

1994 California Assembly Joint Resolution No. 40 specifically states, "That California memorializes Congress to amend the Johnson Act to remove California's authority to regulate gambling on cruise ships traveling to foreign ports or on segments of voyages going to another State or country.\* \* \*

Furthermore, the California Trade and Commerce Agency wrote the Senate Commerce Committee urging support for this legislation.

Today, we fulfill that request. We have been able to do so because of the hard work of many people in and outside of this Congress. I first want to thank former Congresswoman Lynn Schenk of San Diego, who first brought this bill to my attention. Lynn persuaded her House colleagues to pass this provision which was included in several maritime bills which passed the House in 1994 only to die in the legislative gridlock that fall.

Unfortunately, Lynn did not return to renew the fight in the 104th Congress. However, the Port of San Diego and other ports in California took up the call and repeatedly wrote and called congressional leaders urging support for this measure. Congratulations Lynn. I was honored to work with you.

Last year, the Committee on Commerce, Science, and Transportation agreed to attach my bill to the Coast Guard Act. I want to thank Senator HOLLINGS, the committee's ranking member, and his staff, for their unwavering support for my provision as the Coast Guard bill in conference entered troubled waters with unrelated, controversial matters inserted in the House version.

I also want to thank Senator FORD, ranking member of the Aviation Subcommittee, for his stalwart support not only in attaching my bill to the FAA Reauthorization Act but to making sure it stayed there in conference with the House until we were assured of the Coast Guard bill's passage.

We could not have won this victory without the help of the distinguished Democratic leadership of the committee, Senator HOLLINGS and Senator FORD. California owes a debt of gratitude to their leadership.

My thanks also to Congress Members JANE HARMAN, BRIAN BILBRAY and BOB FILNER who worked hard to get this bill through the House.

Mr. NICKLES. Mr. President, I ask unanimous consent that the conference report be considered adopted, the motion to reconsider be laid upon the table, and, finally, that any statements relating to the conference report be placed at the appropriate place in the RECORD.

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

The conference report was agreed to.

#### NATIONAL MARINE SANCTUARIES ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 543, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 543) to reauthorize the National Marine Sanctuaries Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, since the day I arrived in the Senate nearly twelve years ago, I have worked hard to address the many challenges confronting our ocean and coastal resources. After all, few states draw as much of their national and regional identity from their coastal areas and contiguous oceans as does Massachusetts.

Often with my distinguished colleagues, the Senator from South Carolina, Senator HOLLINGS, and the Senator from Alaska, Senator STEVENS, I have worked to improve national marine resource management. My efforts have come through my membership on the Senate Commerce, Science and Transportation Committee, and particularly as ranking member on the Oceans and Fisheries Subcommittee and as co-chair of the subcommittee's predecessor, the former National Ocean Policy Study (NOPS).

Over the past 25 years, Congress has worked to develop innovative policy solutions to enable the long-term protection, conservation, utilization and management of our vulnerable marine resources. We have acted to ensure strong coastal economies in Massachusetts and a clean, healthy coastal environment from the Gulf of Maine to the Gulfs of Mexico and Alaska.

One of these innovative programs is the Magnuson Fisheries Conservation and Management Act, which in 1976 introduced the new concept of domestic fishery management councils to guide the development of commercial fishery management plans. In close concert with Senator STEVENS, Senator HOLLINGS and several other Senators, I have worked long and hard during this Congress to strengthen and reauthorize the Magnuson Act. I am delighted that this effort has been successful and that the bill is on its way to the White House for the President's signature. It will greatly aid us in ensuring ecologically and economically sustainable fisheries for future generations.

Another successful innovation in marine resource protection has been the National Marine Sanctuary Program, created in 1972 and last reauthorized in 1992. Administered by the National Oceanic and Atmospheric Administration (NOAA), the National Marine Sanctuary Program is a proven success and one in which we should all take pride. I strongly support the National Marine Sanctuaries Preservation Act

and urge my colleagues to support this very important reauthorization bill.

H.R. 543 represents another step toward fulfilling a national commitment to further protect our coastal oceans, sustain marine biological diversity and fishery stocks, and encourage comprehensive natural resource management that provides for appropriate recreational and commercial activities. The marine sanctuary program successfully demonstrates that environmental protection and economic opportunity can co-exist. We can have both jobs and environmental conservation.

H.R. 543 is a straightforward reauthorization bill. It makes only minor changes to the Sanctuaries Act, and on balance, it strengthens the sanctuary program. The bill provides \$45.5 million over the next 3 fiscal years to fund the management of the 14 existing marine sanctuaries, including the Stellwagen Bank National Marine Sanctuary off Massachusetts Bay. I am assured by NOAA that this amount is adequate to sustain present management activities at all existing sanctuaries. In addition, this bill provides important authority to NOAA to develop alternative funding sources to augment government spending and enhance marine sanctuary research and management activities.

This bill makes permanent the temporary authority given to NOAA in 1992 to market and license a sanctuary program logo developed as part of a pilot logo program. Not only will this revenue enhancement program broaden the recognition of the sanctuary program, it will provide opportunities to develop supplemental funding to support sanctuary management activities. Amounts generated from this new initiative are expected to be quite limited at first, but are an important step in the long-term development of the marine sanctuary program.

H.R. 543 also addresses the current controversy regarding the designation of a new marine sanctuary in Washington state. The members of the Committee on Commerce, Science, and Transportation have worked closely with Senator MURRAY to address these concerns and we are pleased that this bill reflects those changes agreed upon.

Finally, Mr. President, I would be remiss if I did not at this time recognize the dedication to the cause of ocean and coastal resource protection of my esteemed colleague and friend from Massachusetts, GERRY E. STUDDS, who has been an outstanding leader in the Congress on this issue.

For the 20 years that GERRY STUDDS has served in Congress, he has demonstrated time and time again a responsiveness to the needs of his constituents. These needs understandably have been shaped very often by the important marine and coastal resources of Massachusetts. Through his close and constant association with the ocean, GERRY STUDDS has developed a

sensitivity and insight into the complexity of the marine and coastal environment that few members could challenge. This insight has served him well as a Chairman of the former House Merchant Marine and Fisheries Committee, and in his present capacity as ranking member on the House Subcommittee on Fisheries, Wildlife and Oceans. Let there be no mistake: GERRY STUDDS' mark on national environmental policy, especially in the marine environment, has been profound.

Section 11 of H.R. 543 formally changes the name of the existing Stellwagen Bank sanctuary off the coast of Massachusetts to the "Gerry E. Studs Stellwagen Bank National Marine Sanctuary." I realize after having worked closely with Congressman STUDDS on the designation of Stellwagen Bank in 1992 how deeply he feels about this very special place. It is a fitting tribute that this unique marine resource, which he worked so hard to protect for future generations, should bear his name. His knowledge, his expertise and his humor will all be missed. I will miss him as a friend and colleague in the Congress. But the Gerry E. Studs Stellwagen Bank National Marine Sanctuary will remain a constant reminder of his impressive environmental legacy.

In closing, Mr. President, I have worked closely this Congress with my friend, the Chairman of the Oceans and Fisheries Subcommittee, Senator STEVENS, to pass strong, positive marine resources legislation that reflects and reaffirms the importance of ocean and coastal resources to our Nation and ensures they are treated as the priceless and essential natural resources they are. Not unlike the Sustainable Fisheries Act (S. 39), the Antarctica bill (H.R. 3060), and the reauthorization of the Coastal Zone Management Act (H.R. 1965), this bill is another positive step toward ensuring that our Nation's vital marine and coastal resources are conserved and sensibly managed for the benefit of all. I wholeheartedly support this bill and urge my colleagues to do the same.

Mrs. MURRAY. Mr. President, I thank the distinguished chairman and ranking member of the Commerce Committee, as well as Senator GORTON and Congressman METCALF, for their work on this bill.

We have reached an agreement on the provisions regarding the Northwest Straits of Washington State which I think will serve everyone's best interest. My amendment to the House passed bill deletes language establishing a local advisory committee under the control of NOAA, while retaining the requirement that final designation of a marine sanctuary in the Northwest Straits occur only via congressional authorization.

I was concerned that the creation of a NOAA-controlled advisory committee would undermine the very intent of bringing local community members together to consider the resource protec-

tion needs of the Northwest Straits in an objective and open forum. Many members of the local communities have serious concerns about the performance of NOAA over the last several years with regard to the proposed sanctuary. To establish a new advisory committee under NOAA's control would only perpetuate those concerns. I think it is much better if such local commissions or committees develop on their own, independent from the NOAA process, much as the Marine Resources Committee in the San Juan Islands has done.

It is my understanding that as NOAA continues with its assessment of the resource protection needs of the Northwest Straits, it will provide personnel and technical expertise and information to any local advisory committees or commissions that may develop and will include any recommendations put forward by such committees or commissions in NOAA's assessment.

My amendment will allow us to move this important bill forward with bipartisan consensus. I appreciate the significant role the Marine Sanctuaries Program plays in the protection of our Nation's ocean resources. The protection of marine life and marine habitat is a worthy goal. Marine sanctuaries may not only protect the marine environment but may also support regional economies by creating recreational and tourism opportunities and enhancing commercial fisheries and associated industries by providing refuges for fish and other marine life. I fully support this legislation, and I urge my colleagues to support our agreement.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid on the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 543) was deemed read the third time and passed.

#### ORDER FOR COMMITTEES TO FILE SPECIAL REPORTS

Mr. NICKLES. Mr. President, I ask unanimous consent that on November 21, 1996, between the hours of 10 a.m. and 2 p.m. committees have the authority to file special reports on non-legislative matters only. This does not include executive matters such as treaties or nominations, nor does it allow committees to report bills or resolutions after the sine die adjournment.

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

#### FORT PECK RURAL COUNTY WATER SUPPLY SYSTEM ACT OF 1996

Mr. NICKLES. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 1467) to authorize the construc-

tion of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1467) entitled "An Act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Peck Rural County Water Supply System Act of 1996".

#### SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) *CONSTRUCTION*.—The term "construction" means such activities associated with the actual development or construction of facilities as are initiated on execution of contracts for construction.

(2) *DISTRICT*.—The term "District" means the Fort Peck Rural County Water District, Inc., a nonprofit corporation in Montana.

(3) *FEASIBILITY STUDY*.—The term "feasibility study" means the study entitled "Final Engineering Report and Alternative Evaluation for the Fort Peck Rural County Water District", dated September 1994.

(4) *PLANNING*.—the term "planning" means activities such as data collection, evaluation, design, and other associated preconstruction activities required prior to the execution of contracts for construction.

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

(6) *WATER SUPPLY SYSTEM*.—The term "water supply system" means the Fort Peck Rural County Water Supply System, to be established and operated substantially in accordance with the feasibility study.

#### SEC. 3. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) *IN GENERAL*.—Upon request of the District, the Secretary shall enter into a cooperative agreement with the District for the planning, design, and construction by the District of the water supply system. Title to this project shall remain in the name of the District.

(b) *SERVICE AREA*.—The water supply system shall provide for safe and adequate rural water supplies under the jurisdiction of the District in Valley County, north-eastern Montana (as described in the feasibility study).

(c) *AMOUNT OF FEDERAL CONTRIBUTION*.—

(1) *IN GENERAL*.—Subject to paragraph (3), under the cooperative agreement, the Secretary shall pay the Federal share of—

(A) costs associated with the planning, design, and construction of the water supply system (as identified in the feasibility study); and

(B) such sums as are necessary to defray increases in the budget.

(2) *FEDERAL SHARE*.—The Federal share referred to in paragraph (1) shall be 75 percent and shall not be reimbursable.

(3) *TOTAL*.—The amount of Federal funds made available under the cooperative agreement shall not exceed the amount of funds authorized to be appropriated under section 4.

(4) *LIMITATIONS*.—Not more than 5 percent of the amount of Federal funds made available to the Secretary under section 4 may be used by the Secretary for activities associated with—

(A) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and