Recreation Program to fund morale activities. If at the end of a fiscal year, more than $200,000 remains available, it will be transferred to the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

Section 5203. Confidentiality of medical records

This section amends title 14, United States Code, by adding a new section 645, which concerns confidentiality of medical quality assurance records and qualified immunity for participants. These records are developed by the Coast Guard in the course of peer reviews of Coast Guard physicians and health care providers. This section protects the confidentiality of these records and proceedings. The restrictions on disclosure extend to testimony concerning these records or proceedings taken in connection with developing these records. Finally, this section would confer "good faith" civil immunity on persons who are involved in medical quality assurance activities. The section provides limited exceptions for disclosure to government bodies and other appropriate institutions.

This section gives the Coast Guard the same protection the Department of Defense has in its peer review programs. Central to quality assurance review activities is the peer review process, which consists of the evaluation of the performance of physicians and other health care providers by individuals or committees. In order to elicit candid appraisals and evaluations of fellow professionals, this type of peer review must operate in an environment of confidentality.

Section 5204. Telephone installation and charges

This section adds a new section to title 14, United States Code, to allow for the installation of a Federal Telecommunications System (FTS) and other phone lines in residences owned or leased by the Federal government and, when necessary for national defense purposes, in other private residences. This section will enable Coast Guard flag officers to have both FTS and secure (classified) telephones installed in their homes.

Section 5205. Special pay

This section amends 306 of title 37, United States Code, to permit special pay for certain junior officers. The change would give the Secretary the discretion to award additional compensation to persons at pay grades

0-1 and 0-2 and commissioned warrant officers who are serving in positions of unusual responsibility.

Section 5206. Amendment of inland navigation rules

This section amends section 2 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2001 et seq.) to conform United States Inland Rules 1(d) and 10 with corresponding provisions in the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS).

The COLREGS entered into force for the United States by Presidential Proclamation on July 15, 1977. They apply to all vessels operating on the high seas and in all waters connected therewith that are navigable by seagoing vessels. The Inland Navigational Rules Act of 1980 applies to all vessels operating on the inland waters of the United States, and to all vessels of the United States on the Canadian waters of the Great Lakes to the extent that there is no conflict with Canadian law.

In line with Rule 1(b) of the International Regulations and the policy of the United States every effort has been made to maintain consistency, as much as possible, between the International Regulations and the Inland Navigational Rules. This consistency avoids confusion for vessel operators thereby promoting safety.

The inconsistency between Inland Rules 1(d) and 10 and the corresponding International Regulations was reviewed by the Navigation Safety Advisory Council (formerly the Rules of the Road Advisory Council) at its December 1991 meeting. The Council resolved that Inland Rule 1(d) should be amended, consistent with the International Regulations, to acknowledge that traffic separation schemes (TSS's) may be established for the purposes of the Inland Rules. The Council unanimously resolved that Inland Rule 10 should be amended to incorporate the operative language of International Rule 10 in order to prevent vessel collisions and to provide specific guidance to vessels on how to enter, depart, cross, and navigate safely with a TSS.

Inland Navigational Rule 10 currently provides that each vessel required to participate in a vessel traffic service (VTS) shall comply with the applicable VTS regulations. The only rules that direct vessel navigation in inshore traffic separation schemes are those found in the VTS regulations (33 C.F.R. 161). With the exception of the Puget Sound VTS, however, where the rules apply to all vessels, VTS regulations generally apply only to vessels subject to the Vessel Bridge-to-Brige Radiotelephone Act of 1971 (33 U.S.C. 1201 et seq.). That includes: (1) power-driven vessels of 20 meters or over in length; (2) vessels of 100 gross tons or more carrying one or more passengers for hire; (3) towing vessels of 26 feet or more in length; and (4) dredges and floating plants engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels.

Section 5207. State maritime academy vessel inspection fee relief

This section prohibits the Secretary of Transportation from imposing Coast Guard fees for the inspection of vessels operated by state maritime academies.

Section 5208. Inspection of Great Lakes barges

This section amends sections 2101 and 3301 of title 46, United States Code, to require the Coast Guard to inspect barges and other non-self-propelled vessels of at least 3,500 gross tons operating on the Great Lakes. The inspection requirement also includes freight ships permanently converted to barges and operating with a dedicated tug.

This section is effective one year after the date of enactment of this Act for barges of at least 3,500 gross tons currently in operation on the Great Lakes. The inspection requirement is effective on the date of enactment of this Act for barges placed in operation after the date of enactment of this Act. The Secretary of Transportation is authorized to impose reasonable interim requirements to assure the safe operation of these barges.

Section 5209. Tank vessel definition clarification

This section states that offshore supply vessels and fishing or fish tender vessels under 750 gross tons that transfer fuel without charge to a fishing vessel owned by the same person are not tank vessels for the purposes of any law. Subsection (c) provides that the Secretary of Transportation continues to have authority to regulate these vessels under title 33, United States Code. Subsection (c)(2) clarifies that this section does not affect the requirements of the Aleutian Trade Act. Uninspected fish tender vessels engaged in the Aleutian trade may carry dry bulk cargo only in accordance with the provisions of the Aleutian Trade Act. Furthermore, this section does not provide any additional authority for these vessels to engage in any other trade or activity. Regulations in effect on the effective date of this Act would continue to be effective until modified or repealed. Definitions for these vessels are provided in section 2102 of title 46, United States Code.

Section 5210. Authority for the Coast Guard to inspect and withhold the documents of certain foreign passenger vessels

Currently, section 3303(a) of title 46, United States Code provides that the Coast Guard may inspect a vessel registered in a country that is a party to the International Convention for the Safety of Life at Sea (SOLAS) to ensure that the vessel's propulsion and life saving equipment are as stated in the certificate of registry. Section 310 of H.R. 5055 amends current law to permit the Coast Guard to inspect these vessels to ensure the condition of the vessel is as stated in the certificate of registry. This change brings domestic law into compliance with SOLAS.

This section also amends section 3505 of title 46, United States Code, to clarify U.S. authority to treat smaller foreign passenger vessels the same as larger foreign passenger vessels for purposes of ensuring that the vessels are in compliance with SOLAS. Current law provides that vessels over 100 gross tons having accommodations for a least 50 passengers may not depart from a U.S. port with passengers embarked at that port if the vessel is not in compliance with SOLAS. The Coast Guard now uses SOLAS authority instead to prevent noncomplying smaller passenger vessels from departing. This section would align domestic law with SOLAS.

Section 5211. Reimbursement for overseas inspections and examination

This section amends current law to permit the Coast Guard to inspect or examine a vessel at a foreign place. It further requires the owner or operator of a foreign vessel who requests an overseas inspection or examination to reimburse the Coast Guard for travel and subsistence expenses incurred for those services overseas. The reimbursement received will be credited to the Coast Guard's Operations and Maintenance Account.

Inspecting or examining a foreign vessel overseas, instead of waiting until it enters U.S. waters, can benefit both the Coast Guard and the vessel owner. The Coast Guard currently examines foreign vessels on their arrival in the United States for compliance with the International Convention for the Safety of Life at Sea (SOLAS), other international conventions, and U.S. laws and regulations. The Coast Guard currently inspects foreign tank vessels carrying hazardous liquids or liquefied gases, other tank vessels, and passenger vessels when they arrive in the U.S. for the first time or following a major rebuilding or structural modification.

In many cases, the Coast Guard's inspections can be more effectively conducted while a vessel is being constructed or while a vessel is in dry dock. This section will enable the Coast Guard to identify and evaluate problems before a foreign vessel enters a U.S. port.

Section 5212. Watchstanding on certain vessels

This section amends section 8104(g) of title 46, United States Code, to allow a two-section watchstanding system aboard Oil Spill Response Vessels (OSRV). An OSRV is a vessel used only to respond to a discharge of oil or hazardous substances. Normally, merchant vessels of over 100 gross tons require a three-section watchstanding system. This amendment requires OSRV's to conform to the same watchstanding requirements as vessels of similar class, such as towing vessels, offshore supply vessels, fishing vessels, and fish processing vessels.

Section 5213. Denial and revocation of endorsements

This section authorizes the Secretary of Transportation to deny the issuance or renewal of a trade or recreation endorsement on a certificate of documentation issued under chapter 121 of title 46, United States Code, and to revoke the endorsement if the Secretary finds that the vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which as assessment has been made by the Secretary.

Section 5214. Acceptance of evidence of payment of coast guard fees

This section prohibits the Coast Guard from issuing a citation to a boater for failing to display a recreational vessel user fee (RVF) decal if the boater is able to provide evidence of prior purchase of the RVF decal to the boarding officer.

Section 5215. Schedule for operation of drawbridge of Woodrow Wilson Memorial Bridge

This section restricts the opening of the drawbridge portion of the Woodrow Wilson Memorial Bridge to non-rush hour periods of the day. The purpose of this section is to improve automobile safety and avoid the traffic gridlock that occurs when the bridge is opened during weekday rush hours.

The Woodrow Wilson Memorial Bridge spans the Potomac River in the Metropolitan Washington areas and is part of the Interstate 95 highway system. When the bridge is raised during rush hours, traffic backs up over 2.5 miles and when it is lowered, usually after about ten minutes, it takes over three hours for traffic to return to normal. The bridge was designed to carry 75,000 vehicles per day and it now carries over 165,000 vehicles every day.

This section continues to allow midday openings for commercial vessels, but prohibits openings during the morning and evening rush hour. It requires recreational vessels to pass through the bridge between midnight and 5:00 a.m. on weekdays and midnight and 7:00 a.m. on weekends. Recreational vessels may also pass through the bridge when opened for commercial vessels.

It also requires a commercial vessel operator to give the bridge tender a 12-hour estimate of the approximate time of the vessel's passage through the bridge followed by a 4-hour advance notice of the vessel's approach to the bridge.

In addition, not later than 180 days after the date of enactment, the Secretary is required to issue an Advanced Notice or Proposed Rulemaking to solicit comments on whether there are practical ways to encourage owners and operators of commercial vessels to make every reasonable effort to notify the bridge tender of the time a vessel will pass the Woodrow Wilson Memorial Bridge by not later than 24 hours before that passage.

Section 5216. Station Brant Point boat house

This section conveys the building known as the Station Brant Point Boat House to the Town of Nantucket, Massachusetts. In addition, it authorizes the Coast Guard to lease the land the Boat House occupies to the town of Nantucket for a period of at least twenty years. The Coast Guard may terminate the lease if the property is needed for Coast Guard purposes. However, the Coast Guard must provide the Town of Nantucket with not less than 12 months notice of the need to vacate the property.

The Boat House was constructed in 1936 and no longer is suitable for Coast Guard use. Currently, the Town of Nantucket leases the building from the Coast Guard and uses it as an aquaculture shellfish laboratory. The current lease will expire in March of 1994. Both parties are interested in entering into a new lease agreement. This section will expedite the leasing process, transfer the building to the Town at no cost, and protect the Coast Guard's interest in using the property for other purposes in the future.

Section 5217. Study of the application of tiltrotor technology to Coast Guard missions

This section requires the Secretary of Transportation to report to Congress on the applications of V-22 Osprey tiltrotor aircraft technology to Coast Guard missions.

Section 5218. Enforcement agreements

This section directs the Coast Guard to enter into a Memorandum of Agreement with the Department of Commerce regarding fisheries enforcement practices and procedures. The memorandum shall provide for the opportunity for an in person hearing to respond to charges of violations if requested in a timely manner. The Memorandum shall also provide that all enforcement procedures shall be fair and consistently applied.

Section 5219. Authorizing payments to certain subcontractors

This section requires the Secretary of Transportation, within six months of enactment of this Act, to determine amounts owed to subcontractors under Coast Guard contract number DTCG50-87-C-00096. The Coast Guard has compensated the general contractor, MZP, Incorporated, for work performed under this contract, however, MZP, Incorporated, did not compensate its subcontractors for work they performed under the contract. Under the unique circumstances surrounding this contract, the Coast Guard has an obligation to ensure that the subcontractors are compensated for work they performed under this contract. The Coast Guard has changed its contracting procedures to avoid a recurrence of this contracting problem.

This section requires the Coast Guard to hold investigations in Ketchikan, Alaska, to determine amounts owed under the contract to avoid further expenses to the subcontractors. Not later than two months after making the necessary determinations, the Secretary is authorized to pay the subcontractors the amounts they are owed.

Section 5220. Sankaty Head Light Station

This section requires the Secretary of Transportation to convey to the Nantucket Historical Association in Nantucket, Massachusetts, all right, title, and interest of the United States in and to property comprising the Sankaty Head Light Station.

The conveyance is to be made without the payment of consideration. The property may be sold and the proceeds from the sale may be used to move the Lighthouse to a location where the Lighthouse can be preserved. In addition, the Secretary may convey the property subject to other terms and conditions the Secretary considers appropriate.

The Lighthouse is to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of Nantucket, Massachusetts. If the Lighthouse ceases to be used for these purposes, it would revert to the United States.

This section also requires that the conveyance include conditions to assure that the aids-to-navigation continue to be operated and maintained by the United States as long as they are needed for this purpose. The Nantucket Historical Association is prohibited from interfering with those aids. The United States retains the right to replace any aids-to-navigation, and to enter the property to maintain the aids.

The Nantucket Historical Association is directed to maintain the Lighthouse, but is not required to maintain any active aids-to-navigation equipment located on property where the Lighthouse is located

Section 5221. Study of Coast Guard buoy chain procurement practices

This section requires the Secretary of Transportation, within six months of enactment of the Act, to submit a study to Congress on the acquisition of buoy chain. The Secretary is to consider the ability of United States buoy chain manufacturers to successfully compete for United States Government contracts for buoy chain and the effect on the national security of United States dependence on foreign acquired buoy chain.

Section 5222. Correction regarding certain exemptions

When the Aleutian Trade Act (ATTA) was passed in 1990, section 4502(b) of title 46, United States Code, was renumbered. Prior to ATA, section 4506 provided an exemption from the liferaft carriage requirements of section 4502, combined with the failure to change the cross-reference in 4506, resulted in small vessels being exempted from all safety requirements. This amendment returns the law to its original intent.

Section 5223. Contract for certain services at Coast Guard support center in Kodiak, Alaska

This section authorizes the Coast Guard, in accordance with applicable acquisition regulations, to enter into a negotiated contract with PTI for Digitrex central office based business services to Coast Guard Support Center, Kodiak, Alaska. This contract is to be at a fair allocation of costs between Alaska ratepayers and the Coast Guard. The termination liability of the contract is required to be negotiated, but is not to exceed $842,047.

SUBTITLE C--ABANDONED BARGE ACT

Section 5301. Short title

This section states that this title may be cited as the "Abandoned Barge Act of 1992".

Section 5302. Abandonment of barges

This section amends Part B of subtitle II of title 46, United States Code, by adding a new chapter 47.

The new chapter is entitled "Abandonment of Barges", and it includes the following provisions.

Section 4701. Definitions

This section contains definitions of terms used throughout the new chapter.

"Abandon" means to moor, strand, wreck, sink, or leave for longer than 45 days a barge of more than 100 gross tons.

"Barge removal contractor" is defined as a person that enters into a contract with the United States to remove an abandoned barge.

"Navigable waters of the United States" are the waters of the United States, including the territorial sea. This definition is identical to that in the Oil Pollution Act of 1990, and the Clean Water Act.

"Removal and remove" means relocation, sale, scrapping, or any other method of disposal.

Section 4702. Abandonment of barge prohibited

A barge owner or operator is prohibited from abandoning a barge on the navigable waters of the United States. This section is designed to prohibit abandonment without interfering with a barge's normal day-to-day operation. A barge is not abandoned, however, if it is located at a Federally- or state-approved mooring area, is on private property with the permission of the property owner, or if the barge owner or operator notifies the Secretary of the barge's location, and of his intention not to abandon the barge. It must be moored more than 45 days before this notification would be required.

Section 4703. Penalty for unlawful abandonemt of barge

This section permits the Secretary to assess a civil penalty of up to $1,000 against an owner or operator for each day a barge is abandoned in violation of section 4702. The barge is also liable *in rem* for the penalty. The penalty may not be assessed until 30 days after the notification procedures under section 4704 are completed.

Section 4704. Removal of abandoned barges

The authority to remove abandoned barges, and the procedures necessary to exercise that authority, are set forth in this section.

This section provides that if the barge owner's or operator's identity can be determined, the Secretary must notify the owner or operator by certified mail that if the barge is not removed, it will be removed at the owner's or operator's expense, and that a penalty may be assessed under section 4703.

This section provides that if the barge owner's or operator's identity is unknown, the Secretary must publish notice in "a notice to mariners" and "an official journal of the county in which the barge is located". The notice must advise that if the barge is not removed, it will be removed by the Coast Guard and the owner or operator, if subsequently identified will be assessed the costs of removal and civil penalties. Removal of an abandoned barge may begin 30 days after the Secretary completes the notification procedures under this section.

The barge owner or operator, and the vessel, *in rem*, bear all liability for any expense incurred during removal of an abandoned barge. The United States, and any of its officers or employees, are not liable to an owner or operator for damages resulting from removal of an abandoned barge.

This section also provides for the removal of a barge by a contractor. Removal services may be solicited by public advertisement for sealed bids, after notice is provided to the barge owner under this chapter. The Secretary may award a contract for removal, and may condition that contract on the barge removal contractor: 1) assuming all property rights in the barge and property on the barge; and 2) submitting a plan for barge removal to the Secretary.

Finally, this section provides that the United States is not liable to the owner or operator of an abandoned barge for damages caused by removal of the abandoned barge. The United States may, however, be liable to other persons damaged by the removal of the barge.

Section 4705. Liability of barge removal contractors

This section limits the liability of barge removal contractors and their subcontractors when performing work under this chapter. A barge removal contractor is not liable for damages that result from actions taken or omitted in the course of removing a barge. This section's liability limitation does not apply if the contractor is grossly negligent or engages in willful misconduct. This section's liability limitation also does not apply with respect to personal injury or wrongful death.

Section 5303. Application to certain barges

Section 403 of the bill provides that one year after the date of enactment of this Act, the Secretary may assess a civil penalty under section 4703 against an owner or operator of a barge abandoned before June 11, 1992, that continues to be abandoned one year after the enactment date.

Section 5304. Clerical amendment

Section 404 of the bill amends the analysis of subtitle II at the beginning of title 46, United States Code, by inserting a reference to new chapter 47.

Section 5305. Numbering of barges

Section 405 amends section 12301 of title 46, United States Code. It requires undocumented barges of more than 100 gross tons operating on the navigable waters of the United States to be numbered.

SUBTITLE D—HONORING THE COAST GUARD WOMEN'S RESERVE

Section 5401. Findings

This section recognizes the fiftieth anniversary of the legislation that created the Coast Guard Women's Reserve also known as the SPARs (Semper Paratus—Always Ready). The SPARs were established during World War II and made significant contributions to the Nation's total war effort. The SPARs were the forerunners of today's fully integrated Coast Guard.

Section 5402. Designation of SPAR Anniversary Week

This section designates November 17 through November 23, 1992, as "SPAR Anniversary Week". In addition, it authorizes and requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

SUBTITLE E—MERCHANT MARINE PROVISIONS

Section 5501. Coastwise laws

This section amends section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292) to clarify the application of the coastwise trade laws to certain dredges.

New section 1(a) requires all vessels that are engaged in dredging operations in the navigable waters of the United States (including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988) to meet the same requirements as other vessels engaged in coastwise operations. Therefore, these vessels must be U.S.-built, U.S.-owned, and U.S.-flag. If the vessel is over five net tons, it also must be documented under chapter 121 of title 46, United States Code, with a coastwise endorsement.

Additionally, if the vessel is chartered, the charterer of the vessel must be a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802) for purposes of engaging in the coastwise trade.

New section 1(b) exempts vessels that are engaged in the dredging of gold in Alaska from the coastwise eligibility requirements by allowing U.S. documented vessels with a registry endorsement to engage in these operations. Therefore, a U.S.-flag vessel that is foreign-built and foreign-controlled may engage in the dredging of gold in waters of the State of Alaska.

New section 1(c) provides that a vessel that is operated in knowing violation of this section and its equipment are liable to seizure by and forfeiture to the United States Government. This is in addition to other penalties provided under section 12122 for violation of the documentation laws.

Subsection (a)(2) of the bill grandfathers certain existing vessels that do not currently comply with these new requirements and vessels that are used as an integral part of an operation where dredging is a minority of the total costs of that operation.

Subsection (b) of the bill amends the Merchant Marine Act, 1920 (46 App. U.S.C. 883), commonly referred to as the "Jones Act", to clarify that merchandise owned by the United States Government, a State, or a subdivision of a state is subject to the coastwise trade laws.

Subsection (c) of the bill grandfathers a vessel under Public Law 100-329. Public Law 100-329 incorporated the transportation of valueless material or valueless dredge material within the coastwise trade laws. This vessel had been engaged in dredging before the enactment of that law, and this amendment restores its ability to continue these operations.

Section 5502. Treatment of certain seized fishing vessels under Fishermen's Protective Act of 1967

Subsection (a) includes four U.S. registered vessels under an agreement with the Secretary of State under section 7 of the Fishermen's Protective Act of 1967. This inclusion makes the vessel owners eligible for reimbursement of costs incurred as a result of seizure and illegal detention by a foreign nation that was in direct contravention of the freedom of navigation recognized under international law.

Subsection (b) describes the four vessels referred to in subsection (a).

SUBTITLE F—CLEAN VESSELS

Section 5601. Short title

This section provides that this subtitle shall be referred to as the "Clean Vessel Act of 1992".

Section 5602. Findings; purpose

Subsection (a) states the findings of Congress that the discharge of untreated sewage is illegal under federal law, the discharge of treated sewage is prohibited in many areas under state and federal law, there are an inadequate number of pumpout stations for Marine Sanitation Devices (MSD) where recreational vessels operate and sewage discharges from MSDs is a water quality problem in many U.S. waters.

Subsection (b) provides that the purpose of the Act is to provide funds for the construction, renovation, operation, and maintenance of pumpout stations and waste reception facilities in states.

Section 5603. Determination and plan regarding State marine sanitation device pumpout station needs

Subsection (a) directs each coastal state to conduct a survey to determine whether pumpout stations for MSDs and portable toilets are adequate and reasonably available to meet the recreational vessel needs within the state. The survey should focus on obtaining two pieces of information: (1) the number and location of all operational MSD or portable toilet pumpout stations; and (2) the number and areas where recreational vessels with type III MSDs or portable toilets congregate (i.e., marinas, mooring areas, and docks). This survey should include pumpout facilities at both public and private boating access facilities (i.e., marinas, docks, and boat launches). A list of the location of all operational pumpout stations is required to be transmitted to the Secretary of the Interior under subsection (b). Each coastal state is to use the guidance developed pursuant to section 5605(b) of this subtitle to determine what constitutes an adequate and reasonably available number of pumpout stations for the recreational vessels which operate on its waters. Amounts available under section 8(d) of the Dingell-Johnson Act (as added by this subtitle) may be used to conduct this survey.

Subsection (b) directs each coastal state to develop and submit to the Secretary of the Interior a plan for the construction or renovation of Marine Sanitation Device and portable toilet pumpout stations that are adequate and reasonably available, based on the guidance developed pursuant to section 5605(a) of this subtitle, to met the recreational vessel needs in the state. At the same time that it submits the plan to the Secretary of the Interior, each state should submit a list of the MSD and portable toilet pumpout stations which were operational when the survey mandated by subsection (a) was conducted. The plan and the list should be based on information developed and needs identified in the survey mandated by subsection (a). The plan may include proposals to construct pumpout facilities at private as well as public boating access facilities.

Subsection (c) requires the Secretary of the Interior to approve or disapprove each state's plan within 60 days of receipt. The Secretary of the Interior is to base this decision on the adequacy of the survey conducted by the state under subsection (a), and the ability of the plan to meet the construction and renovation needs identified in the survey. The Secretary of the Interior is to promptly notify the affected governor of the approval or disapproval of the plan. If the plan is disapproved, the Secretary of the Interior shall state the reasons and recommend the necessary modifications. The affected governor has 60 days after the plan is returned to make the necessary changes and resubmit the plan.

Subsection (d) directs the Under Secretary of Commerce for Oceans and Atmosphere to indicate the locations of pumpout facilities for MSDs and portable toilets on charts published by NOAA. This directive only applies to NOAA charts that are published for use by recreational boaters. To assist NOAA in updating its charts, the Secretary of the Interior is to transmit each coastal state's list of existing pumpout facilities to NOAA within 30 days of receipt. The U.S. Fish and Wildlife Service is also directed to notify NOAA with-

in 30 days of the completion of each project funded under the Clean Vessel Act of 1992, so that the location of these facilities can be indicated on the NOAA nautical charts. The Committee anticipates that NOAA will carry out the mandates of this subsection as part of its normal nautical chart revisions.

Section 5604. Funding

This section amends current law to provide additional funding from the Sport Fish Restoration Account for boat access, pumpout stations, and boating safety grants to states.

Subsection (a) deals with increasing the funding for pumpout stations and boating safety. Under this subsection, 18 percent of monies in the Sport Fish Account will be used to implement the Coastal Wetlands Planning, Protection, and Restoration Act.

After this deduction, an amount will be deducted and evenly divided between the Secretary of the Interior and the Secretary of Transportation. Funds to the Secretary of the Interior shall be used to provide grants to states to implement the Clean Vessel Act of 1992. Funds to the Secretary of Transportation shall be used to provide grants under the Boating Safety Grant Program established by Chapter 131 of title 46, United States Code. These funds shall be allocated among the states in accordance with section 13106(a)(1) of title 46, United State Code. The amount transferred to the Secretaries shall be $10 million in Fiscal Year 1993; $15 million in Fiscal Years 1994 and 1995; and $20 million in Fiscal Years 1996, 1997, and 1998. In Fiscal Year 1998, the entire amount will be allocated to the Secretary of Transportation for distribution as state boating safety grants. Any funds not obligated by the Secretary of the Interior within two years would be transferred to the Secretary of Transportation and distributed as state boating grants in accordance with section 13106(a)(1) of title 46, United States Code.

From amounts remaining in the fund, the Secretary of the Interior may use up to six percent for investigatory, administrative, and other appropriate purposes to promote the conservation and management of sport fishing.

Subsection (b) increases funding for facilities to improve public access to the waters of the United States. Under current law, states are required to allocate ten percent of their Sport Fish funds for public access; this subsection would increase that requirement to 12.5 percent. This change will allow the states within a U.S. Fish and Wildlife Service Administrative Region the flexibility to spend more or less than the required per centum each year under the Boat Access Account to meet priority needs. It will permit scheduling projects in an orderly fashion without being constrained by annual state level allocations. It does not change the annual apportionment to each state, and it does not allow for the transfer of appropriations between states. It does provide that if the USFWS regional allocation target is met, the states can spend any remaining apportioned funds on any qualified Sport Fish Restoration Project, and not have to satisfy, by individual state, the 12½ percent minimum spending requirements under the Boat Access Account.

Subsection (b) also adds the term "outreach" to the allowed uses under the education set aside of the Sport Fish Restoration Program. The term "outreach" encompasses the following activities: development, publication and distribution of print, audio and visual materials for and about the Aquatic Resources Trust Fund, particularly on the program's accomplishments; promotion of sound ethics programs; and cooperative programs with the sport fishing industry.

This section will increase grants to state recreational boating safety programs. These grants are currently financed through the Boat Safety Account of the Aquatic Resources Trust Fund, which is funded from excise taxes on fishing tackle and gasoline used by boaters. Currently, $70 million in gasoline excise taxes is annually transferred from the Trust Fund to the Boat Safety Account and is available for appropriation to the Coast Guard. Half of this amount is used for Coast Guard operating expenses and half is used for grants to state safe boating programs. These state grants have been enormously successful in reducing boating accidents and saving lives. The remaining monies in the Trust Fund are transferred to the Sport Fish Restoration Account.

As a result of the recent increase in the motorboat fuel tax, additional funds are flowing into the Trust Fund. Under current law, the additional monies are deposited into the Sport Fish Restoration Account. This provision uses a portion of this new gas tax money to increase funding for state boating safety programs.

The Committee believes that there are a number of boating problems that are not being adequately addressed. Additional funding for the following would likely lead to a reduction in boating accidents and an improvement in the marine environment: increased boater education; additional training and resources to improve investigations of the causes of boating accidents; the placement of buoys and other aids-to-navigation to assure the safety of our waterways; increased training and other resources for state officers charged with detecting the use of alcohol and drugs; increased training for state officials about the role of small boats in the drug trade; increased resources to prevent boat theft which is a major tool of the drug cartels; and state-wide and cooperative training of emergency response teams to deal with water-related emergencies, such as hazardous chemical spills.

Paragraph (1) of subsection (c) authorizes the Secretary of the Interior to obligate an amount not to exceed the amount made available under section 4(b)(2) of the Sport Fish Restoration Act to make matching grants. Grants are authorized to pay 75 percent of the cost to a coastal state of: (1) conducting a survey under section 5603(b); (2) developing and submitting a plan and list under section 5603(b); (3) constructing and renovating marine sanitation devices and waste reception facilities; and (4) conducting a program to educate boaters about sewage discharges from boats. This authorization does not preclude the Secretary from awarding grants that do not meet a coastal state's plan developed pursuant to section 5603. However, priority should be given projects that implement a coastal state's plan. Grants are also authorized to pay 75 percent of the cost to an inland state, which can demonstrate that it has an inadequate number of pumpout stations and waste reception facilities, of: (1) constructing and renovating pumpout stations and waste reception facilities; and (2) conducting a program to educate boaters about sewage discharges from boats.

Paragraph (2) directs the Secretary of the Interior to give priority consideration to state grant applications that fall into any of three categories. First, priority should be given to projects which implement a coastal state's approved construction and renovation plan. Compliance with a state plan is necessary because projects should be funded in the context of the overall needs of the state.

Second, priority should be given to projects which include public/private partnerships to develop and operate pumpout stations and waste reception facilities. Public/private partnerships will enable states to leverage more projects with this grant money. These partnerships will also ensure the long-term operation of these facilities. However, projects built at private facilities must be available to the public on the same basis as patrons of the private facility. In addition, operators of private facilities may only charge for the operation and maintenance of facilities and may not charge the public more than their patrons to use the facilities. The owners or operators of private facilities shall be required to pay at least 25 percent of the cost of projects funded with a grant awarded under this section. Priority should be given to grant proposals which include more than 25 percent private money.

Finally, priority should be given to projects which propose innovative ways to increase the availability and use of pumpout stations and waste reception facilities. There are a variety of portable pumpout stations (wheeled units and barges) which have the potential to increase pumpout use by boaters. These and other new technologies should be encouraged.

Subsection (d) states that nothing in this subtitle is intended to prevent a state from carrying out the requirements of the title with funds other than Sport Fish Restoration monies.

Section 5605. Guidance and Notification

Subsection (a) requires the Secretary of the Interior to, after consulting with the Administrator of the Environmental Protection Agency, the Under Secretary of Commerce for Oceans and Atmosphere, and the Commandant of the Coast Guard, issue guidance for pumpout stations and waste reception facilities guidance for public comment within three months of the date of enactment. The guidance shall include: (1) guidance on the types of pumpout stations and waste reception facilities that may be appropriate for construction, renovation, operation, or maintenance with funds available under the Sport Fish Restoration Act; (2) guidance on what constitutes adequate and reasonably available pumpout facilities and waste reception facilities; (3) guidance on appropriate methods for disposal of vessel sewage from pumpout facilities; (4) guidance on appropriate connector fittings to facilitate discharge of sewage from vessels; (5) guidance on the waters most likely to be affected by the discharge of sewage from vessels; (6) other information considered necessary to promote the establishment of pumpout stations and waste reception facilities. This guidance is to be finalized no later than six months after the date of enactment of this subtitle.

Subsection (b) directs the Secretary of the Interior to, not later than one month after the guidance in subsection (a) is finalized, to notify in writing each state fish and wildlife, water pollution control, and coastal zone authority of: (1) the availability of Sport Fish Restoration monies to implement this subtitle; and (2) the guidance developed under (2).

Section 5606. Effect on State Funding Eligibility

This section clarifies that this subtitle will not jeopardize any funds available to a coastal state under the Sport Fish Restoration Program if the state is pursuing a survey and plan designed to meet the purposes of this subtitle.

Section 5607. Applicability

This section states that section 5603 does not apply if a state can demonstrate to the Secretary of the Interior that it has: (1) developed and is implementing a pumpout station construction plan to meet the needs of recreational vessels in the state; or (2) adequate pumpout stations to meet the needs of recreational vessels in the state.

Section 5608. Definitions

For the purposes of this subtitle several terms are defined.

The term "coastal state" is defined as a state bordering on the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or a state bordering one or more of the Great Lakes. The term includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. The term does not include a state for which the ratio of the number of recreational vessels in the state to the number of miles of shoreline is less than one, and the Governor certifies to the Secretary of the Interior that water quality in the state is not significantly affected by sewage discharged from recreational vessels.

The term "coastal waters" is defined as waters within the territorial jurisdiction of the United States and includes Great Lakes waters within the jurisdiction of the United States.

The term "coastal zone" has the same meaning the term has in section 304(1) of the Coastal Zone Management Act.

The term "inland state" means any state which is not a coastal state.

The term "type III marine sanitation device" is defined as any equipment for installation on board a vessel which is designed to receive, retain, and discharge sewage.

The term "pumpout station" means a facility that pumps or receives human body wastes out of type III marine sanitation devices.

The term "recreational vessel" is defined as vessel which is manufactured for operation, or operated primarily for pleasure, or is leased, rented, or chartered to another for the latter's pleasure.

The term "waste reception facility" means a facility specifically designed to receive wastes from portable toilets.

TITLE VI—DOCUMENTATION OF VESSELS—SUBTITLE A

Section 6101. General waivers

Section 6101 waives the vessel documentation laws to waive certain restrictions for coastwise endorsements, great lakes endorsements, and fisheries endorsements so that the Secretary of Transportation may issue these endorsements for the 29 vessels listed. The waivers are mainly for the inability of vessel owners to prove the continuous ownership of the vessels by U.S. citizens and because some of the vessels were constructed in foreign shipyards.

Section 6102. Waiver for oil spill activities

Section 6102 waives the U.S. building requirement for the U.S.M.V. *Deliverer* and allows the Secretary of Transportation to issue a limited coastwise and great lakes endorsement for limited use in support of oil spill activities.

Section 6103. Limited waiver

Section 6103 waives the U.S. building requirement for the vessel *Tesoro* so this vessel may engage in the coastwise trade.

Section 6104. Limited waiver for Yupik Star

Section 6104 waives the U.S. building requirement for the *Yupik Star* and allows the Secretary of Transportation to issue a certificate of documentation with a coastwise endorsement for this vessel.

Section 6105. Sale of vessels

Section 6105 allows 3 vessels built with the aid of construction-differential subsidy, the *Ocean Challenger*, *Ocean Runner*, and *Ocean Wizard*, to be transferred to foreign registry before they reach the normal 20-year CDS life for these vessels. However, the transfers must be approved by the Secretary of Transportation under section 9 of the Shipping Act, 1916.

SUBTITLE B

Section 6201. Student incentive payments

Section 6201 amends Section 1304(g)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(1)) by raising the amount of Student Incentive Payments from $1,200 to $3,000 a year. The $3,000 payment applies to payments made in academic years beginning after the date of the enactment of the bill. The current section 1304(g)(1)(C) is deleted so that a student will not have to wait until the second academic year to receive the $3,000 for the first year.

Section 6202. Transfer of certain vessels

Section 6202 transfers the U.S.N.S. *Chauvenet* (T-AG-29) and the U.S.N.S. *Harkness* (T-AG-32) from the Secretary of the Navy to the Department of Transportation for assignment of these vessels to Texas A&M University at Galveston, Texas and to the Maine Maritime Academy at Castine, Maine, for use as training vessels at these state maritime academies.

Section 6203. Massachusetts Center for Marine Environmental Protection

Section 6203 authorizes $242,000 for assistance to the Massachusetts Center for Marine Environmental Protection located at the Massachusetts Maritime Academy.

Section 6204. Federal ship mortgage insurance for certain construction and reconstruction

Section 6204 amends section 1104(B)(b(2) to allow the Secretary of Transportation to issue loan guarantees for 87½ percent of the loan amount for tank vessels under the title XI loan guarantee program. This will allow the Secretary to guarantee the same percentage of the loan amount as the Secretary may guarantee for all other vessels.

Section 6205. Technical correction

Section 6005 corrects an error in the Coast Guard Authorization Act of 1989 (Public Law 101-225) that mistakenly repealed a section of the Merchant Ship Sales Act and corrects a spelling and cross reference error in the Merchant Marine Act, 1920.

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

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

Mr. Speaker, as the gentleman from Massachusetts [Mr. STUDDS] has explained, this legislation has passed eight different pieces of legislation in here. Most of them have passed the House, one has passed the Senate, so we concur in its passage.

Mr. HERTEL. Mr. Speaker, I am pleased that the House will complete consideration on legislation tonight that will reauthorize the National Marine Sanctuary Program for 4 years. As chairman of the House Subcommittee on Oceanography, Great Lakes and the Outer Continental Shelf, I have enjoyed working with my colleagues on the Merchant Marine and Fisheries Committee on this important title to the Marine Protection, Research and Sanctuaries Act. I know we will all enjoy the benefits of this bill's enactment.

Originally authorized in 1972, the National Marine Sanctuary Program established a special governmental designation process and trust for managing unique, discrete marine areas and protecting their most fragile resources. This legislation marks how substantially the program has grown and changed during its 20-year history.

During consideration of H.R. 4310, the Subcommittee on Oceanography, Great Lakes, and the Outer Continental Shelf and the Subcommittee on Fisheries and Wildlife Conservation and the Environment held two joint hearings. The first hearing was held on November 7, 1991; the second, on March 31, 1992.

After considerable attention to the recommendations of various witnesses, scientists, resource managers, policymakers, and each other, members of the Merchant Marine and Fisheries Committee formulated a consensus on the process for selection and designation of sanctuaries, on management improvements necessary to meet program objectives, and on areas that require immediate sanctuary designation by statute.

Throughout the legislative process, I emphasized the need for sufficient funds to support the necessary manpower, equipment, and resources NOAA will require to implement effectively the range of its full responsibilities under the National Marine Sanctuary Program. Although deliberations have tailored my initial recommendation for authorization funding growth, I continue to believe that this issue will be the key to future program effectiveness.

Additionally, I believe firmly that the National Marine Sanctuary Program should be elevated in priority—not to glorify the coastal waters of isolated areas in the backyards of a few—but to offer a national schematic for protecting our most precious marine and freshwater areas. These areas are a national treasure requiring national, not just local, support. They require commitment, management, and wise planning so that we, and generations after us, can enjoy their splendor and be proud.

Over the course of my chairmanship of the Subcommittee on Oceanography, Great Lakes and the Outer Continental Shelf, I have personally visited five of the sites proposed to become, or designated as, national marine sanctuaries. I found that the coastline of each one is as diverse as the weather that envelopes them. Their locations and expanse differ substantially, and the marine life that inhabits these areas is unique, precious and irreplaceable.

In my visits, I have become personally moved by the thought that over time without a measured hand protecting them, each of these areas could become exploited—devoid of fisheries and marine life, wasted by navigational traffic, polluted by carelessness or accident, and overwrought by a variety of poisons that come almost automatically with population growth, industrialization, and unchecked use.

There is no marine sanctuary near my home in Michigan, nor is there one near the homes of any of my constituents. Yet, I am pleased to share a part in this process for them, because it is a process of developing legislation to protect something that is national—not

something purely parochial. Some day soon, I hope that each of my constituents will, as I have, be able to visit a national marine sanctuary. Perhaps then they will join me to advocate for a greater Federal commitment of funds to the National Marine Sanctuary Program so that the future of all sanctuaries is certain and safe.

Mr. Speaker, with that background, allow me please to summarize some of the provisions of the bill before us. The first sections of H.R. 4310 add strength to the purposes and policies of the National Marine Sanctuaries Act—with special focus on education and long-term monitoring and research. With these new goals, sanctuary resources will be protected through comprehensive, well-coordinated, multiuse management plans.

Under the legislation, sanctuary designation procedures are streamlined, and interagency cooperation will ensure that consultation and joint cooperation remain cornerstones to conserving resources in selected, discrete marine and coastal areas. Strengthened enforcement and penalties against prohibited activities will aid in restoring damage to sanctuary resources and allow for monitoring and research necessary to keep these resources thriving for generations to come.

A variety of provisions I authored encourage partnerships in managing sanctuary resources. These include cooperative agreements in the bill that will enable the Secretary of Commerce to get help from other Government agencies and private organizations with funds or activities that support a sanctuary. Also incorporated are streamlined arrangements for the use or purchase of equipment and facilities, such as docks, minimizing current bureaucratic red tape.

Advisory councils for each sanctuary, established in the legislation, guarantee that the variety of interests—especially those who live or work near a sanctuary—are heard publicly and are taken into account in any designation or management decisions.

Appropriations are authorized in the first section of the bill at $8 million in the current fiscal year; augmented to $12.5 million in 1994; $15 million in 1995; and $20 million in 1996. These amounts, plus additional earmarked levels for specific designations in other sections of the bill, allow for modest growth in a climate of budget constraint. A new emphasis on funding of field activities continues to be a key focus of this legislation to ensure that effective on-site management of sanctuaries already designated, or under evaluation, is accomplished smoothly.

Every aspect of this reauthorization legislation has involved consultation. This bill is the product of a blending of philosophies and principles securing a positive direction for the National Marine Sanctuaries Act in the next 4 years.

In closing, Mr. Speaker, I would like to thank the senior Senator from Massachusetts for his cooperation and support in working on this legislation. I am grateful to have had the opportunity to work with all of my colleagues on the Merchant Marine and Fisheries Committee to reinforce the national direction and special mission of the National Marine Sanctuary Program.

Mr. HERTEL. Mr. Speaker, H.R. 2130/S. 1405, the National Oceanic and Atmospheric Administration Authorization Act of 1992 is significant—for the first time in NOAA's 32-year history, this act will authorize appropriations for the agency's operation.

I introduced this bill on April 30 of last year, along with Chairman JONES, Mr. BATEMAN, Mr. DAVIS, Mr. STUDDS, Mr. YOUNG, and Mr. HUGHES. Since that time, the bill has been revised to include authorization for so many of the broad array of programs that NOAA manages. As it is presented to us for final passage tonight, H.R. 2130 includes authorization for NOAA's research, monitoring, and management of NOAA's coastal, marine and freshwater programs and for NOAA's atmospheric, weather and satellite programs.

From the depths of our Nation's oceans and Great Lakes, to the outer reaches of our Earth's atmosphere, NOAA scientists have sought to understand the vast complexity of both wet and dry processes that threaten the life and limb of our citizens and critically determine the economic and environmental well-being of our Nation's resources.

The bill before us today will do much to clarify the wide array of missions under NOAA's umbrella, while improving program oversight. Moreover, H.R. 2130 encourages new directions in NOAA science in response to newly emerging problems.

I'm very pleased that a new coastal water quality monitoring provision of the bill will include the Great Lakes in a joint NOAA–EPA initiative to develop a comprehensive strategy and standardized protocols for assessing the environmental health of our Nation's coastal waters. All too often in the past, our Great Lakes have been denied the national scientific attention that they fully warrant, at a time when global supplies of clean surface freshwater are declining at an alarming rate.

Two other subsections of the bill will also encourage NOAA to focus its science on problems related to management and protection of freshwater resources. Section 202(b) authorizes funds to support ongoing research by NOAA's Cooperative Institute for Limnology and Ecosystems Research [CILER]. CILER is the youngest of seven cooperative institutes established between NOAA Environmental Research Laboratories and participating universities. It is a unique partnership between NOAA's Great Lakes Environmental Research Laboratory, the University of Michigan, Michigan State University, and other participating universities from around the Great Lakes. Support and development of this new program promises large and cost-effective returns in the scientific understanding of processes of the Great Lakes and other freshwater ecosystems throughout the world.

Section 202(c) of the bill authorizes a new NOAA initiative directed toward the comparative scientific study of select large lakes around the world. A large lake is any lake with a surface area greater than 192 square miles—a surface area that is about 2.8 times as large as the surface area of the District of Columbia.

There are 189 large lakes around the globe and collectively, they contain 85 percent of the Earth's surface freshwater. Aside from the large water supplies these lakes contain, some of these lakes are up to 30 million years old and possess valuable geological records from which scientists can document changes in climate, plant and animal communities and most recently, effects of man—namely the transport and fate of toxic contaminants.

Closer to home, the scientific knowledge gained from the study of large lakes will help improve management and protection of our Great Lakes. These lakes alone, contain 20 percent of the world's surface freshwater. By looking at how large lakes around the world function, scientists hope to understand more fully how our own Great Lakes work and how we might more effectively manage and protect them.

Finally, I'm pleased that the bill before us today includes a title providing for the replacement and modernization of NOAA's rapidly-aging national civilian oceanographic fleet. Much of the language of this title, title VI, is derived from H.R. 5324, The NOAA Fleet Replacement and Modernization Act, a bill I introduced on June 4, 1992, with several members of the Merchant Marine and Fisheries Committee—our former Chairman WALTER B. JONES, ranking Minority Member DAVIS, Acting Chairman GERRY STUDDS, Mr. BILL HUGHES, Mr. BILLY TAUZIN, Mr. HERBERT BATEMAN, and Mr. JAMES SAXTON.

Over the past 4 years, a study by General Accounting Office and subsequent studies have documented the deterioration of the NOAA fleet, while emphasizing the critical need to begin immediate vessel modernization and replacement. Title VI of the bill authorizes the Secretary of Commerce to carry out a 15-year program to replace and modernize the NOAA fleet, while prescribing requirements for: a fleet replacement and modernization plan; vessel design; multiyear contract authority; use of vessels; and interoperability with Navy vessels where practicable.

Additionally, section 607 prohibits repair or construction of NOAA vessels by shipyards that receive significant subsidies. This provision was added to ensure fair, competitive terms for NOAA fleet construction and repair contracts to shipyards that do not engage in subsidy practices that do not comply with our international trade agreements. After much debate and negotiation, I am pleased that we will pass a bill tonight that incorporates a strong provision to protect jobs in the ailing American shipbuilding industry and that, according to administration representatives, will finally be signed by the President.

In its initial form, although more strict "Buy America" language was passed by the House, the Senate followed the President's direction in opposing that provision of H.R. 2130. The bill before us today includes a compromise negotiated to honor progress made already and the promise for further future progress in international shipbuilding and procurement agreements. Most importantly, the codification of the term "significant subsidy" establishes for the first time that we do have a national policy position that strengthens America's position when competing for shipbuilding and ship repair contracts. I believe this is the most important provision in this legislation for American workers.

Mr. Speaker, having highlighted only a few of the many provisions of H.R. 2130 that have been thoughtfully drafted by committee and subcommittee staff under the wise guidance of

members of the Merchant Marine and Fisheries Committee, I commend all who support this legislation and urge its final approval for swift signature by the President.

Mr. DAVIS. 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. 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. 5617, 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: "To provide Congressional approval of a Governing International Fishery Agreement, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5617, NATIONAL MARINE SANCTUARIES PROGRAM AMENDMENTS ACT OF 1992

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5617, including corrections in spelling, punctuation, section numbering, and cross-referencing.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2130, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1992

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 610) to provide for the consideration of the Senate amendment to H.R. 2130.

The Clerk read as follows:

H. RES. 610

Resolved, That upon adoption of this resolution, the bill (H.R. 2130), the National Oceanic and Atmospheric Administration Act of 1991, with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same are hereby, agreed to with the following amendments:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceanic and Atmospheric Administration Authorization Act of 1992".

SEC. 2. DEFINITIONS.

For the purposes of this Act, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653); and

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.).

TITLE I—NOAA ATMOSPHERIC AND SATELLITE PROGRAMS

SEC. 101. NATIONAL WEATHER SERVICE OPERATIONS AND RESEARCH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the operations and research activities of the National Weather Service under law, $311,532,000 for fiscal year 1992 and $395,822,000 for fiscal year 1993. Moneys appropriated pursuant to this authorization shall be used to fund those activities relating to National Weather Service operations and research specified by the Act of 1890, the Act of 1947, and any other law involving such activities. Such activities include meteorological, hydrological, aviation, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

(b) PACIFIC WEATHER BUOYS.—Of the sums authorized under subsection (a), $840,000 for fiscal year 1992 and $1,135,000 for fiscal year 1993 are authorized to be appropriated for the purpose of operating and maintaining weather buoys off the coast of California, Oregon, Washington, and Hawaii.

(c) COOPERATIVE WEATHER OBSERVER PROGRAM.—The Secretary of Commerce may use funds otherwise available for conducting weather observations to strengthen the Cooperative Weather Observer Program and encourage public participation in the program. The Secretary may—

(1) provide distinctive insignia or paraphernalia to Cooperative Weather Observers; and

(2) make awards of nominal value to recognize continued participation in the program by observers or to recognize outstanding achievements by such observers or groups of observers without regard to any law restricting expenditures for such purposes to Federal employees.

SEC. 102. PUBLIC WARNING AND FORECAST SYSTEMS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to improve its public warning and forecast systems under law, $132,034,000 for each of the fiscal years 1992 and 1993. Moneys appropriated pursuant to this authorization shall be used to fund those activities relating to public warning and forecast systems specified by the Act of 1890, the Act of 1947, and any other law involving such activities. Such activities include the development, acquisition, and implementation of major public warning and forecast systems.

(b) WEATHER RADAR COMPLETE PROGRAM AUTHORIZATION.—(1) Except as provided in paragraph (2), there are authorized to be appropriated to the Secretary of Commerce for all fiscal years beginning with fiscal year 1993, not to exceed $426,971,000, to remain available until expended, to complete the acquisition and deployment of the Next Generation Weather Radar system, and to cover all associated activities (including program management and operations and maintenance through September 30, 1996).

(2) None of the funds are authorized to be appropriated for any fiscal year under paragraph (1), unless, within 60 days after the submission of the President's budget request for such fiscal year, the Secretary of Commerce—

(A) certifies to the Congress that—

(i) the radars, including system software, meet the technical performance specifications included in the radar procurement contract as in effect on October 1, 1992;

(ii) the system contract is viable, and the Secretary does not foresee circumstances which would prevent fulfillment of the contract;

(iii) the system can be fully sited, commissioned, and operational without requiring further authorization of appropriations beyond amounts authorized under paragraph (1); and

(iv) the Secretary does not foresee further delays in the system deployment and operation schedule; or

(B) submits to the Congress a report which describes—

(i) the circumstances which prevent a certification under subparagraph (A);

(ii) remedial actions undertaken or to be undertaken with respect to such circumstances;

(iii) the effects of such circumstances on the deployment and operation schedule and radar coverage; and

(iv) a justification for proceeding with the program, if appropriate.

SEC. 103. CLIMATE AND AIR QUALITY RESEARCH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research activities under law, $100,718,000 for fiscal year 1992 and $103,877,000 for fiscal year 1993. Moneys appropriated pursuant to this authorization shall be used to fund those activities relating to climate and air quality research specified by the Act of 1890, the Act of 1947, and any other law involving such activities. Such activities include interannual and seasonal climate research, long-term climate and air quality research, and the National Climate Program.

(b) CLIMATE AND GLOBAL CHANGE.—Of the sums authorized under subsection (a), $67,000,000 for each of the fiscal years 1992 and 1993 are authorized to be appropriated for the purposes of studying climate and global change. Such program shall augment and integrate existing programs of the National Oceanic and Atmospheric Administration and shall include global observations, monitoring, and data and information management relating to the study of changes in the Earth's climatic system, fundamental research on critical oceanic and atmospheric processes, and climate prediction and diagnostics.

SEC. 104. ATMOSPHERIC RESEARCH.

There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research activities under law, $43,935,000 for fiscal year 1992 and $44,781,000 for fiscal year 1993. Moneys appropriated pursuant to this authorization shall be used to fund those activities relating to atmospheric research specified by the Act of 1890 and by any other law involving such activities. Such activities include research for developing improved ob-