(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 36 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the CONGRESSIONAL RECORD of July 29, 31, September 3, and 15, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators:

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of July 29, 31, September 3, and 15, 1997, at the end of the Senate proceedings.)

**In the Marine Corps there is 1 appointment to the grade of lieutenant colonel (Franklin D. McKinney, Jr.) (Reference No. 479)

**In the Air Force there are 85 appointments to the grade of lieutenant colonel and below (list begins with Richard W. Aldrich) (Reference No. 480)

**In the Air Force there are 36 appointments to the grade of colonel and below (list begins with Luis C. Arroyo) (Reference No. 492)

**In the Air Force there are 4 appointments to the grade of lieutenant colonel and below (list begins with James M. Bartlett) (Reference No. 493)

**In the Army there is 1 appointment to the grade of colonel (Frank G. Whitehead) (Reference No. 494)

**In the Army Reserve there are 18 appointments to the grade of colonel (list begins with Mary A. Allred) (Reference No. 495)

**In the Army Reserve there are 11 appointments to the grade of colonel (list begins with Robert C. Baker) (Reference No. 496)

**In the Army there are 74 appointments to the grade of major (list begins with Edwin E. Ahl) (Reference No. 497)

**In the Army there are 155 appointments to the grade of lieutenant colonel (list begins with Christian F. Achleithner) (Reference No. 498)

**In the Air Force Reserve there is 1 appointment to the grade of colonel (Robert J. Spermo) (Reference No. 573)

**In the Air Force Reserve there are 4 appointments to the grade of colonel (list begins with Carl M. Gough) (Reference No. 574)

**In the Army Reserve there is 1 appointment to the grade of colonel (Shri Kant Mishra) (Reference No. 576)

**In the Army Reserve there is 1 appointment to the grade of colonel (David S. Feigin) (Reference No. 577)

**In the Army there is 1 appointment to the grade of major (Clyde A. Moore) (Reference No. 578)

**In the Army there are 3 appointments to the grade of colonel and below (list begins with Terry A. Wikstrom) (Reference No. 579)

**In the Army Reserve there is 1 appointment to the grade of colonel (James H. Wilson) (Reference No. 580)

**In the Army Reserve there are 10 appointments to the grade of colonel (list begins with Ellis E. Brambaugh, Jr.) (Reference No. 581)

**In the Army Reserve there are 19 appointments to the grade of colonel (list begins with Graten D. Beavers) (Reference No. 582)

**In the Marine Corps there is 1 appointment to the grade of colonel (William C. Johnson) (Reference No. 583)

**In the Marine Corps there is 1 appointment to the grade of major (Tony Weckerling) (Reference No. 584)

**In the Marine Corps there is 1 appointment to the grade of major (Jeffrey E. Lister) (Reference No. 585)

**In the Marine Corps there is 1 appointment to the grade of major (Harry Davis Jr.) (Reference No. 586)

**In the Marine Corps there is 1 appointment to the grade of major (Michael D. Dahl) (Reference No. 587)

**In the Marine Corps there is 1 appointment to the grade of major (James C. Clark) (Reference No. 588)

**In the Air Force there are 66 appointments to the grade of colonel and below (list begins with Joseph Argyle) (Reference No. 589)

**In the Army there are 187 appointments to the grade of colonel and below (list begins with James L. Atkins) (Reference No. 590)

**In the Army there are 1,125 appointments to the grade of lieutenant colonel (list begins with Frank J. Abbott) (Reference No. 591)

**In the Army there are 1,795 appointments to the grade of major (list begins with Madelfia A. Abb) (Reference No. 592)

**In the Naval Reserve there are 225 appointments to the grade of captain (list begins with Lawrence E. Adler) (Reference No. 593)

**In the Air Force there are 2,576 appointments to the grade of major (list begins with Arnold K. Abangan) (Reference No. 595)

**In the Army there is 1 appointment to the grade of lieutenant colonel (Rafael Lara, Jr.) (Reference No. 635)

**In the Army National Guard there are 15 appointments to the grade of colonel (list begins with Morris F. Adams, Jr.) (Reference No. 636)

**In the Marine Corps there is 1 appointment to the grade of major (John C. Kotruch) (Reference No. 637)

**In the Navy there are 13 appointments to the grade of captain (list begins with David M. Belt, Jr.) (Reference No. 638)

**In the Army there are 57 appointments to the grade of colonel (list begins with Cynthia A. Abbott) (Reference No. 639)

**In the Navy there are 872 appointments to the grade of commander (list begins with Eugene M. Abler) (Reference No. 640)

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. FAIRCLOTH (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, and Mr. ROBB):

S. 1219. A bill to require the establishment of a research and grant program for the eradication or control of Pfiesteria pisicicida and other aquatic toxins; to the Committee on Environment and Public Works.

By Mr. DODD (for himself, Mr. BINGAMAN, Mr. BUMPERS, and Mrs. MURRAY):

S. 1220. A bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras; to the Committee on Governmental Affairs.

By Mr. STEVENS (for himself, Mr. BREAUX, Mr. MURKOWSKI, and Mr. HOLLINGS):

S. 1221. A bill to amend title 46 of the United States Code to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, to prevent the issuance of fishery endorsements to certain vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. ROBB, Mr. SARBANES, Mr. D'AMATO, Mrs. MURRAY, Mr. MURKOWSKI, Mr. WARNER, Mr. REED, Ms. LANDRIEU, Mr. GRAHAM, Ms. MIKULSKI, Mr. DODD, Mr. MOYNIHAN, and Mr. MACK):

S. 1222. A bill to catalyze restoration of esturary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER:

S. Res. 126. An original resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans Affairs; placed on the calendar.

By Mr. FEINGOLD (for himself, Mr. ABRAHAM, Mr. HELMS, and Mr. WELLSTONE):

S. Res. 127. A resolution expresssing the sense of the Senate regarding the planned state visit to the United States by the President of the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FAIRCLOTH (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, and Mr. ROBB):

S. 1219. A bill to require the establishment of a research and grant program for the eradication or control of Pfiesteria pisicicida and other aquatic toxins.

THE PFIESTERIA RESEARCH ACT OF 1997

Mr. FAIRCLOTH. Mr. President, I rise to talk about a bill I am introducing today, the Pfiesteria Research Act of 1997. I thank my colleagues who have joined me as original cosponsors of this bill: Senator BARBARA MIKULSKI, Senator PAUL SARBANES and Senator JOHN WARNER.

This bill is the first Federal legislative response to this mysterious microbe which has been linked to fish kills and also to human health problems all along the east coast, but particularly in the Chesapeake Bay area and along the coast of North Carolina.

Pfiesteria has become more than a problem affecting one State and, as such, a Federal, broader response is necessary. The No. 1 need is research into this mystery, what causes it, why it occurs, and how it can be stopped.

We need to involve the best research laboratories in the country, at Government agencies, at universities, and at State agencies, to study the problem and to find a solution.

Specifically, this bill does two things. First, it authorizes the EPA, the National Marine Fisheries Service,

the National Institute of Environmental Health Services, the Centers for Disease Control, and the Department of Agriculture to establish a research program for the eradication or control of Pfiesteria and other aquatic toxins.

Second, the bill directs these agencies to make grants to universities and other such entities in affected States for the eradication or control of Pfiesteria and other aquatic toxins.

Given the potentially serious health and environmental effects—and they have clearly been demonstrated by the number of people who have gotten sick in the Maryland-Virginia area because of it, and it has been deadly to hundreds of thousands of fish—significant Federal action needs to be taken to eradicate it and make sure this regional threat does not become a national threat.

I hope this bill will be passed in the very near future and funds will then be appropriated to fully fund it. I look forward to working with my colleagues on this matter, and I particularly thank my colleague from Maryland, BARBARA MIKULSKI, for her assistance with the bill.

I send the bill to the desk and ask for its appropriate referral.

Mr. President, 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. 1219

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pfiesteria Research Act of 1997''.

SEC. 2. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) GRANTS.—In carrying out subsection (a)(2), the heads of the agencies referred to in subsection (a) shall make grants to—

(1) North Carolina State University in Raleigh, North Carolina, for the establishment of an Applied Aquatic Ecology Center and for research conducted by the Center relating to aquatic toxins;

(2) the University System of Maryland and the Agricultural Research Center in Beltsville, Maryland, for the establishment of a cooperative Agro-Ecosystem Center for research and demonstration projects related to aquatic toxins, such as Pfiesteria piscicida, including projects that relate to dietary, waste management, and other alternative-use related strategies that reduce the undesirable nutrient and other chemical content from waste into waterways; and

(3) the Virginia Institute of Marine Science of the College of William and Mary in Gloucester Point, Virginia, for the establishment of a Marine Pathology and Applied Ecology Center and for research conducted by the Center relating to the effect of algal toxins on marine fish and shellfish and to understanding human influences on estuarine planktonic communities with an emphasis on harmful algal species, except that a portion of the grants made under this paragraph shall be allocated to Old Dominion University in Norfolk, Virginia, for research support.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section, of which not less than—

(1) $1,883,619 for fiscal year 1998, and $655,890 for fiscal year 1999, shall be used to carry out subsection (b)(1);

(2) $1,000,000 for each of fiscal years 1998 and 1999 shall be used to carry out subsection (b)(2); and

(3) $1,750,000 for fiscal year 1998, and $545,000 for fiscal year 1999, shall be used to carry out subsection (b)(3).

Mr. SARBANES. Mr. President, today I am delighted to join my colleagues Senator FAIRCLOTH, Senator MIKULSKI and Senator WARNER as a principal cosponsor of this proposal providing additional Federal assistance to efforts combating Pfiesteria outbreaks in the Chesapeake Bay and other Atlantic coast waterways.

The micro-organism Pfiesteria piscicida, linked to fish kills and human health problems this summer in the Pocomoke River on Maryland's Eastern Shore, is a matter about which we are all deeply concerned. The Governor has recently closed down two Eastern Shore waterways in Maryland, and fish with lesions characteristic of Pfiesteria have also been discovered in Delaware, Virginia, and other Atlantic coast waterways.

Since the Pfiesteria outbreaks began, we, in Congress, have worked individually and collectively on a variety of initiatives to assist the States in battling this toxic micro-organism. The Federal agency response team, led by the U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration, is providing valuable funding and technical assistance to the States.

The Federal assistance thus far includes habitat and water quality monitoring and fish lesion assessment. At my and Senator MIKULSKI's request, the Centers for Disease Control and Prevention and the National Institute of Environment Health Sciences are providing scientific teams and technical assistance for human health risk-assessment efforts. In Maryland, the Cooperative Laboratory at Oxford is playing an especially key role by coordinating ongoing fisheries-related investigations.

The Pfiesteria Research Act of 1997 would add a critical dimension to the Federal response, one that would assist farmers with agricultural-related research and demonstrations related to outbreaks of Pfiesteria and other aquatic toxins. This measure would provide this assistance by establishing a cooperative Agro-Ecosystem Center between the University System of Maryland and the Beltsville Agricultural Research Center, and authorizing not less than $2 million in grants to the center. The University System of Maryland and the Beltsville Center are world leaders in conducting agricultural research and demonstration projects. I am confident that both have the substantial scientific and technical expertise necessary to lead the dietary, waste management, and other nutrient-reduction efforts authorized in this measure to combat Pfiesteria.

Mr. President, the Federal Government has worked closely with affected States as they respond to Pfiesteria outbreaks. I urge my colleagues to support this measure and to provide much-needed assistance to farmers to battle Pfiesteria in the Chesapeake Bay and along other Atlantic coast waterways.

By Mr. DODD (for himself, Mr. BINGAMAN, Mr. BUMPERS, and Mrs. MURRAY):

S. 1220. A bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras; to the Committee on Governmental Affairs.

THE HUMAN RIGHTS INFORMATION ACT

Mr. DODD. Mr. President, today, I am introducing the Human Rights Information Act—legislation designed to facilitate the declassification of certain United States documents that relate to past human rights abuses in Guatemala and and Honduras. This act would ensure the prompt declassification of information by all relevant U.S. Government agencies concerning human rights abuses, while providing adequate protection to safeguard U.S. national security interests. Timely declassification of relevant materials would be of enormous assistance to the Guatemalan and Honduran people who are at this moment confronting past human rights violations as part of ongoing efforts to strengthen democratic institutions in those countries, particularly their judiciaries.

This bill would ensure prompt and complete declassification within the necessary bounds of protection of national security. It would require Government agencies to review for declassification within 120 days all human rights records relevant to inquiries by the Honduran human rights commissioner and the Guatemalan Clarification Commission. An interagency appeals panel would review agencies decisions to withhold information. The bill follows declassification standards already enacted by Congress in the JFK Assassination Records Act but is much simpler and less expensive than that law.

Honduran Human Rights Commissioner Leo Valladares has already made a request of the United States

Government for any relevant documents concerning Honduran human rights violations and particularly those alleged to have been perpetrated by Honduran military Battalion 3–16 that resulted in more than 184 killings or disappearances in the early 1980's.

The Guatemalan Clarification Commission, which was set up by the December 1996 peace accords to establish a historical record of the massive human rights violations that occurred during more than three decades of civil war, is expected shortly to make a similar request for relevant United States documents concerning this period. The U.S. Government is, properly, offering financial assistance to the clarification commission. The United States should also support the commission's important work to end impunity by providing relevant declassified documents.

While it is true that the Clinton administration has already declassified some documents related to Honduras and Guatemala, by Executive order, such declassifications have been very narrowly focused. And, despite a number of letters from Congress requesting prompt action, the administration's response to the longstanding request by Honduran Human Rights Commissioner Valladares, which was first submitted in 1993, has been slow and partial.

Moreover, although the administration officially agreed to honor the Honduran request, many of the documents released to date have been heavily excised, yielding little substantive information. The State Department has turned over 3,000 pages, but other agencies have been much less forthcoming. For example, the CIA has released 36 documents concerning Father Carney, a United States priest killed in Honduras, and 97 documents pertaining to 5 other key human rights cases. Most are heavily excised. The Department of Defense has released 34 heavily excised documents, but almost nothing that relates to the activities of Battalion 3–16.

The administration has also declassified numerous documents on Guatemala in response to public demands. These focus, however, on approximately 30 cases of human rights abuses directed against Americans in Guatemala. The cases of Guatemalan anthropologist Myrna Mack and guerrilla leader Efrain Bamaca, husband of American lawyer Jennifer Harbury, were exceptions. In May of this year, the CIA also released an important batch of documents concerning its 1954 covert operation in Guatemala. However, thousands of documents on human rights violations that could be of interest to the clarification commission remain classified. Many of the documents already declassified were heavily excised, and, as in the Honduran case, the intelligence and defense agencies were less forthcoming than the State Department.

Mr. President, I would hope that my colleagues can join me in voting for the Human Rights Information Act. This will send a very powerful signal of support for efforts to strengthen democracy and the rule of law throughout the hemisphere. It will also greatly assist Latin Americans who are currently bravely working to shed light upon a dark period of their recent pasts so that they can prevent such heinous abuses from occurring in the future.

Mr. President, 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. 1220

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Human Rights Information Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Agencies of the Government of the United States have information on human rights violations in Guatemala and Honduras.

(2) Members of both Houses of Congress have repeatedly asked the Administration for information on Guatemalan and Honduran human rights cases.

(3) The Guatemalan peace accords, which the Government of the United States firmly supports, has as an important and vital component the establishment of the Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan People (referred to in this Act as the ''Clarification Commission''). The Clarification Commission will investigate cases of human rights violations and abuses by both parties to the civil conflict in Guatemala and will need all available information to fulfill its mandate.

(4) The National Commissioner for the Protection of Human Rights in the Republic of Honduras has been requesting United States Government documentation on human rights violations in Honduras since November 15, 1993. The Commissioner's request has been partly fulfilled, but is still pending. The request has been supported by national and international human rights nongovernmental organizations as well as members of both Houses of Congress.

(5) Victims and survivors of human rights violations, including United States citizens and their relatives, have also been requesting the information referred to in paragraphs (3) and (4). Survivors and the relatives of victims have a right to know what happened. The requests have been supported by national and international human rights nongovernmental organizations as well as members of both Houses of Congress.

(6) The United States should make the information it has on human rights abuses available to the public as part of the United States commitment to democracy in Central America.

SEC. 3. DEFINITIONS.

In this Act:

(1) HUMAN RIGHTS RECORD.—The term ''human rights record'' means a record in the possession, custody, or control of the United States Government containing information about gross human rights violations committed after 1944.

(2) AGENCY.—The term ''agency'' means any agency of the United States Government charged with the conduct of foreign policy or foreign intelligence, including the Department of State, the Agency for International Development, the Department of Defense (and all of its components), the Central Intelligence Agency, the National Reconnaissance Office, the Department of Justice (and all of its components), the National Security Council, and the Executive Office of the President.

SEC. 4. IDENTIFICATION, REVIEW, AND PUBLIC DISCLOSURE OF HUMAN RIGHTS RECORDS REGARDING GUATEMALA AND HONDURAS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provision of this Act shall govern the declassification and public disclosure of human rights records by agencies.

(b) IDENTIFICATION OF RECORDS.—Not later than 120 days after the date of enactment of this Act, each agency shall identify, review, and organize all human rights records regarding activities occurring in Guatemala and Honduras after 1944 for the purpose of declassifying and disclosing the records to the public. Except as provided in section 5, all records described in the preceding sentence shall be made available to the public not later than 30 days after a review under this section is completed.

(c) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the President shall report to Congress regarding each agency's compliance with the provisions of this Act.

SEC. 5. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

(a) IN GENERAL.—An agency may postpone public disclosure of a human rights record or particular information in a human rights record only if the agency determines that there is clear and convincing evidence that—

(1) the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States raised by public disclosure of the human rights record is of such gravity that it outweighs the public interest, and such public disclosure would reveal—

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method—

(i) which is being utilized, or reasonably expected to be utilized, by the United States Government;

(ii) which has not been officially disclosed; and

(iii) the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations, or conduct of foreign relations of the United States, the disclosure of which would demonstrably impair the national security of the United States;

(2) the public disclosure of the human rights record would reveal the name or identity of a living individual who provided confidential information to the United States and would pose a substantial risk of harm to that individual;

(3) the public disclosure of the human rights record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest; or

(4) the public disclosure of the human rights record would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest.

(b) SPECIAL TREATMENT OF CERTAIN INFORMATION.—It shall not be grounds for postponement of disclosure of a human rights record that an individual named in the

human rights record was an intelligence asset of the United States Government, although the existence of such relationship may be withheld if the criteria set forth in subsection (a) are met. For purposes of the preceding sentence, the term an ''intelligence asset'' means a covert agent as defined in section 606(4) of the National Security Act of 1947 (50 U.S.C. 426(4)).

SEC. 6. REQUEST FOR HUMAN RIGHTS RECORDS FROM OFFICIAL ENTITIES IN OTHER LATIN AMERICAN CARIBBEAN COUNTRIES.

In the event that an agency of the United States receives a request for human rights records from an entity created by the United Nations or the Organization of American States similar to the Guatemalan Clarification Commission, or from the principal justice or human rights official of a Latin American or Caribbean country who is investigating a pattern of gross human rights violations, the agency shall conduct a review of records as described in section 4 and shall declassify and publicly disclose such records in accordance with the standards and procedures set forth in this Act.

SEC. 7. REVIEW OF DECISIONS TO WITHHOLD RECORDS.

(a) DUTIES OF THE APPEALS PANEL.—The Interagency Security Classification Appeals Panel (referred to in this Act as the ''Appeals Panel''), established under Executive Order No. 12958, shall review determinations by an agency to postpone public disclosure of any human rights record.

(b) DETERMINATIONS OF THE APPEALS PANEL.—

(1) IN GENERAL.—The Appeals Panel shall direct that all human rights records be disclosed to the public, unless the Appeals Panel determines that there is clear and convincing evidence that—

(A) the record is not a human rights record; or

(B) the human rights record or particular information in the human rights record qualifies for postponement of disclosure pursuant to section 5.

(2) TREATMENT IN CASES OF NONDISCLOSURE.—If the Appeals Panel concurs with an agency decision to postpone disclosure of a human rights record, the Appeals Panel shall determine, in consultation with the originating agency and consistent with the standards set forth in this Act, which, if any, of the alternative forms of disclosure described in paragraph (3) shall be made by the agency.

(3) ALTERNATIVE FORMS OF DISCLOSURE.—The forms of disclosure described in this paragraph are as follows:

(A) Disclosure of any reasonably segregable portion of the human rights record after deletion of the portions described in paragraph (1).

(B) Disclosure of a record that is a substitute for information which is not disclosed.

(C) Disclosure of a summary of the information contained in the human rights record.

(4) NOTIFICATION OF DETERMINATION.—

(A) IN GENERAL.—Upon completion of its review, the Appeals Panel shall notify the head of the agency in control or possession of the human rights record that was the subject of the review of its determination and shall, not later than 14 days after the determination, publish the determination in the Federal Register.

(B) NOTICE TO PRESIDENT.—The Appeals Panel shall notify the President of its determination. The notice shall contain a written unclassified justification for its determination, including an explanation of the application of the standards contained in section 5.

(5) GENERAL PROCEDURES.—The Appeals Panel shall publish in the Federal Register guidelines regarding its policy and procedures for adjudicating appeals.

(c) PRESIDENTIAL AUTHORITY OVER APPEALS PANEL DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—The President shall have the sole and nondelegable authority to review any determination of the Appeals Board under this Act, and such review shall be based on the standards set forth in section 5. Not later than 30 days after the Appeals Panel's determination and notification to the agency pursuant to subsection (b)(4), the President shall provide the Appeals Panel with an unclassified written certification specifying the President's decision and stating the reasons for the decision, including in the case of a determination to postpone disclosure, the standards set forth in section 5 which are the basis for the President's determination.

(2) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Appeals Panel shall, upon receipt of the President's determination, publish in the Federal Register a copy of any unclassified written certification, statement, and other materials transmitted by or on behalf of the President with regard to the postponement of disclosure of a human rights record.

SEC. 8. REPORT REGARDING OTHER HUMAN RIGHTS RECORDS.

Upon completion of the review and disclosure of the human rights records relating to Guatemala and Honduras, the Information Security Policy Advisory Council, established pursuant to Executive Order No. 12958, shall report to Congress on the desirability and feasibility of declassification of human rights records relating to other countries in Latin America and the Caribbean. The report shall be available to the public.

SEC. 9. RULES OF CONSTRUCTION.

(a) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to limit any right to file a request with any executive agency or seek judicial review of a decision pursuant to section 552 of title 5, United States Code.

(b) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

SEC. 10. CREATION OF POSITIONS.

For purposes of carrying out the provisions of this Act, there shall be 2 additional positions in the Appeals Panel. The positions shall be filled by the President, based on the recommendations of the American Historical Association, the Latin American Studies Association, Human Rights Watch, and Amnesty International, USA.

By Mr. STEVENS (for himself, Mr. BREAUX, Mr. MURKOWSKI, and Mr. HOLLINGS):

S. 1221. A bill to amend title 46 of the United States Code to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, to prevent the issuance of fishery endorsements to certain vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AMERICAN FISHERIES ACT

Mr. STEVENS. Mr. President, I am going to send to the desk a bill that is called the American Fisheries Act to raise the U.S. ownership standard for U.S.-flag fishing vessels operating in U.S. waters, to eliminate the exemptions and loopholes interpreted into the existing ownership and control standard, and to phase out large fishing vessels that are destructive to U.S. fishery resources because of their size and power.

As I said, this bill is called the American Fisheries Act.

Let me point out, these factory trawlers we are talking about make trucks look like tiny bugs. They certainly waste a tremendous amount of fish. According to the Alaska Department of Fish and Game statistics for 1995—that is the most recent year for which we have statistics—the 55 factory trawlers in the Bering Sea off my State threw overboard 483 million pounds of groundfish, wasted and unused.

That is more fish than the targeted fisheries of New England lobster, Atlantic mackerel, Gulf of Mexico shrimp, and Pacific Northwest salmon combined. It is the most horrendous waste of fishery resources in the history of man. And this bill is designed to stop that.

Mr. President, as I said, the bill I am introducing today would:

First, raise U.S. ownership standard for U.S.-flag fishing vessels operating in U.S. waters; second, eliminate the exemptions and loopholes interpreted into the existing ownership and control standard; and third, phase out large fishing vessels that are destructive to U.S. fishery resources because of their size and power.

The bill is called the American Fisheries Act. Senators KERRY, MURKOWSKI, BREAUX, and HOLLINGS join me as original cosponsors.

Last year, we enacted major revisions to the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of the fishery resources. The other primary goal of the original Fishery Conservation and Management Act in 1975 was to Americanize the fisheries. We tried to complete that process through the Commercial Fishing Industry Anti-Reflagging Act—Public Law 100–239—in 1987. Due to exemptions in the act and to misinterpretations by the Coast Guard, this act has not been effective.

The bill we introduce today would correct the basic controlling interest and foreign rebuilding requirements for U.S.-flag vessels that participate in our fisheries.

CLOSING THE LOOPHOLES

The bill would require at least 75 percent of the controlling interest of all vessels that fly the U.S. flag and engage in the fisheries in the navigable waters and exclusive economic zone to be owned by citizens of the United States.

The Commercial Fishing Industry Anti-Reflagging Act—Public Law 100–239—imposed a 50 percent controlling interest standard, which has become meaningless because of exceptions in the bill and misinterpretations by the Coast Guard. The Coast Guard's misinterpretation of one provision of that

act allowed at least 14 massive factory trawlers to enter the fisheries off Alaska.

As many here know, the House of Representatives recently passed a bill to keep one factory trawler out of the Atlantic herring and mackerel fisheries. Similar bills have been introduced in the Senate.

In Alaska, we got stuck with at least 14 factory trawlers that should never have been allowed into our fisheries. Talk about loopholes you can drive a truck through—these factory trawlers make trucks look like tiny little bugs. And they waste fish.

According to Alaska Department of Fish and Game statistics for 1995, the most recent year for which data is available, the 55 factory trawlers in the Bering Sea threw overboard 483 million pounds of groundfish wasted, and unused. That is more fish than the target fisheries for New England lobster, Atlantic mackerel, Gulf of Mexico shrimp, and Pacific Northwest salmon combined.

The bill we introduce today draws heavily from the controlling interest standard in the Jones Act for vessels operating in the coastwide trade. Under our bill, vessel owners would have 18 months from the date of enactment to comply with the new 75 percent controlling interest standard.

For vessels above 100 gross registered tons—which are more likely to have multiple owners or layers of ownership—the bill would require the Maritime Administration to closely scrutinize who actually controls the vessel before the vessel receives or can renew a fishery endorsement.

The Maritime Administration already reviews the controlling interest of entities applying for title XI loan guarantees and maritime security program payments. MarAd has the best expertise among Federal agencies to do the thorough job we intend.

The Secretary of Transportation would be required to revoke the fishery endorsement of any vessel above 100 gross tons that MarAd determines does not meet the new standard for controlling interest.

The bill gives the Secretary of Transportation flexibility in establishing the requirements for the owners of vessels equal to or less than 100 gross registered tons to show compliance with the new standard. Vessels of this size generally do not exceed 75 feet in length, are usually owner-operated, and are less likely to have multiple layers of ownership that must be scrutinized.

If the Secretary decides that compliance with the new 75 percent standard can be demonstrated by vessels 100 tons or less using the existing process through the Coast Guard, the Secretary could continue to use this process for those vessels.

As the findings point out, international law—including Article 62 of the U.N. Convention on the Law of the Sea—gives coastal nations the clear sovereign right to harvest and process the entire allowable catch of fishery resources in their exclusive economic zone [EEZ] if their citizens have the harvesting capacity to do so. International law requires that other nations be given access if the coastal nation cannot harvest and process the entire allowable catch in its EEZ.

In the United States, we have established a framework that fulfills these two basic principles. Through the Magnuson-Stevens Act, we gave U.S. fishermen first priority in the harvesting and processing of our fishery resources. Foreign fishing is allowed under that act, however, if U.S. vessels cannot harvest the entire allowable catch.

For obvious reasons, the priority works only if U.S.-owned vessels can be distinguished from foreign-owned vessels in the fisheries. I am sad to report that our current law—the way it has been misinterpreted—fails to allow for this differentiation. In the Nation's largest fishery by volume (Bering Sea pollock) Norwegian and Japanese companies control the vessels that take over half the allowable catch.

There is not enough fish to support the existing harvesting capacity in this and other fisheries, yet the line to differentiate true U.S.-controlled vessels from foreign-controlled vessels is not adequate to protect the first priority for U.S. citizens. The American Fisheries Act will clear up this blurred line and give U.S. fishermen the top priority to harvest fishery resources, consistent with the historical intent of our laws.

PHASE OUT OF LARGE VESSELS

When the Senate passed my bill last year to strengthen the conservation measures of the Magnuson-Stevens Act, I said on the Senate floor that I would seek a ban on factory trawlers if those measures did not work. It is too early to tell whether those measures will be sufficient.

We propose today a phase out—not a ban—of factory trawlers and other fishing vessels that are longer than 165 feet, greater than 750 tons, or that have greater than 3,000 shaft horsepower.

By fishing vessel, we mean factory trawlers and other vessels that harvest fish. Existing fishing vessels above these thresholds are grandfathered—and can stay in the fisheries for their useful lives, provided the 75 percent controlling interest standard is met, and the vessel does not surrender its fishery endorsement at any time.

Gradually, the useful lives of these large fishing vessels will end, however, and a smaller fleet—more able to avoid bycatch and waste and more likely to be owner-operated—will replace them.

I reserve the option to accelerate this process through an immediate ban on factory trawlers if the management and conservation measures enacted last year in the Sustainable Fisheries Act are not effective.

The phase out of large fishing vessels does not apply to vessels that fish exclusively for highly migratory fish species primarily outside U.S. navigable waters and the exclusive economic zone.

Earlier this year—we enacted comprehensive legislation to achieve conservation under the International Dolphin Conservation Program—in part with the hope that some of the eastern tropical tuna fishing vessels would reflag to the Unites States.

These vessels are subject to stringent international conservation measures, and are able to harvest tuna in a way safer for the overall ecosystem than smaller vessels. These vessels were dealt with differently under the Anti-Reflagging Act as well.

FOREIGN REBUILDS

The bill specifically addresses the foreign rebuilding provision of the Anti-Reflagging Act that was misinterpreted by the Coast Guard and abused by speculators who did exactly what Congress tried to avoid with this act. This misinterpretation and abuse resulted in at least 14 factory trawlers entering the fisheries off Alaska that should have been prohibited by the Anti-Reflagging Act.

Section 4(a)(4)(A) of the Act was meant to protect a specific group of owners who relied on pre-existing law in planning to convert U.S.-built fishing vessels abroad for use in the U.S. fisheries.

This provision was not intended to protect speculators who entered contingent contracts to purchase vessels with the intent to profit by the coming change in the law. To avoid this, Congress specifically required under section 4(a)(4)(A) and section 4(b) that the owner had to:

First, have purchased or contracted to purchase a vessel by July 28, 1997; second, have demonstrated his/her/its specific intent to enter the U.S. fisheries through the purchase of the contract itself or a Coast Guard letter ruling; and third, have accepted delivery of the vessel by July 28, 1990 and entered it into service.

Under the Act, all three conditions had to be met by the same owner before a fishery license could be issued to the vessel.

The Coast Guard erroneously allowed the vessel to be redelivered to any owner by July 28, 1990, and created freely transferable and valuable rights to enter the fishery that Congress specifically intended to avoid.

The American Fisheries Act would correct this problem by putting the burden on those who benefited from the loophole to help with the reduction in the overcapacity that resulted. Specifically, from the date of the introduction of this act—September 25, 1997—if the controlling interest a vessel that used this loophole materially changes, another active vessel of equal or greater length, tonnage, and horsepower in the same region will have to permanently surrender its fishery endorsement.

The capacity in the Bering Sea would be reduced on the backs of those who caused the problem and who argued for

and benefited from an interpretation clearly contrary to congressional intent.

FEDERAL LOAN GUARANTEES

The bill would permanently prohibit Federal loan guarantees for any vessel that is intended for use as a fishing vessel, and that will be greater than 165 registered feet, 750 gross registered tons, or 3,000 shaft horsepower when the construction or rebuilding is completed.

We mean to prevent the Federal Government from subsidizing or assisting in any way in the: No. 1, construction of vessels above these thresholds; No. 2 extension of the useful life of vessels above these thresholds; or No. 3 expansion of vessels so that they exceed these thresholds—where the vessel will be used as a fishing vessel.

For the purposes of this measure, fishing vessel has the same definition as under section 2101 of title 46, United States Code, meaning a vessel that engages in the catching, taking, or harvesting of fish or any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish. This obviously includes factory trawlers and other fishing vessels above the thresholds listed above.

SUMMARY

With the American Fisheries Act, we will clean up the mess caused by the exceptions and misinterpretation of the Anti-Reflagging Act. We will also serve notice that entities that do not meet the 75 controlling interest standard will not likely receive individual fishing quota's [IFQ's] or other limited access permits under the Magnuson-Stevens Act.

The Sustainable Fisheries Act—Public Law 104–297—requires the National Academy of Sciences to study how to prohibit entities that don't meet the standard from owning IFQ's. We will analyze the Academy's report during the reauthorization of the Magnuson-Stevens Act in 1999. I do not want any foreign-controlled entities to be surprised when that process begins.

Non-U.S. citizens simply should not be given what, for all practical purposes, are permanent access privileges to U.S. marine resource when there are U.S. citizens that can harvest these fish. The Magnuson-Stevens Act allows these foreign-controlled entities to harvest the portion of the allowable catch that U.S. citizens cannot.

In Alaska, some of the foreign participants are doing what they can to patch up their relationship with Alaska and Alaskans—but I question their long-term commitment.

The North Pacific Council is reviewing the inshore/offshore pollock allocation right now—which will substantially impact them. They have been good partners this year in anticipation of this council debate—but where were they last year? They were here in Washington, DC, lobbying against our bill to protect fishing communities, reduce bycatch, and prevent foreign entities from receiving a windfall giveaway through IFQ's.

If Congress or the North Pacific Council gives away permanent access to our fisheries, I believe these entities will go back to their tactics of the last 10 years.

Flannery O'Connor explained this well in her short story ''A Good Man Is Hard to Find.'' In that story, the ''Misfit'' says of another character that ''She would of been a good woman, if [there] had been somebody there to shoot her every minute of her life.''

The foreign-controlled factory trawlers have the inshore/offshore gun to their head right now, and are being good. But their track record without this gun has been poor, both with respect to the conservation and to protecting fishing communities.

In the Bering Sea pollock, specifically, I am concerned that a single Norwegian entity controls an excessive share of the harvest in violation of National Standard Four of the Magnuson-Stevens Act. I am also concerned about the expansion of the ownership of catcher vessels and factory trawlers by Japanese entities.

Will we have the strength in the Congress or at the council level to prevent a giveaway of IFQ's to foreign-controlled entities in 2000 or beyond if they are the only ones left in the fishery?

The time has come to put Americanization back on the track as we first envisioned when we extended U.S. jurisdiction over the fisheries out to 200 miles.

Mr. MURKOWSKI. Mr. President, I am very pleased to join Senator STEVENS in sponsoring this important legislation.

This is a necessary follow-on to legislation I first introduced in 1986, the Commercial Fishing Vessel Anti-Reflagging Act, which was enacted in 1987. That act attempted to control an anticipated influx of foreign-owned fishing vessels by prohibiting them from reflagging as U.S. vessels except in certain circumstances. At the time, I backed a move to impose, for the first time, an American ownership provision that would ensure U.S. control of corporations owning such vessels.

Had that legislation been implemented the way it was intended, today's bill would probably not be necessary. Our intention was to gradually eliminate foreign control by requiring new owners to be U.S.-controlled. Unfortunately, in making a decision on implementation, the Coast Guard decided to rely primarily on its past practice, and permitted all vessels with U.S. documentation to continue fishing regardless of existing or new ownership.

That, as much as any one factor, led to today's crisis, in which there are far too many large vessels operating. Something has to give, and the laws of nature and economics say that it has to be one of two things: either the resource itself or the number of vessels.

This bill will help insure that the resource will be held harmless; if change occurs, it will come to the number of large vessels allowed to operate in U.S. fisheries.

The bill we are introducing today will increase the American ownership requirement for vessels to 75 percent from the 51-percent level required by current law. This new level is consistent with other laws affecting ownership of vessels involved in the coastwise trade, which are also required to meet the 75-percent test.

It will also correct the mistake made by the Coast Guard a decade ago by requiring fishery endorsements to be removed from vessels which do not qualify for the ownership criterion within a reasonable period of time—18 months under this bill.

Under this bill, the Coast Guard will no longer be responsible for reviewing the ownership of fishing vessels. This authority will rest more appropriately with the Maritime Administration, which currently has the same responsibility for vessels seeking title XI loan guarantees and Maritime Security Program assistance, among other things.

The bill will also begin the process of restoring the number of large fishing vessels operating off our shores to a reasonable and manageable level, by eliminating the entry of new vessels, regardless of ownership, and by allowing attrition to take its toll on the existing fleet. Large vessels are those over 165 registered feet in length, greater than 750 gross registered tons, or with engines totaling more than 3,000 horsepower. The bill also eliminates Federal loan guarantees that have been used to subsidize and accelerate the unrestrained growth of this fleet.

Further, currently operating vessels which were rebuilt for fishing in foreign shipyards using the loophole created by the Coast Guard's interpretation of the earlier act, and which are sold to new owners in the future, will not be eligible to fish under the new owners unless a similarly sized vessel is also removed from the fishery.

Taken together, these provisions will help to move us away from a fleet that is only nominally U.S.-controlled to one which is truly U.S.-controlled.

Moreover, in reducing the total number of these large vessels over time, this measure will also provide tremendous benefits to the many small communities which depend not on these large vessels, but on the far greater numbers of small fishing vessels and shore-based processing plants that hire locally, deliver locally, process locally, and support their communities through local taxes.

Mr. President, I enthusiastically support this legislation, and urge my colleagues to do the same.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. ROBB, Mr. SARBANES, Mr. D'AMATO, Mrs. MURRAY, Mr. MURKOWSKI, Mr. WARNER, Mr. REED, Ms. LANDRIEU,

Mr. GRAHAM, Ms. MIKULSKI, Mr. DODD, Mr. MOYNIHAN, and Mr. MACK):

S. 1222. A bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

THE ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1997

Mr. CHAFEE. Mr. President, I rise today with Senator BREAUX and Senators LIEBERMAN, FAIRCLOTH, ROBB, SARBANES, MURRAY, D'AMATO, MURKOWSKI, WARNER, REED, LANDRIEU, GRAHAM, MIKULSKI, DODD, MOYNIHAN, and MACK to introduce the Estuary Habitat Restoration Partnership Act of 1997. Estuaries, those bays, gulfs, sounds, and inlets where fresh water meets and mixes with salt water from the ocean, provide some of the most ecologically and economically productive habitat in the world. They benefit our economy, they benefit our health, in short, they are good for the soul.

More than 75 percent of the commercial fish and shellfish harvested in the United States depend on estuaries at some stage in their lifecycle. Estuaries are also home to a large percentage of the Nation's endangered and threatened species and half of its neotropical migratory birds. Moreover, the livelihood of 28 million Americans depends on estuaries and coastal regions.

Regrettably, estuaries are in danger. Within the last 30 years, coastal regions have become home to more than half of the Nation's population. This population explosion has taken its toll. Fish catches are at their lowest, shellfish beds have been closed, and the economic livelihood and quality of life of our coastal communities is threatened.

The increase in nonpoint source pollution, such as agricultural runoff, also has made its mark. And in the Chesapeake Bay, the recent pfiesteria outbreak that has killed hundreds of fish and even harmed human health is an unfortunate example of what can happen when the balance between harmful nutrients that pollute the waters take over.

The habitats estuaries provide for an extraordinary diversity of fish and wildlife are shrinking fast, jeopardizing jobs in fishing and tourism. The many values that estuaries bring to our lives could one day be gone.

The future of estuary habitat need not be a gloomy one. Estuaries can be restored. A variety of efforts, ranging from school classrooms planting eel grass in a coastal inlet to the restoration of freshwater flows into an entire bay area, have brought estuaries back to life. The demands on Federal funding for estuary restoration activities exceed available resources. We therefore must make the most of limited public resources by enlisting the support of our States, communities, and the private sector.

The Estuary Habitat Restoration Partnership Act of 1997 will help rebuild these national treasures by focusing these limited resources on the restoration of vital estuary habitat. This bill is unique, in that it builds a renewed commitment to community-driven restoration. It is not a regulatory measure. Rather than provide mandates, it provides incentives and gives concerned citizens more of an opportunity to get involved in the effort.

Also, it is flexible. Every community's approach to restoring estuaries will vary depending upon the unique needs of the particular area. What works well in Rhode Island's waters may not work in a more temperate areas like coastal California and Louisiana.

The bill also creates strong and lasting partnerships between the public and private sectors, and among all levels of government. It brings together existing Federal, State, and local restoration plans, programs, and studies. To ensure that restoration efforts build on past successes and current scientific understanding, the bill encourages the development of monitoring and maintenance capabilities.

Above all, this bill will benefit the environment, the economy, and the quality of life of the Nation. Estuaries are ecologically unique. The complex variety of habitats—river deltas, sea grass meadows, forested wetlands, shellfish beds, marshes, and beaches—supports a fluorishing range of wildlife and plants. Because fish and birds migrate, the health of these habitats is intertwined with the health of other ecosystems thousands of miles away. Estuaries also are perhaps the most prolific places on Earth.

Economically, this bill will benefit those Americans whose livelihoods depend on coastal areas. The commercial fishing industry, which depends heavily on these areas, contributes $111 billion per year to the national economy. Tourism and recreation also stand to benefit.

Finally, estuaries are essential to our quality of life. Listen to this figure: In 1993, 180 million Americans, approximately 70 percent of the population, visited estuaries to fish, swim, hunt, dive, view wildlife, hike, and learn.

I urge my colleagues to support this important effort to restore the marshes, wetland and aquatic life that nourish our fish and wildlife, enhance water quality, control floods, and provide so many lasting benefits for the Nation. Before I conclude, I want to thank my colleague from Louisiana, Senator BREAUX, for all of his help on this issue. I also want to give a special thanks to Restore America's Estuaries and to Rhode Island Save the Bay for all of their hard work, without which this effort would not have been possible.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1997

SEC. 1.—SHORT TITLE

This section designates the title of the bill as the ''Estuary Habitat Restoration Partnership Act of 1997''.

SEC. 2.—FINDINGS

This section cites Congress' findings on the ecological and economic value of estuaries.

SEC. 3.—PURPOSES

The purposes of this Act are to: provide a voluntary, community-driven, incentive-based program to catalyze the restoration of one million acres of estuary habitat by the year 2010; assure the coordination and leveraging of existing Federal, State and local restoration programs, plans and studies; create effective restoration partnerships among public agencies at all levels of government, and between the public and private sectors; promote the efficient financing of estuary habitat restoration activities to help leverage limited federal funding; and develop monitoring and maintenance capabilities to assure that restoration efforts build on the successes of past, current efforts, and sound science.

SEC. 4.—DEFINITIONS

This section defines several terms used throughout the Act. Among the most important definitions:

''Estuary'' is defined as a body of water and its associated physical, biological and chemical elements, in which fresh water from a river or stream meets and mixes with salt water from the ocean.

''Habitat'' is defined as the complex of physical and hydrologic features and living organisms within estuaries and their associated ecosystems, including salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

''Restoration'' is defined as an activity that results in improving an estuary's habitat, including both physical and functional restoration, with a goal towards a self-sustaining, ecologically based system that is integrated with its surrounding landscape.

SEC. 5.—ESTABLISHMENT OF A COLLABORATIVE COUNCIL

This section establishes a Collaborative Council chaired by the Secretary of the Army; with the participation of the Under Secretary for Oceans and Atmosphere, Department of Commerce; the Secretary of the Interior, through the U.S. Fish and Wildlife Service; the Administrator of the Environmental Protection Agency; and the Secretaries of Agriculture and Transportation. It sets forth the decision making procedures to be followed by the Council in its two principal functions, which are: (1) the development of a habitat restoration strategy and (2) the selection of habitat restoration projects.

SEC. 6.—FUNCTIONS OF THE COLLABORATIVE COUNCIL

This section creates a process to coordinate, streamline and leverage existing Federal, State and local resources and activities directed toward estuary habitat restoration.

Habitat Restoration Strategy.—The Council is required to draft a strategy to provide a national framework for estuary habitat restoration by identifying existing restoration plans, integrating overlapping restoration plans, and identifying appropriate processes for the development of restoration plans, where needed. In developing the strategy, the Council shall consider: the contribution of estuary habitat to wildlife, fish and shellfish, surface and ground water quantity and

quality, flood control, outdoor recreation, and other areas of concern; estimated historic, current, and future losses of estuary habitat; the most appropriate method for selecting estuary restoration projects; and procedures to minimize duplicative application requirements for landowners seeking assistance for habitat restoration activities.

Selection of Projects.—The Council is required to establish application criteria for restoration projects based on a number of criteria, including: the level of support from non-Federal persons for the development and long-term maintenance and monitoring of the project; whether the project criteria fall within the habitat restoration strategy developed by the Council and are set forth in existing estuary habitat restoration plans; whether the State has a dedicated fund for estuary restoration; the level of private funding for the restoration project; and the technical merit and feasibility of the proposal.

Priority Projects.—Among the projects that meet the criteria listed above, the Council shall give priority for funding to those projects that: are part of an approved Federal estuary management or habitat restoration plan; address a restoration goal outlined in the habitat restoration strategy; have a non-Federal share that exceeds 50 percent; and are subject to a nonpoint source program that addresses upstream sources that would otherwise re-impair the restored habitat.

The Council may not select a project under this section until each non-Federal interest participating in the project has entered into a written cooperation agreement to provide for the maintenance and monitoring of the proposed project. This section authorizes $4,000,000 for the operating expenses of the Council.

SEC. 7.—HABITAT RESTORATION PROJECT COST-SHARING

This section strengthens local and private-sector participation in estuary restoration efforts by building public-private restoration partnerships. It establishes a non-Federal share match requirement of no less than 35 percent but no more than 75 percent of the cost of a project. A project applicant may waive the 35 percent minimum requirement; however, if the applicant demonstrates a need for a reduced non-Federal share in accordance with the requirements of the Water Resources Development Act of 1986. Land easements, services, or other in-kind contributions may be used to meet the Act's non-Federal match requirements.

SEC. 8.—MONITORING AND MAINTENANCE OF HABITAT RESTORATION PROJECTS

This section assures that available information will be used to improve the methods for assuring successful long-term habitat restoration. To that end, it requires the Under Secretary for Oceans and Atmosphere (NOAA) to maintain a database of restoration projects carried out under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

This section also requires the Collaborative Council to publish a biennial report to Congress that includes program activities, including the number of acres restored; the percent of restored habitat monitored under a plan; the types of restoration methods employed; the activities of governmental and non-governmental entities with respect to habitat restoration; and the effectiveness of the restoration.

SEC. 9.—MEMORANDA OF UNDERSTANDING

This section authorizes the Council to enter into cooperative agreements and execute memoranda of understanding with Federal and State agencies, private institutions, and Indian tribes, as necessary to carry out the requirements of this Act.

SEC. 10.—DISTRIBUTION OF APPROPRIATIONS FOR HABITAT RESTORATION PROJECTS

This section authorizes the Secretary to disburse funds to the other agencies responsible for carrying out the requirements of this Act.

SEC. 11.—AUTHORIZATIONS

This section provides that funds currently authorized to be appropriated for the Corps of Engineers for land acquisition, environmental improvements and aquatic ecosystem restoration may be used to implement habitat restoration projects selected by the Council. This section also authorizes appropriations of $40,000,000 for fiscal year 1999; $50,000,000 for fiscal year 2000; and $75,000,000 for each of fiscal years 2001 through 2003 to carry out this Act.

SEC. 12.—GENERAL PROVISIONS

This section provides the Secretary with the authority to carry out responsibilities under this Act, and it clarifies that habitat restoration is one of the Corps' primary missions. It further clarifies that nothing in this Act supersedes existing Federal or State laws, and that agencies are required to carry out activities in a manner consistent with the provisions of this Act and other existing laws.

Mr. BREAUX. Mr. President, I am pleased and honored to join with my friend and colleague, Senator JOHN CHAFEE, chairman of the Senate Committee on Environment and Public Works, to introduce legislation to restore America's estuaries. Our bill is entitled the ''Estuary Habitat Restoration Partnership Act of 1997''.

Estuaries are a national resource and treasure. As a nation, therefore, we should work together at all levels and in all sectors to help restore them.

I am also pleased that 15 other Senators have joined with Senator CHAFEE and me as original cosponsors of the bill. Together, we want to draw attention to the significant value of the Nation's estuaries and the need to restore them.

It is also my distinct pleasure today to say with pride that Louisianians have been in the forefront of this movement to recognize the importance of estuaries and to propose legislation to restore them. The Coalition to Restore Coastal Louisiana, an organization which is well known for its proactive work on behalf of the Louisiana coast, has been from the inception an integral part of the national coalition, Restore America's Estuaries, which has proposed and supports the restoration legislation.

The Coalition to Restore Coastal Louisiana and Restore America's Estuaries are to be commended for their leadership and initiative in bringing this issue to the Nation's attention.

In essence, the bill introduced today proposes a single goal and has one emphasis and focus. It seeks to create a voluntary, community-driven, incentive-based program which builds partnerships between the Federal Government, State, and local governments and the private sector to restore estuaries, including sharing in the cost of restoration projects.

In Louisiana, we have very valuable estuaries, including the Ponchartrain, Barataria-Terrebonne, and Vermilion Bay systems. Louisiana's estuaries are vital because they have helped and will continue to help sustain local communities, their cultures and their economies.

I encourage Senators from coastal and noncoastal States alike to evaluate the bill and to join in its support with Senator CHAFEE, me and the 15 other Senators who are original bill cosponsors.

I look forward to working with Senator CHAFEE and other Senators on behalf of the bill and with the Coalition to Restore Coastal Louisiana and Restore America's Estuaries.

By working together at all levels of government and in the private and public sectors, we can help to restore estuaries. As important, we can, together, help to educate the public about the important roles which estuaries play in our daily lives through their many contributions to public safety and well-being, to the environment, and to recreation and commerce.

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 9, a bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

S. 61

At the request of Mr. LOTT, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 114

At the request of Mr. INOUYE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 114, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 845

At the request of Mr. LUGAR, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 845, a bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 852,