

HOW GOVERNMENT WORKS FOR YOU: AMERICA'S NATIONAL PARK SYSTEM

Mr. REID. Madam President, I rise today to speak about an issue that has been bothering me for some time. As this Congress begins to wind down, I have reflected on the achievements and the failures during the past 2 years of this Congress. As I look back on the 104th Congress, I am struck by the public's negative perception, not only of this Congress, but our Government, our Federal Government. In my 10 years here in the Senate, I cannot recall a time when the American public had such a low regard for our Federal Government. It seems like our perception of Government in this country has gone from a view where all things are possible to a view by many where all things are suspect.

There has always been in this country a healthy tradition of political dissent, but what I am hearing today is something deeper and more negative than that. This troubles me because I hear it being echoed in the State of Nevada even by young people, the very generation who will lead us into the next century. I am not willing to stand by and watch an entire generation of Nevadans grow up distrusting our Government. The future, I believe, of Nevada, and our Nation, depends on this next generation's youthful energy and natural optimism to carry us forward.

So I would like to spend a little time today—and I will in the future—talking about how Government works for each of us. I think it is important to take a few minutes to remember how Government has changed our lives for the better. There are many areas about which we could speak, but today I am going to talk about our National Park System, which I personally am very proud of. I think all of us in America should be rightfully proud.

In the late 1700's and the early part of the 1800's, hunters and trappers would come back from passing through Yellowstone with incredible tales of soaring mountains, steaming lakes, of spouts of water going into the air hundreds of feet, stories that many people believed were untrue. But, of course, they were true.

In PBS's recent production on the West, "The Making of the West," there is a great story in the first couple of series about a mountain man by the name of Joe Mink, who came through Yellowstone, and some of the stories that he told.

Many stories were told about this great area in our country. These stories were passed on, some not believing them, as I mentioned, some thinking that they were nothing more than tall tales started by native Americans and then passed on by hunters and trappers.

But the stories persisted. Finally, expedition parties were sent out to check the stories about Yellowstone. One such expedition journeyed there to report back what they felt should be

done with Yellowstone. What these men found there awed and really humbled them. At their campsite near the Madison River, members of the expedition party talked about what they had seen. Maybe the land, they said, could be mined, and surely a few fortunes could be made harvesting timber. The possibilities of development really seemed endless.

But a member of that expedition by the name of Cornelius Hedges, who was a Montana judge, had a different idea. There are a lot of fathers of our National Park System. Cornelius Hedges is one of those fathers. He thought that the land should be preserved as a national park, a word that was unheard of at the time.

The expedition returned and began to promote the idea that Hedges had. In 1872 this dream came to fruition when Congress established Yellowstone National Park. In 1916 the National Park Service was established by Congress. Today, 80 years after the birth of the National Park Service, there are more than 270 million visitors to our national parks. Of course, some people visit parks more than once.

Madam President, I read in this morning's paper about President Clinton yesterday being at the Grand Canyon. During his presentation yesterday at the Grand Canyon, he talked about an event that really changed his life. That was a time when as a young man he went to the Grand Canyon and spent 2 hours sitting in solitude, looking at this piece of nature. He said even today in his hustle and bustle world he is able to reflect back on the solitude that he experienced at Grand Canyon National Park.

I, too, a little over a year ago had the good fortune of traveling down the Colorado River through the Grand Canyon. It was a life-changing experience for me, also, as it has been for thousands and thousands and thousands of people over the years who have gone through this, one of our national parks, the Grand Canyon.

This year Nevada is celebrating the 10th anniversary of our only national park, the Great Basin National Park. This incredible wonder in Nevada is home to the southernmost glacier in all of America. Yes, a glacier in Nevada—incredible, but true. The oldest living thing in the world is in this national park, the bristlecone pine, a tree that is gnarled, and some say not statuesque like a lot of big green trees that we see. It is over 5,000 years old. Madam President, 2,500 years before the birth of Christ these trees were growing in the Great Basin National Park.

We have many other things that will cause one to wonder other than these twisted limbs of the bristlecone pine in Great Basin National Park, but it is something that we in Nevada are proud of and the entire Nation is proud of. This 77,000-acre park was visited last year by about 100,000 people. You do not have to be rich to take in the won-

ders of the Grand Canyon. You do not have to be rich to take in the wonders of Yellowstone or Great Basin.

Our National Park System is designed for everyone. It is something that we as a country should be very proud of and we are. You can travel the depths of the Earth to see the incredible wonders of Lehman Cave, also part of our great national park. This jewel, the Great Basin National Park, will be there for centuries to come, as will Grand Canyon, as will Yellowstone.

I have talked today, Madam President, about one example of about where I think Government has worked well for the people of this country in establishing our National Park System. Now, this is something, our National Park System, that we should all speak proudly of, positively of, and it is a function where Government has worked well. Instead of denigrating Government, we should work to improve our system of Government that is the envy of the world. Our National Park System is the envy of the world.

Unquestionably, the Federal Government needs to streamline, reform, and change. Burdens of regulations of unfunded mandates must be eliminated, and ridiculous paperwork requirements must be eliminated, also. However, Government oversight is not innately evil and can be designed not as an intrusive control mechanism over the States but as an insurance policy to guard against Americans falling through the cracks. Our goal should be for a more effective Federal Government, not one that is useless or so reduced that our citizens are the ones to suffer. As a nation, we cannot afford to have a Federal Government that is unable to provide for Americans to defend our interests in the world.

Madam President, I ask that we all reflect on a success that we have had as a Federal Government. That is, in establishing and maintaining our National Park System. Of course, we need to do more. We have a tremendous backlog of renovations and repairs that need to be made in our National Park System, but visiting a national park is an experience of a lifetime. It was for me as it has been for millions of other Americans.

Mr. FAIRCLOTH. Madam President, I thank the Chair.

(The remarks of Mr. FAIRCLOTH pertaining to the introduction of S. 2093 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. FRIST). Morning business is closed.

SUSTAINABLE FISHERIES ACT

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of S. 39, which the clerk will report.

The bill clerk read as follows:

A bill (S. 39) to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchison amendment No. 5383, to make certain modifications to provisions with regard to regional fishery management councils.

AMENDMENT NO. 5383

The PRESIDING OFFICER (Mr. FRIST). The pending question is the Hutchison amendment, No. 5383. There will be 4 minutes of debate, equally divided, on the amendment.

Mr. STEVENS. Mr. President, while we are waiting the manager on the Democratic side, I have a parliamentary inquiry.

Was the managers' amendment that was adopted last evening printed in the RECORD?

The PRESIDING OFFICER. Yes, it is. It is on page S10844.

Mr. STEVENS. Mr. President, I ask unanimous consent that a summary of the managers' amendment be printed in the RECORD at this point, and that it be printed in the permanent RECORD following the managers' amendment of yesterday.

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

SUMMARY OF MANAGER'S AMENDMENT TO S. 39

AUTHORIZATION OF APPROPRIATION

The manager's amendment authorizes appropriations through fiscal year (FY) 1999 for the purposes of carrying out the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

DEFINITIONS

The amendment defines a number of new terms for the purposes of the Magnuson Act and amends a number of existing definitions. New defined terms include: "bycatch"; "charter fishing"; "commercial fishing"; "economic discards"; "essential fish habitat"; "fishing community"; "individual fishing quota"; "overfishing"; "Pacific Insular areas"; "recreational fishing"; "regulatory discards"; "special areas"; and "vessel subject to the jurisdiction of the United States." The amendment amends the existing definition of "optimum" with respect to the yield of fishery to mean the amount of fish prescribed on the basis of the maximum sustainable yield "as reduced" (rather than "as modified") by any relevant economic, social, or ecological factor. This change prevents the maximum sustainable yield of a fishery from being exceeded.

BYCATCH REDUCTION

The amendment adds a new national standard to the Magnuson Act requiring that, to the extent practicable, conservation and management measures minimize bycatch and minimize the mortality of bycatch that cannot be avoided. The amendment specifically requires the Councils to establish standard reporting methods under fishery management plans to assess the amount and type of bycatch occurring in each fishery, and to include measures to minimize bycatch to the maximum extent they can, and to minimize the mortality of bycatch that cannot be avoided in the first place. The amendment provides the Councils with the

new tools of harvest preferences and other harvest incentives to achieve this bycatch reduction. In addition, the amendment requires the Councils to assess the type and amount of fish being caught and released alive in recreational fisheries, and include measures to ensure the extended survival of such fish.

The amendment requires the Secretary of State to seek to secure international agreements for bycatch standards and measures equivalent of those of the United States.

The amendment requires the North Pacific Council, in carrying out the new bycatch requirements, to reduce the total amount of bycatch occurring in the North Pacific, and authorizes the North Pacific Council to use, in addition to harvest preferences or other harvest incentives, fines and non-transferable annual allocations of regulatory discards as incentives to reduce bycatch and bycatch rates. The amendment requires the North Pacific Council to submit a report on the advisability of requiring the full retention and full utilization of the economic discards in the North Pacific that cannot be avoided in the first place. The Council must report on any measures it already has approved, or approves during the period of the study, to require full retention or full utilization, and is not meant to preclude the Council from taking all actions that it can to achieve these goals.

The amendment requires the Secretary to conclude within nine months the collection of data in the program to assess the impact on fishery resources of incidental harvest by shrimp trawl fisheries, and to conduct additional data collection and evaluation activities for stocks identified by the program which are considered to be overfished. Within 12 months of enactment, the Secretary must complete a program to develop technology, devices, and changes in fishing operations necessary to minimize the incidental mortality of bycatch in the course of shrimp trawl activity to the extent practicable as measured against the level of mortality which occurred in a fishery before November 28, 1990. Any measures taken are required to be consistent with measures that are applicable to fishing throughout the range within the United States by the bycatch species.

OVERFISHING

The amendment defines "overfishing" to mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis. It requires the Councils to specify, in each FMP, criteria for determining when a fishery is overfished and to include measures to rebuild any overfished fishery. It also requires the Secretary to report annually to Congress and the Councils on the status of fisheries, and to identify fisheries that are overfished or approaching a condition of being overfished using the Council's overfishing criteria. The Secretary is required to notify the Council immediately if a fishery is overfished.

Within one year of the Secretary's annual report, the appropriate Council must submit an FMP, amendment or regulation to prevent overfishing in fisheries determined to be approaching that condition, and to stop overfishing and begin to rebuild fisheries classified as overfished. For an overfished fishery, the Councils must specify as short a time period as possible to stop the overfishing, taking into account the harvest status and biology of the overfished stock, the needs of fishing communities, recommendations by international organizations in which the United States participates, and interaction between the stock and the ecosystem. The duration cannot exceed 10 years except under extraordinary circumstances.

The Secretary is required to prepare an FMP or amendment if a Council fails to take sufficient action within one year on an FMP, amendment or regulations to rebuild an overfished fishery. The amendment allows the Secretary to recommend appropriate measures to the Council, and requires that the allocation of both overfishing restrictions and recovery benefits be fairly and equitably distributed among sectors of the fishery.

The manager's amendment allows the Secretary to use interim authority to reduce overfishing for up to 180 days, with one additional 180 day period, provided that a public comment period on the measure is provided.

HABITAT PROTECTION

The amendment defines "essential fish habitat" for the purposes of the Magnuson Act as "waters and substrate necessary to fish for spawning, breeding, or growth to maturity." It requires the Councils to identify essential fish habitat under each FMP, to minimize, where practicable, adverse impacts on the habitat caused by fishing, and to identify actions that should be considered to encourage the conservation and enhancement of essential fish habitat. The Secretary is required to establish guidelines to assist the Councils in describing and identifying essential fish habitat and to review programs administered by the Department of Commerce to ensure they further the conservation and enhancement of essential fish habitat. Federal agencies are required to consult with the Secretary with respect to any action authorized, funded or proposed to be undertaken that may adversely affect any essential fish habitat identified under the Magnuson Act.

The amendment authorizes the Councils (similar to existing law) to comment on and make recommendations to the Secretary and other Federal or State agencies on any agency actions that may affect habitat, including essential fish habitat, and requires the Councils to comment on and make recommendations on agency activities that in the view of the Council are likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource.

Upon notification of any action authorized, funded, undertaken, or proposed to be authorized, funded, or undertaken by a Federal agency that may adversely affect essential fish habitat, the Secretary is required to recommend measures that can be taken to conserve the habitat. Federal agencies must respond in writing to such recommendations, and explain reasons for not following any recommendations.

COUNCIL REFORM

The amendment requires Council members to recuse themselves from voting on Council decisions that would have a "significant and predictable effect" on their financial interests. Such a decision is defined as one where there is "a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interests of other participants in the same gear type or sector of the fishery." This language is intended to prevent Council members from voting on decisions that would bring substantially disproportionate financial benefits to themselves, but not to prevent Council members from voting on most matters on which they have expertise.

The Secretary, in consultation with the Council, is required to select a "designated official" with Federal conflict-of-interest experience to attend Council meetings and make determinations on conflicts of interest. The determinations will occur at the request of the affected Council member or at

the initiative of the designated official. Any Council member may request a review by the Secretary of a determination. Regulations for the recusal process are required to be promulgated by the Secretary within one year of enactment.

The amendment adds an additional seat to the Pacific Council for Pacific Northwest Indian tribes, to be selected by the Secretary from a list of 3 individuals from tribes with Federally recognized fishing rights. The amendment adds two additional seats to the Mid-Atlantic Council to provide representation for the State of North Carolina.

The amendment requires the Councils to keep detailed minutes of meetings. It also allows any voting member of the Council to request that a matter be decided by roll call vote, and requires all roll call votes to be identified in the Council's minutes. All written data submitted to the Council are required to include a statement of the information's source. The reported bill allows the Councils (and the Secretary with respect to Atlantic highly migratory species) to establish fishery negotiation panels to assist in the development of difficult conservation and management measures.

FISHERY MANAGEMENT PLANS

The amendment simplifies the review process by the Secretary of proposed FMPs and amendments submitted by the Councils, and includes a new section addressing proposed regulations submitted by the Councils. It eliminates the preliminary FMP evaluation required under current law. After transmittal of an FMP or amendment by the Council to the Secretary, the Secretary immediately must publish notice of the plan in the Federal Register and provide a 60-day comment period. The Secretary must approve, partially approve, or disapprove a plan within 30 days of the end of the comment period.

The amendment creates a new framework for the Secretary to review proposed regulations from the Councils and allows the Councils to submit proposed regulations simultaneously with an FMP or amendment, or at any time after an FMP or amendment has been approved. The Secretary has 15 days to review proposed regulations for their consistency with an FMP. If they are consistent, regulations must be published in the Federal Register for a comment period of 15 to 60 days. The Secretary must publish final regulations within 30 days of the end of the comment period.

The amendment requires the Councils to describe the commercial, recreational, and charter fishing occurring in each fishery and to allocate any harvest restrictions or recovery benefits fairly and equitably among these three sectors. The amendment codifies existing authority of the Councils to restrict the sale of fish for conservation and management purposes, including to ensure that any fish that is sold complies with federal and state safety and quality requirements.

INDIVIDUAL FISHING QUOTAS

The amendment prevents Councils from submitting and the Secretary from approving or implementing any new individual fishing quota (IFQ) programs until after September 30, 2000, and directs the National Academy of Sciences, in consultation with the Secretary, Councils, and others, to submit a comprehensive report on IFQs to the Congress by October 1, 1998.

The Academy report must address, among other things, IFQ transferability, foreign ownership, processor quotas, effective IFQ enforcement, IFQ auctions, windfall profits, and potential economic impacts including capital gains revenue. The report must additionally analyze IFQ programs already in existence in the United States (wreckfish, surf clam/ocean quahog, and halibut/sablefish), IFQs outside the United States, and characteristics unique to IFQs as well as alter-

native measures that accomplish the same objectives as IFQs. Two working groups (West Coast/Alaska/Hawaii and East Coast/Gulf) will assist in preparing the report. After September 30, 2000, in the event that amendments to the Magnuson Act have not been adopted to implement a national IFQ policy, the councils will be allowed to submit new IFQ programs to the Secretary following certain guidelines.

The amendment requires the Secretary to establish a fee of up to three percent of the annual ex-vessel value of fish harvested under IFQ programs to pay for management costs. The surf clam/ocean quahog and wreckfish IFQ fisheries will not begin paying fees until January 1, 2000. The amendment allows the Councils to reserve up to 25 percent of these fees to be used for loan obligations for IFQs for small vessel fishermen and entry level fishermen. The North Pacific Council is required to reserve the full 25 percent for such a program in the halibut and sablefish fisheries.

The amendment requires the Secretary to collect a fee under the authority of a new section 304(d)(2)(A)(i) to recover the actual costs directly related to the management and enforcement of any IFQ program, including any program that may be created under section 313(g)(2) in the North Pacific to reduce per vessel bycatch and bycatch rates. It is expected that the fee collected under any program created under section 313(g)(2) would not exceed one percent of the estimated annual value of the target species in the fishery in which the program is created.

STATE JURISDICTION

The manager's amendment restates in greater detail existing law with respect to a state's ability to regulate fishing vessels registered in that state in federal waters. It allows states to regulate all fishing vessels in a fishery in the EEZ off that State if a fishery management plan delegates such authority to the State. Further, it allows the State of Alaska to regulate fishing vessels not registered under Alaska laws in the EEZ off Alaska if there is no fishery management plan in place for a fishery, and allows the states of California, Oregon and Washington to enforce certain state laws in the EEZs off their respective coasts with respect to dungeness crab fishing until October 1, 1999, or if a fishery management plan for that species is implemented.

LIEN REGISTRY

The amendment requires the Secretary to establish a central registry system for limited access permits (including IFQ permits), 6 months after the enactment of the Act, and requires the Secretary to charge a fee of not more than one half of one percent of the value of a permit upon registration and transfer to pay for the system. The amendment requires the Secretary to determine whether the Secretary of the Treasury has placed any liens against limited access system permits and to provide this information to both the buyer and seller of any permit before collecting a fee on the transfer of a permit. Consistent with the requirements of the Internal Revenue Code of 1986, the Secretary of the Treasury may withdraw a notice of lien filed against a limited access system permit if the withdrawal will facilitate the collection of a tax liability by allowing the owner of the permit to derive income from the use of the permit. The amendment establishes a Limited Access System Administration Fund in the Treasury. Funds from this fund are available without appropriation to the Secretary to administer the central lien registry system and manage the fishery in which IFQ fees were collected. Any fees collected on the ex-vessel value of the fish harvested under an IFQ system can be spent only in the fishery in which they were collected.

PACIFIC COMMUNITY FISHERIES

The amendment requires the North Pacific Council and Secretary to establish a western Alaska community development quota (CDQ) program under which a percentage of the total allowable catch of each Bering Sea fishery is allocated to western Alaska communities that participate in the program. The amendment prevents the North Pacific Council from increasing the percentage of any CDQ allocation approved by the Council prior to October 1, 1995 until after September 30, 2001. The amendment includes a sentence at the end of a new section 305(i)(1)(C)(i) making clear that this cap through September 30, 2001 does not prevent the extension of the pollock CDQ allocation beyond 1998. In complying with the western Alaska CDQ requirement, a percentage of the pollock fishery (and each Bering Sea fishery) must be allocated to the program every year. In the event that the North Pacific Council fails to submit an extension of the pollock CDQ in 1998, it is the intent that the Secretary continue to allocate to the western Alaska CDQ program the percentage of pollock approved by the Council for previous years until the Council submits an extension.

The Council retains the ability to revise CDQ allocations, except as provided in the amendment for crab fisheries, provided that the allocations not exceed the levels approved by the Council prior to October 1, 1995 (after September 30, 2001, the Councils retains the full ability to revise CDQ allocations). The Secretary is required to phase in the CDQ percentage already approved by the North Pacific Council for the Bering crab fisheries, allocating 3.5 percent in 1998, 5 percent in 1999 and 7.5 percent in 2000 and thereafter, unless the Council submits a percentage no greater than 7.5 percent for 2001 or any other percentage on or after October 1, 2001. CDQ allocations already approved by the Council (pollock, halibut, sablefish, crab and groundfish) do not need to be resubmitted by the Council or reapproved (if already approved) by the Secretary.

The amendment requires the National Academy of Sciences to submit a report to Congress on the performance and effectiveness of the community development quota programs under the authority of the North Pacific Council. The amendment requires CDQ fees collected by the Secretary to be reduced by the amount of costs imposed on CDQ program participants that are not imposed on other participants in the fishery. The Secretary is required to transfer to the State of Alaska up to 33 percent of any CDQ fees to reimburse the State for its costs in the CDQ program.

The amendment authorizes the Western Pacific Council to establish a western Pacific community development program. It additionally authorizes the Secretary and Secretary of Interior to make direct grants, not to exceed a total of \$500,000 annually, to eligible western Pacific communities to establish from three to five fishery demonstration projects which foster and promote the involvement of western Pacific communities.

REDUCING FISHING CAPACITY

The amendment authorizes the Secretary to implement a vessel and/or permit buyout program at the request of a Council (or Governor for a fishery under a State's authority) if adequate steps are taken to ensure that vessels and permits are removed permanently and the program is needed for conservation and management. Eligible funding sources could include Saltonstall-Kennedy funds, funds appropriated for the purpose of

the buyout section, funds provided by an industry fee system (which cannot exceed 5 percent of the ex-vessel value of fish harvested), of funds provided by a State or other source. The amendment authorizes the Secretary to provide direct loan obligations of up to \$100 million per fishery to finance buyout programs, which must be paid back over a twenty year period. Any catch history must be forfeited by the owner of a vessel or permit that is purchased under a buyout program.

FISHERIES DISASTER RELIEF

At the discretion of the Secretary or at the request of an affected state or fishing community, the Secretary must determine whether a commercial fishery failure has occurred, caused by natural causes; man-made causes beyond the control of a Council; or undetermined causes. If the Secretary determines that a commercial fishery failure has occurred, the Secretary may make funds available to an affected State, fishing community or other activity the Secretary determines appropriate to restore the fishery or prevent a similar failure in the future. The Federal share of the cost of any activity under the authority of the section cannot exceed 75 percent of the total cost. The amendment authorizes such sums as are necessary for each fiscal year for fisheries disaster relief.

RESEARCH

The amendment creates a new title IV of the Magnuson Act, titled "Fishery Monitoring and Research" that contains existing Magnuson sections (with some modifications) dealing with information collection, confidentiality, fisheries research, shrimp trawl incidental harvest research, observers. It also contains new sections dealing with vessel registration, and the creation of an advisory panel to develop recommendations to expand the application of ecosystem principles in fishery conservation and management activities. The amendment requires the National Academy of Sciences to complete a peer review of the Northeast Multi-species Fishery Management Plan by February 1, 1997.

VESSEL REGISTRATION

The amendment requires the Secretary to develop recommendations for implementation of a standardized vessel registration and data management system, centralized on a regional basis, that would be required to integrate and standardize all federal marine resource vessel registration and data collection requirements, as well as State requirements if a State chooses to participate. The system must avoid duplication with any existing State or other systems. Within 16 months of the date of enactment, and after providing for public comment, the Secretary must transmit the proposal to Congress. Within 15 months of enactment, the Secretary must report to Congress on the need to include private recreational fishing vessels in a national fishing vessel registration and data collection system.

OBSERVERS

The Secretary is required to promulgate regulations for vessels required to carry observers, including guidelines to determine when the facilities of a vessel are not safe or adequate for an observer, or how to reasonably make them safe or adequate. The Secretary also must establish, in cooperation with States and Sea Grant College Programs, programs to train and ensure the competence of observers. The Secretary is required to use university training facilities, such as the North Pacific Observer Training Center, where possible, to carry out the observer section. The amendment treats observers as Federal employees for the pur-

poses of compensation under the Federal Employee Compensation Act. Data collectors are protected from being forcibly assaulted, impeded, intimidated, sexually harassed, interfered with, or bribed, while carrying out responsibilities under the Magnuson Act.

OTHER REAUTHORIZATIONS

The amendment extends the authorization of appropriations for several other marine statutes, including the Inter Jurisdictional Fisheries Act, the Atlantic Coastal Cooperative Fisheries Management Act, the Anadromous Fish Conservation Act and an authorization for other NOAA marine fisheries programs. The amendment requires the Secretary to submit a report reviewing New England fishing capacity reduction programs.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 5383, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 5383), as modified, is as follows:

On page 142, line 7, strike "Any" before "conservation" and insert in lieu thereof "To the extent practicable, any".

On page 148, beginning on line 14, strike "specified in part 641.24 and 641.25 of title 50, Code of Federal Regulations (as revised as of October 1, 1995)."

Mrs. HUTCHISON. Mr. President, I don't even need to take my 2 minutes. I will just say that this amendment has been agreed to by both sides. I want to especially thank Senators LOTT, STEVENS, BREAUX, and KERRY for helping me to make sure that the management of bycatch applies in the Gulf of Mexico like it will apply to the rest of the bill and to the other waters contiguous to our country. Everybody is satisfied with this.

I appreciate so much the cooperation and the staff cooperation. We could not have come to this agreement without a lot of hard work late last night and early this morning. I appreciate it very much. I ask for consideration of my amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Texas is correct. I am informed that this matter was worked out. I should explain to the Senate that we had in the managers' amendment one amendment—the one from the Senator from Texas—that could not be agreed to at the time we offered that amendment last night. We pulled it out and asked unanimous consent that the Senator from Texas be able to offer her amendment. It has now been worked out through the night. I am informed by the leader, and by the representatives of the other Senators involved, that it is acceptable. Therefore, I am prepared to accept this amendment and would ask that it be adopted on a voice vote.

Mr. SHELBY. Mr. President, I rise this morning in support of the Hutchison-Shelby amendment to S. 39, the Sustainable Fisheries Act.

Over the past several years, it has become increasingly clear that our marine fisheries are in serious trouble. The Sustainable Fisheries Act will significantly improve the management and conservation of our marine resources by allowing the regional councils to adopt measures to reduce overfishing, bycatch, and waste.

What is clear to all who have been involved in the reauthorization of the Magnuson Act is that decisionmaking authority over the adoption and implementation of bycatch reduction programs must lie with the councils. For the most part, the bill before us today furthers this insight. However, there is a provision which will significantly impair the authority of one of the councils, the Gulf Council, to manage the bycatch program of the red snapper.

The Hutchison-Shelby amendment corrects this oversight and restores the necessary discretion to the Gulf Council. I want to be clear that we are not adding additional powers. Our amendment merely brings the Gulf Council in line with the authority of the other regional councils.

Without the Hutchison-Shelby amendment, the red snapper fishery will be closed, which will shut down recreational fishermen and a thriving charter boat industry. In the city of Gulf Shores alone, red snapper fishing generates approximately \$80 million annually. Salt water fishing in my State will soon become a billion dollar industry, and limiting the authority of the Gulf Council to manage these waters will devastate the economy of Alabama.

I thank the Senator from Texas for her leadership on this important issue, and I urge adoption of this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5383), as modified, was agreed to.

Mrs. HUTCHISON. I thank the Senator from Alaska.

Mr. President, I ask unanimous consent that Senator SHELBY from Alabama be added as a prime cosponsor of my amendment to this bill, to the managers' amendment.

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

Mr. HELMS. Mr. President, as I make clear my strong support for S. 39, I also extend my congratulations to the distinguished Senator from Alaska [Mr. STEVENS] and to his fine staff for their efforts in crafting S. 39, the Sustainable Fisheries Act of 1996. This legislation strikes an appropriate balance between the needs of the various sectors of the U.S. fishing community while giving both commercial and recreational fishermen adequate opportunities to fish.

S. 39 is exceedingly important to our fishermen in North Carolina. I was very pleased last July when Senator

STEVENS and I flew together to eastern North Carolina to hold hearings in Morehead City on this legislation. We heard many concerns and opinions from all sectors of the fishing community in my State. I appreciate TED STEVENS making the trip and also his allowing me to participate in those hearings.

Mr. President, testimony in that hearing indicated widespread support for adding North Carolina as a voting member on the Mid-Atlantic Fishery Management Council. My State has long participated in council proceedings as an observer and as non-voting participant in council technical committees—but never before as a full-fledged voting member.

So I am grateful that this legislation allots to North Carolina voting memberships on the Mid-Atlantic Council. There have been so many decisions made by the Mid-Atlantic Council that have affected my fishermen; it is good that they will now be able to vote on decisions that affect our State.

Fish and fish products have become a greater staple of the diets of all Americans. Statistics gathered by the National Marine Fisheries Service in 1995, revealed that U.S. consumption of fish and fish products was 15 pounds of edible meat per capita. In 1992 Americans consumed 14.8 pounds of edible meat.

Mr. President, I greatly enjoy seafood. I have dined in many seafood restaurants in coastal North Carolina and many fish houses further inland. North Carolinians want to maintain a steady supply of good, high-quality seafood well into the future. We can do that if our fishery resources are well managed in an environmentally responsible manner.

At the same time, fishery regulations must not be allowed to hamstring North Carolina's hand-working, tax-paying fishermen in their efforts to earn a honest daily wage. The National Marine Fisheries Service should be put on notice that the Congress will not tolerate unfair and unreasonable regulatory practices that single out one sector of the fishing community for penalties.

Mr. President, this is a good bill. We must preserve our fisheries for future generations. If we don't, this country will face great adverse consequences.

None of us here wants to see entire areas closed to fishing, as has occurred off the coast of Massachusetts. Senators from that State are painfully aware that three areas near Georges Bank have been permanently closed to fishing, due to overfishing the resource. That situation must not be duplicated off the North Carolina coast—or any other State's coast for that matter. This bill will go a long way in preventing that from happening.

Mr. CHAFEE. Mr. President, I commend and thank the Senator from Alaska, Senator STEVENS, for his many months of hard work in getting this vitally important environmental legislation to the floor. I know that in writ-

ing and bringing this bill to the floor, Senator STEVENS has had to contend with a great many competing interests that were often at odds on some very complex issues. Despite this obstacle, he has been able to fashion what I believe to be a strong but fair piece of legislation. There remain several changes I would like to see in this bill, but on balance I support S. 39, legislation which should help our fisheries recover from years of overfishing, mismanagement and other negative factors. I would like to briefly share with my colleagues our unfortunate experience with the decline of fishing in New England, and hope that this experience and others like it might convince all Senators on the importance of passing this bill.

Commercial fishing has long been a great source of pride for Rhode Island and New England, its history in our region stretching back several hundred years. Explorers of the New World returned to England with reports of codfish so plentiful that men actually scooped them from the sea by the bucket. In addition, early colonists relied on fish for subsistence during their first, difficult years of settlement. More recently, commercial fishing remained a fruitful and profitable industry in New England throughout the 20th century. Fishing and all of its associated businesses have employed tens of thousands of New Englanders in ports along the coast, making it one of our region's most important industries.

But beginning in the 1960's, distant-water factory trawler fleets from more than a dozen countries were decimating fish stocks off New England. In response, Congress in 1976 passed the Magnuson Act, which sought to Americanize our fishing grounds within 200 miles of the U.S. coast and let stocks recover from foreign overfishing.

Unfortunately, though, the Americanization of our fishing grounds 20 years ago has not resulted in the intended conservation of this valuable national resource. Domestic fishermen have more than made up for the departure of foreign fleets—the introduction of more boats and the use of increasingly sophisticated fishing technology has resulted in destructive overfishing throughout New England's prime fishing grounds. In 1976, there were 775 New England boats licensed to catch groundfish. Today there are 4,000, of which 1,800 still actively fish. Overfishing and the resulting sharp downturn in our fishing industry, particularly in New England, is nothing short of a genuine tragedy.

A look at some of the consequences of years of fisheries mismanagement in New England is staggering: in 1980, Georges Bank cod biomass totalled about 90,000 metric tons; by last year it had declined to under 20,000 metric tons. Georges Bank haddock biomass was nearly 70,000 metric tons in 1978, while today it is under 20,000. Many of these once abundant fish stocks, which have been such a major influence on

New England's economy and heritage, are now, sadly, at or near commercial extinction.

The question we now face in the context of the legislation before the Senate today is how do we best restore this sadly declining industry and bring life back to a marine resource that is disappearing? Unfortunately, efforts thus far to halt this collapse of fish stocks in New England have met with limited success at best. In fact, in 1991 it actually took a lawsuit by two Massachusetts environmental groups to force the notoriously slow New England Fishery Management Council to draft and implement a fishery management plan that contained the teeth needed to stem continued overfishing and stock decimation. And this plan, entitled amendment 5, did not even take effect until some 3 years after the lawsuit was filed.

But amendment 5, while its groundbreaking restrictions on fishing effort were significantly stronger than previous efforts, proved to be insufficient to stem the continuing decline in New England fish stocks. So amendment 7, which further restricts fishing off New England in several ways, was proposed and approved by the Department of Commerce several months ago. Those of us who are committed to restoring New England's fisheries are hopeful that amendment 7 might begin to reverse the tremendous damage that has been done to this resource.

Unfortunately, though, the New England and other regional fishery management councils, while their efforts have improved during recent years, still require additional tools to address the many conservation needs of our Nation's fisheries. Through a long series of hearings and a tremendous amount of hard work and patient listening, the Commerce Committee has succeeded in producing a far-reaching bill, S. 39, that provides the Councils these tools. I strongly endorse this legislation, and urge all of my colleagues, both from coastal and inland regions, to do so as well.

S. 39 defines "overfished" and "overfishing" in the Magnuson Act and requires fishery management plans to specify criteria for determining when a fishery is overfished and include measures to rebuild any overfished fishery. A council would have 1 year to come up with a plan to stop overfishing and rebuild the fishery, and the Secretary of Commerce would be required to step in if the council fails to act.

This bill also adds a new national standard to the Magnuson Act requiring that conservation and management measures minimize what we call bycatch, which is the incidental harvest of nontarget fish. Bycatch has caused much damage to many fisheries in the United States as unintentionally caught fish are often thrown back in the water dead or dying.

In addition, S. 39 imposes several significant reforms on the council process, including conflict-of-interest procedures and new mechanisms to push

councils to develop difficult conservation and management measures. Our experience in New England, where an industry-dominated council for years stymied effective management, certainly illustrates the need for these council reforms.

Mr. President, the Sustainable Fisheries Act includes many other provisions aimed at restoring and sustaining some of our Nation's most valued resources. I look with amazement at the array of fishing and conservation organizations that have endorsed this vitally important legislation. These groups range from industry to environmental to recreational. I commend the work done by Senator STEVENS to obtain this wide-ranging level of support, and urge all of my colleagues to join me in voting for this bill.

Thank you.

JURISDICTION OVER FISHERIES IN THE EEZ

Mr. GRAHAM. Mr. President, I would like to commend the distinguished chairman for his dedication to the conservation of our Nation's fisheries, the industry, and its beneficiaries. The chairman and his staff have worked very hard to steer this important legislation through the tedious legislative process. I look forward to working with the chairman and the committee in working toward this bill's ultimate success.

Mr. President, I would like to ask the chairman a clarifying question regarding an issue that is of great importance to many States, including the State of Florida.

Mr. STEVENS. I would be happy to respond to a question from my friend, the senior Senator from Florida.

Mr. GRAHAM. The State of Florida has been firmly committed to the conservation of the State's natural resources. In the past year, the National Marine Fisheries Service, and the Regional Fishery Management Council had proposed giving authority to the State over certain fisheries, such as stone crab and spiny lobster, but could not do so because Federal courts have ruled that the States are preempted by the Magnuson Act from regulating in the EEZ. I am pleased, therefore, that the distinguished chairman has included in this reauthorization legislation, a provision which would allow a fishery management council to delegate jurisdiction over certain fisheries in the EEZ to a State, if the State has regulations consistent with the fishery management plan for that area.

Mr. STEVENS. The Senator from Florida is correct in his understanding of what is in the reauthorization bill. His interpretation is consistent with the drafter's intent.

Mr. GRAHAM. It is my understanding that the legislation give states the right to regulate any vessels in a fishery that the regional council has designated as being under State jurisdiction, including vessels registered outside that particular State. Is that correct?

Mr. STEVENS. The Senator from Florida is again correct in his understanding of what is in the legislation.

Mr. GRAHAM. Now in the case of my State, if the council designates jurisdiction of a particular fishery to the State, the officials in Florida would be able to regulate out-of-State vessels, in that portion of the EEZ, regardless of which ports it utilizes or chooses not to utilize.

Mr. STEVENS. Mr. President, if the State of Florida has been designated as having jurisdiction over a fishery in the EEZ, they would be entitled to regulate any vessel in that fishery, no matter where it comes from or what facilities it utilizes, so long as it does so consistent with the fishery management plan that delegates authority to the State.

Mr. GRAHAM. I thank the distinguished chairman for his clarification of the issue.

STATE JURISDICTION

Ms. SNOWE. Mr. President, I would like to engage the chairman of the Oceans and Fisheries Subcommittee and the author of this bill, Senator STEVENS, in a brief colloquy.

Mr. STEVENS. I would be pleased to join Senator SNOWE in a colloquy.

Ms. SNOWE. As the Senator knows, section 112 of the manager's amendment amends the Magnuson Act to clarify that the existing provision which allows a State to impose State laws and regulations on its State-registered vessels, even if those vessels fish in the exclusive economic zone. This provision greatly interests Maine because, in addition to the Federal rules, Maine imposes stringent State lobster conservation regulations on all of its vessels, regardless of where they fish. These State regulations are certainly consistent with the Federal lobster management plan in conserving and sustainably managing the lobster resource. But some of Maine's regulations do differ in design from some of the regulations currently in force in the Federal zone. For instance, Maine prohibits the possession or landing of lobsters by State vessels that do not use traps to harvest lobster, imposes a maximum-size lobster possession limit, prohibits the possession of egg-bearing female lobsters, and requires the v-notching technique to ensure the identification of these lobsters. The Federal lobster management plan does not contain conservation and management measures of the same design.

As I understand the amendment, section 112 would allow Maine to continue imposing its more stringent State lobster regulations on all of its State-registered fishing vessels because the regulations are consistent with the Federal lobster management plan. Am I correct in stating that it is the intent of the author and manager of this bill that section 112 of the manager's amendment dealing with State jurisdiction would permit a State like Maine to continue applying more stringent rules on its State-registered ves-

sels that operate in the exclusive economic zone?

Mr. STEVENS. The Senator from Maine is correct. Section 112 of my amendment protects the existing authority of States to impose more stringent regulations which are not inconsistent with a management plan on its vessels in the Federal zone. Maine's more stringent regulations were consistent with the management plan for lobster before this amendment, and they would continue to be viewed that way after its enactment. Because regulations such as Maine's are not irreconcilable with the management plan, they will be viewed as consistent with it under my amendment.

HERRING TRANSSHIPMENT

Mr. CHAFEE. Mr. President, I would like to engage the Senator from Maine, Senator SNOWE, and the chairman of the Oceans and Fisheries Subcommittee, Senator STEVENS, in a colloquy.

Ms. SNOWE. I would be pleased to join the Senator from Rhode Island in a colloquy.

Mr. STEVENS. I would be happy to join Senator CHAFEE in a colloquy.

Mr. CHAFEE. Mr. President, section 105(e) of the manager's amendment directs the Secretary of Commerce to provide transshipment permits for up to 14 Canadian vessels for the purposes of transporting Atlantic herring caught off the coast of Maine in the sardine processing trade. I would like to ask the Senators whether the manager's amendment would also require this herring transshipment practice to be consistent with any applicable regulations, including fishery allocations, approved by the Atlantic States Marine Fisheries Commission. The ASMFC has management authority for Atlantic herring.

Ms. SNOWE. I sponsored and worked on, with other Commerce Committee members, the provision to which Senator CHAFEE refers, and I can assure the Senator that the provision does require these transshipment permits to be consistent with all relevant herring management measures approved by the Atlantic States Marine Fisheries Commission. I would simply mention that the ASMFC has expressed support for this provision.

Mr. STEVENS. I agree with Senator SNOWE's interpretation of this provision.

Mr. CHAFEE. I thank the Senators for the clarification.

CENTRAL REGISTRY

Mr. STEVENS. Mr. President, my manager's amendment to S. 39, the Sustainable Fisheries Act, adds a new section to the Magnuson Act requiring the Secretary of Commerce to create a central lien registry system for limited access permits. Among other things, the Secretary is required to notify both the buyer and seller of a permit if a lien has been filed by the Secretary of the Treasury against the permit.

Mr. ROTH. Mr. President, we have reviewed the central lien registry provisions in the amendment offered by the

Senator from Alaska. He has removed language that involved matters within the Finance Committee's jurisdiction. We do hope, however, that the Secretary of the Treasury will work with the Secretary of Commerce as the Secretary of Commerce carries out the new requirement my friend from Alaska has described.

Mr. STEVENS. I thank the Senator from Delaware for his help with this new subsection. My amendment no longer contains the language that was within the Finance Committee's jurisdiction. I would, however, like to ask my friend from Delaware about his understanding of section 6323(j)(1)(C) of the Internal Revenue Code—26 U.S.C. 6323(j)(1)(C), a provision he helped write. Is that section intended to allow the Secretary of the Treasury to withdraw a notice of lien filed against a limited access fishing permit if such withdrawal will facilitate the collection of a tax liability by allowing the owner of the permit to derive income from the use of the permit?

Mr. ROTH. The Senator from Alaska is correct. Section 6323(j)(1)(C) gives the Secretary of the Treasury discretionary authority to withdraw a notice of lien filed against a fishing permit if the withdrawal will facilitate the collection of a tax liability by allowing the owner to derive income from the use of the permit.

Mr. STEVENS. I thank the Senator from Delaware.

Mr. PRESSLER. Mr. President, I am pleased we have been able to bring to the Senate S. 39, a bill to amend and reauthorize the Magnuson Fishery Conservation and Management Act of 1976. This bill, introduced by Senator STEVENS and cosponsored by Senators KERRY, MURKOWSKI, HOLLINGS, LOTT, INOUE, SIMPSON, and myself, is crucial to continuing the sound management of our Nation's fishery resources.

On March 28, 1996, the Committee on Commerce, Science, and Transportation reported this legislation. The report was filed on May 23, 1996, and a cost estimate for the bill as prepared by the Congressional Budget Office was printed in the CONGRESSIONAL RECORD on July 10, 1996. Under the leadership of Senator STEVENS, chairman of our Oceans and Fisheries Subcommittee, seven field hearings were conducted last year gathering testimony from fishermen, industry representatives, Federal and State managers, and environmental organizations, throughout the Nation. While this legislation may not be perfect, the language we have before us today is an attempt to address the concerns raised at those hearings as well as issues brought to our attention by many of our colleagues in the Senate. This has been no small feat and I commend Senator STEVENS for his efforts.

Commercial fisheries are very important to many States and the Nation as a whole. In 1995, commercial landings by U.S. fishermen were over 9.9 billion pounds and valued at \$3.8 billion. The

State of Alaska led the Nation in value of landings with \$1.4 billion. Other regions of the country have a similar dependency on commercial fisheries, some are strong and robust, others have not fared as well—their fish stocks have declined and communities in those regions are feeling that economic impact. Hopefully, provisions in this bill that call for reductions in by-catch, measures to prevent overfishing, and requirements for the protection of habitat, will again bring about healthy fisheries and healthy fishing communities.

Twenty years ago the Magnuson Act was enacted in direct response to the depletion of U.S. fishery resources by foreign vessels. The Magnuson Act secured U.S. jurisdiction and management authority over the fisheries out to 200 miles from our shores. It was intended that this action would provide long-term stability and sustainable fisheries, though today in many areas we are again overcapitalized and the stocks face a crisis similar to that of the 1970's.

The Magnuson Act is administered by the National Marine Fisheries Service and eight Regional Fishery Management Councils that manage the fisheries in their geographic areas through specific fishery management plans. Their actions provide the rules under which the fishing industry operates. They determine the harvest quotas, season length, gear restrictions, and license limitations. This is where tough management decisions need to be made.

One of the overall goals of the Magnuson Act is to provide a mechanism to determine the appropriate level of harvest to maximize the benefit to the Nation while still protecting the long-term sustainability of the fisheries. It is a balancing act among competing interests of commercial and recreational fishermen and even competing gear groups within the commercial industry.

Mr. President, I am pleased that Senator STEVENS, Senator GORTON, and others have been able to resolve any differences they may have had with the bill as reported. A manager's amendment that I fully support has been developed that addresses these issues. The amendment shortens the authorization period through fiscal year 1999, thereby reducing the time that a moratorium will be in effect concerning individual fishing quotas [IFQ's]; it requires the National Academy of Sciences to conduct a study on the value of IFQ's and community development quotas or CDQ's; it includes consideration for the sustained participation of fishing communities, and it also addresses the issue of State jurisdiction into Federal waters absent any applicable fishery management plan.

Mr. President, many of the provisions in this bill will strengthen the administration of the Magnuson Act and, in turn, the conservation and management of our fishery resources. I

say to my Senate colleagues that this bill is a bipartisan effort to accommodate the interests of fishermen throughout the Nation. I again commend the leadership efforts of Senator STEVENS as well as many other members of the Commerce Committee in moving this legislation.

Mr. HATFIELD. Mr. President, we are obliged to be responsible stewards of our environment, both here and abroad. Even in these times of fiscal restraint, it would be counterproductive to cut back on the investment we have made in our environment and indeed in our own future. Growing concern over the deterioration of our global resources and environment has forced us to examine ways in which we can redouble our efforts to protect and conserve these valuable resources. However, protection need not be at the expense of our ability to enjoy, enhance, and utilize our resources. There are few industries whose future is as directly dependent on the conservation of a resource as commercial fishing.

As residents of Oregon's coastal communities recently learned, due to the closing of a commercial salmon season, when fish populations suffer that hardship is passed along to fishermen, processors, and consumers. The problem of dwindling fishery resources is not unique to the Pacific Northwest. Virtually every region of the country has experienced some form of decay in the commercial fishing industry. Therefore, it is critical that we fulfill our obligation to protect and responsibly manage our Nation's fisheries.

The Magnuson Fishery Conservation and Management Act has been our Nation's principal offshore fisheries conservation policy since it was enacted in 1976. I am gratified the Senate has overcome the substantial barriers that were preventing this important legislation from being considered. The House of Representatives overwhelmingly passed its version of this measure last year and it is my hope we will send a Magnuson reauthorization bill to the President for his signature this year. However, I recognize there are a number of outstanding issues which must be resolved before we can complete action on this important legislation.

Mr. President, I would like to take a brief moment to congratulate the sponsors of the Sustainable Fisheries Act of 1996, Senators STEVENS and KERRY. They have crafted a bill which enjoys support on a bipartisan basis in the Senate and is also endorsed by numerous conservation and industry groups. It has taken impressive dedication on the part of the sponsors of this bill and cooperation with many Members of the Senate to bring this measure before us today. I commend them for their leadership on this matter.

The Sustainable Fisheries Act of 1996, S. 39, would extend the authorization of appropriations for the Magnuson Fishery Conservation Management Act through fiscal year 2000 and build on the policy objectives of that landmark legislation. In the 20 years since

its enactment, the Magnuson Act has provided a national framework for conserving and managing U.S. marine fisheries.

In addition to reauthorizing several important appropriations for marine statutes, the Sustainable Fisheries Act includes significant fishery conservation and management provisions. The bill contains language which requires fishery management plans to specify criteria for establishing when a fishery has been overfished and include methods to rebuild an overfished fishery. Additionally, the issue of bycatch, taking of nontarget fish in the process of catching marketable seafood, is also addressed by this legislation. It adds a national standard which would require measures to minimize bycatch and minimize the mortality of unavoidable bycatch. The legislation also mandates the eight regional fishery management councils to identify essential fish habitat and reduce negative effects on habitat due to fishing.

As with all natural resource policy matters, effective conservation and management of fisheries must be based on sound science and accurate research. The Sustainable Fisheries Act maintains existing Magnuson Act sections dealing with data collection and fisheries research. Additionally, it includes a section which establishes guidelines for fishing vessel observers and fishing vessel registration. The legislation also incorporates the National Academy of Sciences to conduct a review of the contentious individual fishing quota and community development quota programs.

Many individuals within my State have contacted me to express concern about specific provisions contained in this legislation. I recognize each issue within this bill may not be resolved to the satisfaction of all interested parties. However, the compromise package is a reasonable attempt to address these concerns and the accommodations made by the managers of the bill represent our best opportunity to see this overdue legislation enacted this year. Therefore, I will vote in favor of the Sustainable Fisheries Act.

Once again, I applaud the work of the sponsors of this legislation and thank them for their efforts on behalf of our Nation's fisheries and those who depend upon them. It is my hope the Senate will overwhelmingly pass this important measure and that action will be taken quickly by the White House to sign it into law.

BUDGETARY TREATMENT OF LOAN GUARANTEE PROGRAMS

Mr. DOMENICI. Mr. President, title III of S. 39, the Fisheries Financing Act, creates a new loan guarantee program and makes some changes to existing credit programs. Under the Federal Credit Reform Act of 1990, we reformed the budgetary treatment of Federal direct loan and loan guarantee programs to make sure we accurately reflected

the costs of all these programs in the Federal budget. As a new credit program, this program will be governed under the terms of the Federal Credit Reform Act.

Mr. STEVENS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Have we disposed of all matters that were covered by the time agreement?

The PRESIDING OFFICER. Without objection, the committee substitute is agreed to.

The committee substitute was agreed to.

The PRESIDING OFFICER. The bill will be read for the third time.

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

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STEVENS. Mr. President, we have been waiting for one Senator, but we have waited a long time. I do ask unanimous consent now that there be a period after the vote of about, say, 10 minutes for Members who wish to make statements concerning this bill.

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

Mr. STEVENS. Mr. President, this bill took 5 years, from 1971 to 1976, to pass—the original bill. This one has been worked out in a very short period of time due to the total agreement of everyone concerned. I am thankful for that. I thank my good friend from Massachusetts in particular.

Mr. KERRY. Mr. President, I join my colleague in expressing gratitude for the bipartisan effort to bring forth this bill. As Senator STEVENS said yesterday, this is the most important conservation measure we will pass in this session, and I am grateful we are able to do it in a bipartisan way.

I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll. The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 295 Leg.]
YEAS—100

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| Abraham | Bingaman | Bryan |
| Akaka | Bond | Bumpers |
| Ashcroft | Boxer | Burns |
| Baucus | Bradley | Byrd |
| Bennett | Breaux | Campbell |
| Biden | Brown | Chafee |

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| Coats | Hatfield | Murkowski |
| Cochran | Heflin | Murray |
| Cohen | Helms | Nickles |
| Conrad | Hollings | Nunn |
| Coverdell | Hutchison | Pell |
| Craig | Inhofe | Pressler |
| D'Amato | Inouye | Pryor |
| Daschle | Jeffords | Reid |
| DeWine | Johnston | Robb |
| Dodd | Kassebaum | Rockefeller |
| Domenici | Kempthorne | Roth |
| Dorgan | Kennedy | Santorum |
| Exon | Kerrey | Sarbanes |
| Faircloth | Kerry | Shelby |
| Feingold | Kohl | Simon |
| Feinstein | Kyl | Simpson |
| Ford | Lautenberg | Smith |
| Frahm | Leahy | Snowe |
| Frist | Levin | Specter |
| Glenn | Lieberman | Stevens |
| Gorton | Lott | Thomas |
| Graham | Lugar | Thompson |
| Gramm | Mack | Thurmond |
| Grams | McCain | Warner |
| Grassley | McConnell | Wellstone |
| Gregg | Mikulski | Wyden |
| Harkin | Moseley-Braun | |
| Hatch | Moynihan | |

The bill (S. 39), as amended, was passed, as follows:

S. 39

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Sustainable Fisheries Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of Magnuson Fishery Conservation and Management Act.

TITLE I—CONSERVATION AND MANAGEMENT

- Sec. 101. Findings; purposes; policy.
- Sec. 102. Definitions.
- Sec. 103. Authorization of appropriations.
- Sec. 104. Highly migratory species.
- Sec. 105. Foreign fishing and international fishery agreements.
- Sec. 106. National standards.
- Sec. 107. Regional fishery management councils.
- Sec. 108. Fishery management plans.
- Sec. 109. Action by the Secretary.
- Sec. 110. Other requirements and authority.
- Sec. 111. Pacific community fisheries.
- Sec. 112. State jurisdiction.
- Sec. 113. Prohibited acts.
- Sec. 114. Civil penalties and permit sanctions; rebuttable presumptions.
- Sec. 115. Enforcement.
- Sec. 116. Transition to sustainable fisheries.
- Sec. 117. North Pacific and northwest Atlantic Ocean fisheries.

TITLE II—FISHERY MONITORING AND RESEARCH

- Sec. 201. Change of title.
- Sec. 202. Registration and information management.
- Sec. 203. Information collection.
- Sec. 204. Observers.
- Sec. 205. Fisheries research.
- Sec. 206. Incidental harvest research.
- Sec. 207. Miscellaneous research.
- Sec. 208. Study of contribution of bycatch to charitable organizations.
- Sec. 209. Study of identification methods for harvest stocks.
- Sec. 210. Review of Northeast fishery stock assessments.
- Sec. 211. Clerical amendments.

TITLE III—FISHERIES FINANCING

- Sec. 301. Short title.