

## Legislation Concerning Marine Sanctuaries and Maritime Safety

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*Statement on Signing S. 1102 Into Law.*  
*October 19, 1984*

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I have today signed S. 1102, which includes the Marine Sanctuaries Amendments of 1984 (Title I), the Maritime Safety Act of 1984 (Title II), and amendments to several other acts. The Maritime Safety Act adopts new safety regulations for vessels subject to its coverage. By adding new requirements to the Marine Protection, Research, and Sanctuaries Act of 1972, the Marine Sanctuaries Amendments set forth specific standards that the Secretary of Commerce must consider when designating a marine sanctuary.

Although I believe many of the amendments made by the Marine Sanctuaries Amendments will improve the procedures for designating marine sanctuaries, I have been advised by the Department of Justice that the method Congress has chosen in this title for preparing proposed regulations governing fishing within the United States Fishery Conservation Zone will raise fundamental constitutional questions unless the act is given a careful narrowing construction. Under the bill, these regulations are to be drafted initially by Regional Fishery Management Councils, which include members chosen by State governments. See 16 U.S.C. § 1852. When a Council prepares a draft regulation, the Secretary of Commerce is directed to issue it as a proposed regulation "unless [he] finds the Council's action fails to fulfill the purposes and policies of this title and the goals and objectives of the proposed designation." "See § 304(a)(5) of the Marine Protection, Research, and Sanctuaries Act of 1972, as enacted by the bill. The Department of Justice has advised me that the promulgation of regulations by persons, such as Council members, who are not appointed by the President, would violate the appointments clause, Art. II, § 2, cl. 2, of the Constitution. See *Buckley v. Valeo*, 424 U.S. 1, 126 (1976). For this reason, I am signing this legislation based on my understanding that the Councils will only make recommendations with respect to proposed regulations. It is the

Secretary, not the Councils who must make the final decisions on the appropriate final action to be taken in response to recommendations transmitted by the Councils.

I fully support the important environmental goals that this legislation seeks to further. Nevertheless, this valid and worthy objective must be carried out consistent with the appointments clause.

*Note: As enacted, S. 1102 is Public Law 98-498, approved October 19.*

## National Organ Transplant Act

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*Statement on Signing S. 2048 Into Law.*  
*October 19, 1984*

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Today I am signing into law S. 2048, the National Organ Transplant Act. This legislation covers an area in which I have been personally involved: promoting the donation of organs, especially liver transplants for children. I am pleased that the Congress worked with the administration to produce a bill that will enhance this effort.

This bipartisan legislation provides a framework that should help increase the overall supply of much needed organs and improve our ability to match donor organs with individuals in need of transplants. Over the last 3 years, I have urged the American people to remember that many lives could be saved through generous donations of life-saving organs. I have been encouraged by the response of the media and the public to this compassionate cause. This act will serve to support this ongoing work.

A 25-member task force is created by the act to examine and report on a wide range of important issues in the field of organ transplantation. The task force will also report on medical and economic issues related to immunosuppressive drugs, which are used to prevent organ rejection.

Also, the Government will provide support for the establishment of an Organ Procurement and Transplantation Network in the private sector to maintain a national