

"Resolved That the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the Congress of the United States and to each member of Congress from the State of Georgia."

#### REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104-184).

#### EXECUTIVE REPORT OF COMMITTEES

The following executive report of committees was submitted:

By Mr. STEVENS, from the Committee on Governmental Affairs:

Donald S. Wasserman, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2000.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 1472. A bill to provide for one additional Federal judge for the middle district of Louisiana and one less Federal judge for the eastern district of Louisiana; read the first time.

By Ms. SNOWE (for herself and Mr. MACK):

S. 1473. A bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 1474. A bill to provide new authority for probation and pretrial services officers, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1475. A bill to provide an antitrust exemption for persons engaged in the fishing industry and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1476. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. KASSEBAUM:

S. 1477. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mr. McCAIN, Mr. DASCHLE, Mr. LIEBERMAN, Mr.

MOYNIHAN, Mrs. FEINSTEIN, and Mr. EXON):

S.J. Res. 44. A joint resolution concerning the deployment of U.S. Armed Forces in Bosnia-Herzegovina; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Mr. INHOFE, Mr. CRAIG, Mr. NICKLES, Mr. KYL, Mr. LOTT, Mr. BENNETT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. HATCH, Mr. HELMS, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. THURMOND):

S. Con. Res. 35. A concurrent resolution expressing the opposition of the Congress to President Clinton's planned deployment of United States ground forces to Bosnia; submitted and read.

By Mr. LEVIN:

S. Con. Res. 36. A concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. Mack):

S. 1473. A bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes; to the Committee on Environment and Public Works.

##### MISSING CHILDREN LEGISLATION

• Ms. SNOWE. Mr. President, I introduce a small but important piece of legislation designed to assist parents in times of terrible crisis and need, times that every parent has nightmares about—when their children are missing.

Imagine the horror of discovering that your child is missing. Imagine the pain and emotion that overcomes a family at such a time. Imagine the strength and dedication that such families muster in order to do everything possible to locate that child. And imagine how this horror and devastation becomes compounded by senseless Government regulations which hinder their efforts to locate their children.

Consider the tragic experience of Claudine and Don Ryce, the parents of Jimmy Ryce, a 10-year-old Florida boy who disappeared on September 11 of this year. Jimmy disappeared somewhere in the three square blocks between his school bus stop and his home.

Tragically, Jimmy's body was found late last week. I extend my deepest sympathy, and my most sincere condolences, to his family.

I want Jimmy's parents to know that I heard about the frustration they en-

countered as they searched for their son. I want them to know that Congress will do something to rectify this. Today, I want to break down one barrier that they encountered in their vigilant efforts to locate their son.

Jimmy's parents tell the story of how simple tasks, such as posting notices in Federal buildings with Jimmy's picture on it, were frustrated by senseless Government regulation. They tell of how, with the assistance of the FBI, they would post these notices in one Federal agency building, only to have them removed by employees of another agency. Imagine how frustrating this must be to parents of missing children. How frustrating this must be, especially since photographs of missing children are the most effective tool we have for locating these children.

Unfortunately, far too many children are missing in this country. A 1990 study by the Department of Justice—the most recent study on this issue—found that in 1988 there were as many as:

114,600 attempted abductions of children by non-family members;

4,600 abductions by non-family members reported to the police;

300 abductions by non-family members where the children were gone for long periods of time or were murdered;

354,000 children abducted by family members;

450,700 children who ran away; and

438,200 children who were lost, injured or otherwise missing.

Moreover, the National Crime Information Center reports that approximately 60,000 children are missing at any given time.

The legislation that I introduce today is designed to help the parents of these missing children by eliminating one barrier that Jimmy's parents faced in their search for their son.

This legislation amends the Protection of Public Property Act, which empowers the General Services Administration [GSA] to set rules governing Federal property under its control. Currently, Federal regulations issued by the GSA prohibit the posting of materials on Federal property. My bill directs the GSA to make a very important exception to these rules, and requires the GSA to draft regulations allowing the posting of notices designed to locate missing children. It also ensures that Federal employees cannot needlessly remove these posters.

As Jimmy's father said, "There are things the Government can do, simple things, that would make it easier to publicize" that a child is missing. He also said that we need to "turn these agencies into our allies."

Well, Mr. Ryce, you are correct, and I believe that this legislation will do just that. •

By Mr. HATCH:

S. 1474. A bill to provide new authority for probation and pretrial services officers, and for other purposes.

PROBATION AND PRETRIAL SERVICES OFFICERS  
LEGISLATION

Mr. HATCH. Mr. President, today I introduce a bill that would grant Federal probation and pretrial services officers authority to carry firearms, when approved by the appropriate district court, under rules prescribed by the Administrative Office of the U.S. Courts.

To add that new authority, the bill amends 18 U.S.C. 3603, which sets out the duties of probation officers, and 18 U.S.C. 3154, which establishes the functions of pretrial services officers. The change will permit those officers to carry firearms as they perform their important and frequently dangerous duties.

State law currently governs whether Federal probation and pretrial services officers may carry weapons; that law is inconsistent from State to State. Research by the Administrative Office of the U.S. Courts shows that only three States give specific authority to Federal probation and pretrial services officers to carry weapons. Forty-four States authorize Federal probation officers to carry firearms based either on statutory authority given to State probation officers or peace officers, or on State attorney general opinions. Although some of those States similarly authorize Federal pretrial services officers to carry firearms, at least 14 of them have neglected to extend that authority to those officers.

More important, certain States prohibit Federal probation and pretrial services from carrying weapons even where the officer has court approval to do so. Officers in those jurisdictions are left vulnerable to serious harm or death. A 1993 study undertaken by the Federal Probation and Pretrial Officers Association revealed that, in the Federal and local systems, 1,818 serious assaults and 792 attempted assaults against probation and pretrial services officers occurred between 1980 and 1992. The study acknowledges that those numbers probably understate the actual figures since some jurisdictions did not respond to the association's study.

In my view, the risks faced by Federal probation and pretrial services officers cannot be overemphasized. These officers risk their safety and their lives every day, often supervising violent offenders in situations that place them and others at risk of bodily harm. We should ensure that, wherever those officers are, they are authorized to carry a firearm.

Not only does this bill address problems faced by officers who work out of jurisdictions in which they are not permitted to carry a firearm, but it addresses difficulties faced by officers who must cross State lines in the performance of their duties. Under current law, even officers who are authorized under one State's laws to carry weapons may still run afoul of another State's laws when they cross State lines. Without a Federal statute authorizing officers to carry firearms,

they may be acting illegally when they cross State lines to perform their duties. Many Federal officers supervise offenders near a State border and must travel interstate to carry out their duties. An offender may have a nearby job in an adjacent State, for example, and the officer may need to travel to the job site to verify the offender's employment.

Problems may also arise for officers who live in one State and work in another. For instance, officers who live in Wisconsin and work in Minnesota are not allowed to obtain a gun permit from Minnesota. Similar situations arise in other States. Officers may be unable to obtain licenses from the State in which they reside even though they may work in a neighboring State that permits some of its residents to carry firearms.

These officers work in inherently dangerous environments. The Federal Probation and Pretrial Officers Association wrote to me on September 15, 1995:

Under enhanced supervision practices, we supervise in the field, in the most crime-infested areas of urban environments as well as in the most remote rural areas of urban environments as well as in the most remote rural areas. [I]f enacted, [the bill] would give all officers a significant measure of support and protection which they certainly deserve.

I wholeheartedly agree.

This bill will correct the current intolerable situation. The security of Federal probation and pretrial services officers should not be left to the vagaries of State law.

Of course, these Federal officers will be fully trained and closely supervised in their use of firearms. Under the bill, probation and pretrial services officers will be permitted to carry firearms only pursuant to regulations promulgated by the Director of the Administrative Office of the U.S. courts. The Administrative Office has informed me that these regulations would include extensive training and safety requirements, and that most of them are already in effect for those officers authorized to carry firearms.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1474

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

**SECTION 1. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.**

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

“(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and”.

(b) PRETRAIL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

“(13) As approved by the district court, carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.”.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1475. A bill to provide an antitrust exemption for persons engaged in the fishing industry and for other purposes; to the Committee on the Judiciary.

**THE FISHING INDUSTRY BARGAINING ACT**

• Mr. STEVENS. Mr. President, today I am introducing the Fishing Industry Bargaining Act, a bill to provide antitrust immunity to fishermen and fish processors which would allow them to collectively agree on the prices paid to fishermen and on the minimum price fish processors will accept for the sale of processed fish products.

Senator MURKOWSKI joins me as a cosponsor of this legislation.

We are introducing the bill because the Alaska State Legislature enacted a State law to confer identical antitrust immunity on Alaska fishermen and processors.

The changes to Alaska law will only have effect if the changes we are proposing to Federal law are enacted.

Our bill would add a new section to the act approved on June 25, 1934, which authorizes producers of aquatic products to form associations, to allow fishermen and fish processors to collectively agree on prices.

The bill would prevent fish processors from agreeing on prices unless fishermen participated in the agreement and are party to the agreement.

This antitrust exemption would apply to fishermen and fish processors in all parts of the country, not just in Alaska.

We look forward to hearing from the Alaska fishing industry and from the fishing industry in other parts of the country about the legislation.

If there is support, we would hope to enact the bill sometime next year.

I ask for unanimous consent that the bill be printed in the RECORD.

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

S. 1475

*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 “Fishing Industry Bargaining Act”.

(b) AMENDMENT TO ACT OF 1934.—The Act approved June 25, 1934, authorizing associations of producers of aquatic products (15 U.S.C. 1521 et seq.) is amended by inserting after section 2 the following new section:

“SEC. 3. Persons engaged in the fishing industry as fishermen, including fishermen acting through associations allowed under section 1, may collectively agree with fish processors, including fish processors acting through associations of processors, on (1) the

price paid to the fishermen for aquatic products, and (2) the minimum price that fish processors will accept for the sale of processed aquatic products. Nothing in this section shall be construed to allow fish processors to agree among themselves on the price paid to fishermen or the minimum price that fish processors will accept for the sale of processed aquatic products if fishermen did not participate in the making of the agreement and are not a party to the agreement. •

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1476. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA LEGISLATION

Mr. KERRY. Mr. President, today, I am pleased to join with Senator KENNEDY in introducing legislation to establish the Boston Harbor Islands National Recreation Area. Our bill is the companion legislation to H.R. 2763, introduced yesterday by Congressman GERRY STUDDS and PETER TORKILDSEN. I especially want to acknowledge the enormous leadership efforts of Congressman STUDDS in preparing this initiative and I look forward to working with him and others in the months ahead to enact this legislation.

Thirty-one islands sprinkled throughout Boston Harbor and the surrounding waterway would comprise the national recreational area. Our legislation is based upon a special resource study completed by the National Park Service in 1994 which found that the Boston Harbor Islands and surrounding area meet the Service's criteria for inclusion in the National Park System. However, trying to balance the need for fiscal restraint with the importance of protecting our national heritage, our bill is a much-scaled-down version of the one envisioned in the study. Our bill would fully utilize a unique partnership among the Federal, State, and local governments and the private sector and would require that at least 75 percent of the operational expenses for the park will come from non-Federal funding.

Boston has a rich and diverse history and has been and remains the economic and cultural center of New England. Today, Boston is nationally and internationally renowned in fields such as higher education, health care, technology, transportation, and trade. Beginning centuries ago, Boston Harbor has played a significant role in shaping the city's and the region's direction and growth, and the harbor area contains some of the oldest and most significant historic sites in the Nation, dating from precolonial times.

The islands themselves are rich in historical diversity, containing numerous military and maritime sites. In addition, there are important archaeological sites which chronicle the use and settlement of the harbor by native Americans from at least 9,000 years ago

through the 17th century. With its proximity to the city, the park would provide an excellent opportunity to thousands of people to enjoy its outstanding natural, historic, scenic, recreational, and educational values.

As a National Recreation Area, the Boston Harbor Island and surrounding area would enhance the National Park System by promoting this nationally significant history while providing leisure attractions to the public. The park is projected to attract to the area an additional 500,000 visitors annually, create 700 new jobs, and bring an additional \$200 million into the region's economy.

In 1970, the Commonwealth of Massachusetts began to acquire the islands of Boston Harbor for the benefit of the public. Since that time, a significant effort has been made to clean up the waters of Boston Bay to again make it attractive to boating, fishing, and other recreational and commercial activities. During the 1980's, the citizens of the Greater Boston area have undertaken what may prove to be the largest water infrastructure project in North America which is intended to guarantee that the Boston Bay's ecological health will be good for the foreseeable future.

The bill we are introducing would establish the Boston Harbor Islands partnership to coordinate the activities of Federal, State, and local authorities and the private sector in developing and implementing an integrated management plan for the islands. In addition, an advisory council would be established to provide representation for interested groups and organizations. This council would make recommendations to the partnership on issues including tourism, transportation, natural resources, cultural and historic resources, and fundraising.

Finally, our legislation would require a ratio of at least three non-Federal dollars for every Federal dollar spent on the park. Using limited Federal resources to leverage a significant local effort is a concept that merits support. By creating a national recreation area, we will preserve an important piece of our American heritage, give it the prominence and honor it richly deserves, accomplish all this with the Federal Government covering only a fraction of its cost, and facilitate the efforts of the Boston area to preserve its history and enhance recreational opportunities for its citizens and visitors.

I am sure Senator KENNEDY and I will be joined by the Massachusetts delegation and others as we work for passage of this important legislation. I am hopeful that the Congress will look favorably upon this initiative which would bring an important, historically significant addition to our National Park System without imposing great new financial burdens on it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1476

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

**SECTION 1. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) Boston is the economic and cultural center of New England and a city of national and international significance;

(2) the Boston metropolitan region plays a leadership role in the areas of higher education, technology, health care, transportation, and national and international trade;

(3) Boston and the immediate region contain some of the oldest, most valuable, and most visited historic sites in the Nation, dating from precolonial times;

(4) factors such as open space, parks, recreational opportunities, and natural and cultural resource preservation will help determine the region's success and long-term economic and social viability into the 21st century;

(5) Boston Harbor has been a major factor in shaping Boston's growth, development, and sustained influence and significance in New England and the Nation;

(6) years of neglect and overuse of Boston Harbor resulted in a serious decline in its water quality, but a major cleanup effort is fostering the Harbor's renewal and revitalization, making the Harbor once again a focal point for the city and region;

(7) the Boston Harbor Islands support invaluable natural resources, rare in urban settings, that include fresh and salt water marshes, dunes, woodlands, ledges and cliffs, and habitat for wildlife and numerous bird species;

(8) Boston Harbor and its islands, containing many fortifications and other sites related to coastal defense, played an important role in United States military and maritime history from the colonial era to the Cold War;

(9) Boston Harbor and its islands contain important archaeological sites and underwater archaeological resources that chronicle the use and settlement of the Harbor by Native Americans from at least 9,000 years ago until the 17th century;

(10) the Boston Harbor Islands offer abundant opportunities for public education on the attempts of society to deal with urban problems and to protect the ecological health of the Harbor;

(11) the Boston Harbor Islands offer opportunities for recreation, education, and public use and enjoyment in a maritime setting that is in close proximity to a large urban population;

(12) the Boston Harbor Islands are located in a mixed use area, including an active commercial seaport and the region's busiest airport, the present and future operation of which are essential for the economic stability of the region;

(13) the Boston Harbor Islands possess outstanding natural, historical, scenic, recreational, and educational values, and there is a national interest in protecting and preserving those values for residents and visitors of the area; and

(14) a partnership among Federal, State, and local governments and nonprofit organizations offers the best opportunity for the enhancement and management of the Boston Harbor Islands.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve for public use and enjoyment the lands and waters that comprise the Boston Harbor Islands National Recreation Area;

(2) to manage the recreation area in partnership with the private sector, the Commonwealth of Massachusetts, municipalities surrounding Massachusetts Bay and Cape Cod Bay, the Thompson Island Outward Bound Education Center, and The Trustees of Reservations and with historical, business, cultural, civic, recreational, and tourism organizations; and

(3) to improve access to the Boston Harbor Islands through the use of public water transportation.

## SEC. 2. DEFINITIONS.

In this Act:

(1) **ADVISORY COUNCIL.**—The term “advisory council” means the Boston Harbor Islands Advisory Council established under section 8.

(2) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the recreation area approved under section 7.

(3) **PARTNERSHIP.**—The term “Partnership” means the Boston Harbor Islands Partnership established by section 5.

(4) **RECREATION AREA.**—The term “recreation area” means the Boston Harbor Islands National Recreation Area established by section 3.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

## SEC. 3. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) **ESTABLISHMENT.**—In order to preserve for the benefit and inspiration of the people of the United States as a national recreation area certain lands located in Massachusetts Bay, there is established as a unit of the National Park System the Boston Harbor Islands National Recreation Area.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The recreation area shall—

(A) be comprised of the lands, waters, and submerged lands generally depicted on the map entitled “Proposed Boston Harbor Islands NRA”, numbered BOHA 80001, and dated August 1995; and

(B) include landside points required for access, visitor services, and administration—

(i) in the city of Boston along the Harborwalk and at Long Wharf, Castle Island, Fan Pier, the John F. Kennedy Library, and the Custom House;

(ii) at Charlestown Navy Yard;

(iii) at the old Northern Avenue Bridge;

(iv) in the city of Quincy at Squantum Point/Marina Bay, the Fore River Shipyard, and Town River;

(v) in the town of Hingham at Hewitt’s Cove;

(vi) in the town of Hull;

(vii) in the city of Salem at Salem National Historic Site; and

(viii) in the city of Lynn at Heritage State Park.

(2) **PUBLIC AVAILABILITY OF MAP.**—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) **MINOR REVISIONS.**—After advising the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate in writing, the Secretary may make minor revisions to the boundaries of the recreation area by publication of a revised drawing or other boundary description in the Federal Register.

## SEC. 4. ADMINISTRATION OF RECREATION AREA.

(a) **IN GENERAL.**—The recreation area shall be administered by the Secretary in accordance with this Act.

(b) **FEDERAL LAND.**—The land in the recreation area that is owned by the United States, acting through the Secretary, shall be administered in accordance with the law generally applicable to units of the National

Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(c) **STATE AND LOCAL JURISDICTION.**—Nothing in this Act diminishes, enlarges, or modifies any right of the Commonwealth of Massachusetts or any political subdivision of the Commonwealth to exercise civil and criminal jurisdiction or to carry out State laws in the recreation area, including laws relating to fish and wildlife and laws relating to the taxation of persons or property in the recreation area.

(d) **COOPERATIVE AGREEMENTS.**—The Secretary may consult and enter into cooperative agreements with such persons or entities as the Secretary determines to be appropriate for the preservation, interpretation, management, and provision of educational and recreational uses for the properties in the recreation area.

(e) **ACQUISITION OF REAL AND PERSONAL PROPERTY AND SERVICES.**—

(1) **IN GENERAL.**—The Secretary may acquire for purposes of the recreation area, by donation, exchange, or lease or purchase with donated or appropriated funds, personal property and lands and improvements in the recreation area.

(2) **LIMITATION.**—The Secretary may not acquire an interest in real property in the recreation area without the consent of the owner.

(f) **OTHER PROPERTY, FUNDS, AND SERVICES.**—The Secretary may accept and use donated funds, property, and services to carry out this Act.

(g) **RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT.**—With respect to the recreation area, the maintenance, operation, improvement, and use of Logan International Airport and associated flight patterns from time to time in effect shall not be considered to constitute the use of publicly owned land of a public park, recreation area, or other resource within the meaning of section 303(c) of title 49, United States Code, or to have a significant effect on natural, scenic, and recreation assets within the meaning of section 47101(h)(2) of title 49, United States Code.

## SEC. 5. BOSTON HARBOR ISLANDS PARTNERSHIP.

(a) **ESTABLISHMENT.**—There is established in the executive branch the Boston Harbor Islands Partnership, the purpose of which shall be to coordinate the activities of Federal, State, and local authorities and the private sector in the development and implementation of an integrated resource management plan for the recreation area.

(b) **MEMBERSHIP.**—The Partnership shall be composed of 13 members, including—

(1) 1 individual appointed by the Secretary to represent the National Park Service;

(2) 1 individual appointed by the Secretary of Transportation to represent the United States Coast Guard;

(3) 2 individuals appointed by the Secretary, after consideration of recommendations by the Governor of Massachusetts, to represent the Department of Environmental Management and the Metropolitan District Commission;

(4) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Massachusetts Port Authority, to represent the Massachusetts Port Authority;

(5) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Massachusetts Water Resources Authority, to represent the Massachusetts Water Resources Authority;

(6) 1 individual appointed by the Secretary, after consideration of recommendations by

the mayor of Boston, to represent the Office of Environmental Services of the city of Boston;

(7) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Boston Redevelopment Authority, to represent the Boston Redevelopment Authority;

(8) 1 individual appointed by the Secretary, after consideration of recommendations by the president of the Thompson Island Outward Bound Education Center, to represent the Center Thompson Island Outward Bound Education;

(9) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of The Trustees of Reservations, to represent The Trustees of Reservations;

(10) 1 individual appointed by the Secretary, after consideration of recommendations of the president of the Island Alliance, to represent the Island Alliance, a nonprofit organization the sole purpose of which is to provide financial support for the recreation area; and

(11) 2 individuals appointed by the Secretary to represent the advisory council.

(c) **TERMS OF OFFICE; REAPPOINTMENT.**—

(1) **IN GENERAL.**—Each member of the Partnership shall appointed for a term of 3 years.

(2) **REAPPOINTMENT.**—Any member may be reappointed for 1 additional 3-year term.

(3) **INITIAL MEMBERS.**—The Secretary shall appoint the first members of the Partnership not later than 30 days after the date on which the Secretary has received all of the recommendations for appointment under paragraphs (3) through (10) of subsection (b).

(4) **EXTENDED SERVICE.**—A member of the Partnership may serve after the expiration of the member’s term until a successor has been appointed.

(d) **COMPENSATION.**—A member of the Partnership shall serve without pay, but while away from the member’s home or regular place of business in the performance of services for the Partnership, a member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service is allowed expenses under section 5703 of title 5, United States Code.

(e) **ELECTION OF OFFICERS.**—

(1) **IN GENERAL.**—The Partnership shall elect 1 of its members as Chairperson and 1 as Vice Chairperson.

(2) **TERMS.**—The term of office of the Chairperson and Vice Chairperson shall each be 1 year.

(3) **ABSENCE OF CHAIRPERSON.**—The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(f) **VACANCY.**—A vacancy in the Partnership shall be filled in the same manner in which the original appointment was made.

(g) **MEETINGS.**—The Partnership shall meet at the call of the Chairperson or a majority of its members.

(h) **QUORUM.**—A majority of the Partnership shall constitute a quorum.

(i) **STAFFING.**—

(1) **PROVISION BY THE SECRETARY.**—The Secretary shall provide the Partnership with such staff and technical assistance as the Secretary, after consultation with the Partnership, considers appropriate to enable the Partnership to carry out its duties.

(2) **PERSONNEL ON DETAIL.**—To assist the Partnership, the Secretary may accept the services of personnel detailed from the Commonwealth of Massachusetts, a political subdivision of the Commonwealth, or an entity represented in the Partnership.

(j) **NATURE OF PARTNERSHIP.**—The members of the Partnership and the entities represented in the Partnership shall not be treated as partners in a legal sense.

**SEC. 6. POWERS OF THE PARTNERSHIP.**

(a) **HEARINGS.**—The Partnership may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Partnership considers appropriate.

(b) **DONATIONS.**—Notwithstanding any other provision of law, the Partnership may seek and accept donations of funds, property, or services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out this Act.

(c) **USE OF FUNDS TO OBTAIN MONEY.**—The Partnership may use its funds to obtain money from any source under any program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) **MAILS.**—The Partnership may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(e) **ACQUISITION OF PROPERTY.**—The Partnership may acquire by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties, except that the Partnership may not acquire any real property or interest in real property.

(f) **COOPERATIVE AGREEMENTS.**—For purposes of carrying out the management plan, the Partnership may enter into cooperative agreements with the Commonwealth of Massachusetts, a political subdivision of the Commonwealth, or a private person or organization.

**SEC. 7. INTEGRATED RESOURCE MANAGEMENT PLAN.**

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Partnership shall develop and submit to the Secretary a management plan for the recreation area to be implemented by the Partnership.

(b) **CONTENTS.**—The management plan shall include—

(1) a program providing for coordinated administration of the recreation area with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, and local levels, and nonprofit organizations, including—

(A) a program to finance and support the public improvements and services recommended in the plan, including allocation of the non-Federal matching requirement in accordance with section 9 and a delineation of private sector roles and responsibilities; and

(B) a program for the coordination and consolidation, to the extent feasible, of activities that may be carried out by Federal, State, and local agencies having jurisdiction over lands and waters in the recreation area, including planning and regulatory responsibilities;

(2) policies and programs for—

(A) enhancing public outdoor recreational opportunities in the recreation area;

(B) conserving, protecting, and maintaining the scenic, historical, cultural, natural, and scientific values of the recreation area;

(C) developing educational opportunities in the recreation area;

(D) enhancing public access to the Boston Harbor Islands, including development of transportation networks; and

(E) identifying potential sources of revenue from programs or activities carried out within the recreation area; and

(3) a policy statement that recognizes economic activities in the recreation area being conducted on the date of enactment of this Act.

(c) **DEVELOPMENT.**—In developing the management plan, the Partnership shall—

(1) consult on a regular basis with appropriate officials of any local government or

Federal or State agency that has jurisdiction over lands and waters in the recreation area;

(2) consult with interested conservation, business, professional, and citizen organizations; and

(3) conduct public hearings or meetings for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the management plan.

(d) **APPROVAL.**—

(1) **SUBMISSION TO GOVERNOR.**—The Partnership shall submit the management plan to the Governor of Massachusetts for review.

(2) **CONSIDERATION BY GOVERNOR.**—The Governor shall have 90 days in which to review and make recommendations regarding the management plan.

(3) **SUBMISSION TO THE SECRETARY.**—After considering the Governor's recommendations, the Partnership shall submit the management plan to the Secretary, who shall approve or disapprove the plan not later than 90 days after submission.

(4) **CONSIDERATIONS.**—In reviewing the management plan, the Secretary shall consider—

(A) the adequacy of public participation;

(B) assurances of plan implementation from State and local officials; and

(C) the adequacy of regulatory and financial tools that are in place to implement the plan.

(5) **DISAPPROVAL.**—

(A) **NOTICE.**—If the Secretary disapproves the management plan, the Secretary shall notify the Partnership in writing of the reasons for the disapproval and make recommendations for revision.

(B) **RESUBMISSION.**—Not later than 90 days after receipt of a notice of disapproval, the Partnership shall revise and resubmit the management plan to the Secretary, who shall approve or disapprove the revised management plan within 60 days after submission.

(e) **INTERIM PROGRAM.**—Prior to approval of the management plan, the Secretary and the Partnership shall assist the owners and managers of lands and waters in the recreation area to ensure that existing programs, services, and activities that promote the purposes of this Act are supported.

**SEC. 8. BOSTON HARBOR ISLANDS ADVISORY COUNCIL.**

(a) **ESTABLISHMENT.**—The Secretary, acting through the Director of the National Park Service, shall establish an advisory committee to be known as the "Boston Harbor Islands Advisory Council".

(b) **PURPOSES.**—The purposes of the advisory council shall be—

(1) to represent various groups with interests in the recreation area; and

(2) to make recommendations to the Partnership on issues related to the development and implementation of the management plan.

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The advisory council shall consist of not fewer than 15 individuals, to be appointed by the Secretary, acting through the Director of the National Park Service.

(2) **REPRESENTATION.**—The Secretary shall appoint no fewer than 3 individuals to represent each of the following categories of entities:

(A) Municipalities.

(B) Educational and cultural institutions.

(C) Environmental organizations.

(D) Business and commercial entities, including those related to transportation, tourism, and the maritime industry.

(E) Boston Harbor-related advocacy organizations.

(d) **COMMITTEES.**—

(1) **IN GENERAL.**—The advisory council shall be encouraged to establish committees relat-

ing to specific recreation area management issues, including education, tourism, transportation, natural resources, cultural and historical resources, and revenue raising.

(2) **PARTICIPATION.**—Participation on a committee under paragraph (1) shall not be limited to members of the advisory council.

(e) **MEETINGS.**—Meetings of the advisory council and committees established by the advisory council shall be open to the public.

(f) **FACA.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory council.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—Amounts appropriated to carry out this Act for any fiscal year may be expended only on a matching basis in a ratio of at least 3 non-Federal dollars to each Federal dollar.

(2) **FORM.**—The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KERRY today in sponsoring a bill to establish the Boston Harbor Islands National Recreation Area in Massachusetts. This legislation is part of a bipartisan effort with Congressmen GERRY STUDDS and PETER TORKILDSEN, who introduced an identical bill yesterday in the House of Representatives.

The legislation follows a comprehensive study by the National Park Service, authorized in 1992 and completed last year. That study reached the strong conclusion on the 31 islands clustered in Boston Harbor that "[t]heir proximity to a large urban population and their special geological, prehistoric, historic, and natural features qualify them collectively as an outstanding example of a nationally significant recreation area. Their configuration, their assemblage of significant natural and cultural features, and their proximity to a major metropolitan area create a resource that has no parallel in the United States."

The islands are just a short boat trip from downtown Boston. They offer abundant opportunities for visitors to enjoy surroundings of exceptional natural beauty. With rocky shores, sand beaches, and tidal pools full of marine life from horseshoe crabs to starfish and seals, visitors enjoy swimming, fishing, clam-digging, berry-picking, bird and whale watching, boating, camping and hiking on well-maintained trails. History lovers can explore national historic landmarks, such as the Revolutionary War-era fort that later housed Confederate prisoners in the Civil War, and the Nation's first lighthouse—the only lighthouse still operated by lighthouse keepers in the old tradition. They can hunt for pirate relics, and dig further back in time for archaeological artifacts from 10,000 years ago and rare geological formations dating to the glacial age. All of the islands offer spectacular views of the modern Boston skyline and the Atlantic Ocean.

But these assets have gone largely unnoticed until recently. The Park

Service study has helped catalyze a growing recognition that the Harbor Islands deserve protection, as a unique resource that can greatly expand recreational opportunities for families in the Boston area and for visitors from across the country. Already, more than 25 million tourists visit Massachusetts each year, with 10 million visiting the Boston area annually. Fulfilling the potential of the Harbor Islands will strengthen tourism and significantly benefit the local economy, as well as enhance the experience of visitors to the area.

As recommended by the Park Service study, to fulfill that potential, we must improve public access to the islands and adopt a coordinated approach to their management. This legislation calls on the National Park Service to work closely with State and local governments and nonprofit organizations to preserve the natural and cultural resources of the islands and make them more accessible to the public through the use of a public water transportation system. The bill establishes a partnership among the various levels of government, and requires a commitment of non-Federal funds on at least a three-to-one matching basis with Federal funds. It does not involve any substantial purchase of land by the Federal Government; instead, it authorizes the Park Service to develop cooperative agreements with the State, local and private owners of the islands to ensure their protection and expanded public use.

The Boston Harbor Islands will be an exceptional addition to the National Park System. Their natural beauty and historical significance eminently merit this protection and preservation. The partnership approach will keep Federal costs to a minimum and assure the success of this effort for generations to come. I urge my colleagues to support this important legislation.

By Mrs. KASSEBAUM:

S. 1477. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

THE FOOD AND DRUG ADMINISTRATION PERFORMANCE AND ACCOUNTABILITY ACT OF 1995

• Mrs. KASSEBAUM. Mr. President, I introduce the Food and Drug Administration Performance and Accountability Act of 1995. This comprehensive reform bill is designed to ensure that Americans continue to enjoy and our Nation continues to lead the world in the development of new, life-saving and life-enhancing pharmaceuticals and medical devices and wholesome, abundant, and affordable foods by reforming the role of the Food and Drug Administration in the testing and review of new products.

Over the years, the FDA's requirements for clinical testing and its premarket reviews of new products have

grown increasingly complex, time-consuming, and expensive. From the 1960's to the 1990's, for example, the time required to complete clinical trials for new drugs has grown from 2½ years to nearly 6 years. From the beginning of the process to the end, it takes an average of 12 years and costs \$359 million to bring a new drug to market. By law, the FDA is required to review and act on applications to market new drugs and devices within 180 days. Today, however, it takes the agency on average 649 days to complete its review of new devices and 570 days to complete its review of most new drugs.

These increasing FDA demands on new product development and delays in new product reviews are reducing incentives for research and development, encouraging American companies to locate abroad, delaying Americans' access to new pharmaceuticals and medical devices, and costing American jobs.

The legislation I am introducing today is designed to correct these problems. First, the bill makes clear that a prime mission of the FDA is facilitating the rapid and efficient development and availability of safe and effective products that will benefit the public. It puts the agency on notice that Congress and the American people expect it to allocate its time, energy, and resources accordingly.

Second, the bill puts teeth into statutory deadlines for agency action. The FDA commissioner is required, in consultation with patient advocacy groups and the regulated industries, to establish and meet yearly performance standards that will bring the agency into compliance and keep it in compliance with statutory deadlines for action on premarket approval applications. The commissioner will be required to report yearly on the agency's performance and, if the agency is out of compliance, to contract with outside experts for product reviews.

Third, to ensure that desperately ill and suffering patients have access to promising new therapies, the bill will expand access to investigational new pharmaceuticals and medical devices. To ensure that physicians are as fully informed as possible about these new therapies and about new uses for already approved therapies, the bill will ease the agency's current severe restrictions on the dissemination of information about them.

Fourth, the bill establishes a collaborative clinical testing and review process. It requires the agency to meet with companies in the early stage of the clinical testing to establish the parameters for testing and avoid last-minute changes in protocol designs once testing is underway. Once testing has been completed and the agency receives an application for product approval, the agency would again be required to meet with companies to better ensure the smooth and timely review of the application.

Fifth, the bill provides the agency with the statutory flexibility it needs

to make changes in its clinical testing policies and product review procedures. For example, it modifies current law, which appears now to require two or more clinical studies, to permit the agency to base its approval on one well-designed clinical study when appropriate. As further examples, the bill updates outmoded statutory requirements for the regulation of biological products, reduces the number of medical devices that the agency is required to review, and makes it easier for the agency to use national and internationally recognized performance standards in evaluating the safety and effectiveness of devices.

In these and in a number of other ways, the FDA Performance and Accountability Act of 1995 will transform the FDA from a growing barrier to innovation into an active partner in innovation. •

#### ADDITIONAL COSPONSORS

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 981

At the request of Mr. EXON, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 981, a bill entitled "Truck Safety and Congressional Partnership Act".

S. 1030

At the request of Mr. REID, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1030, a bill entitled the "Federal Prohibition of Female Genital Mutilation Act of 1995."

S. 1212

At the request of Mr. COATS, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1212, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals and families with low income to achieve economic self-sufficiency.

S. 1392

At the request of Mr. BAUCUS, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1392, a bill to impose temporarily a 25 percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes.