

technologies, or markets related to ocean and coastal activities.

(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) CONSIDERATION OF FACTORS.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

(4) LIMITATIONS.—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) PUBLIC AND COASTAL STATE REVIEW.—

(1) NOTICE.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) INCLUSION OF GOVERNORS' COMMENTS.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

(h) ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW.—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of \$6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

#### SEC. 4. NATIONAL OCEAN POLICY.

(a) NATIONAL OCEAN POLICY.—Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) COOPERATION AND CONSULTATION.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

#### SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

#### SEC. 6. DEFINITIONS.

In this Act:

(1) MARINE ENVIRONMENT.—The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters;

(B) the continental shelf; and

(C) the Great Lakes.

(2) OCEAN AND COASTAL RESOURCE.—The term "ocean and coastal resource" means any living or non-living natural, historic, or cultural resource found in the marine environment.

(3) COMMISSION.—The term "Commission" means the Commission on Ocean Policy established by section 3.

#### SEC. 7. EFFECTIVE DATE.

This Act shall become effective on January 20, 2001.

### FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 1967

Mr. THOMAS. I ask unanimous consent the Senate proceed to consideration of Calendar No. 569, H.R. 1651.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1651) to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, Transportation, with an amendment.

[Omit the part in boldface brackets and insert the part printed in italic]

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

#### TITLE I—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Fishermen's Protective Act Amendments of 1999".

##### SEC. 102. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) IN GENERAL.—Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "2000" and inserting "2003".

(b) CLERICAL AMENDMENT.—Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking "Secretary of the Interior" and inserting "Secretary of Commerce".

#### TITLE II—YUKON RIVER SALMON

##### SEC. 201. SHORT TITLE.

This title may be cited as the "Yukon River Salmon Act of 1999".

##### SEC. 202. YUKON RIVER SALMON PANEL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a Yukon River Salmon Panel (in this title referred to as the "Panel").

(2) FUNCTIONS.—The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this or any other title.

(3) DESIGNATION AS UNITED STATES REPRESENTATIVES ON BILATERAL BODY.—The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State in accordance with paragraph (2).

(2) APPOINTEES FROM ALASKA.—(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) ALTERNATES.—(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

(c) TERM LENGTH.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.

(e) DECISIONS.—Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1).

(f) CONSULTATION.—In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

#### SEC. 203. ADVISORY COMMITTEE.

(a) APPOINTMENTS.—The Governor of Alaska may establish and appoint an advisory committee of not less than eight, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least two of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) COMPENSATION.—The members of such advisory committee shall receive no compensation for their services.

(c) TERM LENGTH.—Members of such advisory committee shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Members of such advisory committee shall be eligible for reappointment.

#### SEC. 204. EXEMPTION.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to an advisory committee established under section 203.

#### SEC. 205. AUTHORITY AND RESPONSIBILITY.

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

#### SEC. 206. ADMINISTRATIVE MATTERS.

(a) COMPENSATION.—Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS-15 of the General Schedule when engaged in the actual performance of duties.

(b) TRAVEL AND OTHER NECESSARY EXPENSES.—Travel and other necessary expenses shall be paid by the Secretary of the Interior for all Panel members, alternate Panel members, and members of any advisory committee established under section 203 when engaged in the actual performance of duties.

(c) TREATMENT AS FEDERAL EMPLOYEES.—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of any advisory committee established under section 203 shall

not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

#### SEC. 207. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) COOPERATION WITH CANADA.—If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.

#### SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this title \$4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of an advisory committee established and appointed under section 203, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to \$3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to \$1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 207(b); and

(4) \$600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.

#### TITLE III—FISHERY INFORMATION ACQUISITION

##### SEC. 301. SHORT TITLE.

This title may be cited as the "Fisheries Survey Vessel Authorization Act of 1999".

##### SEC. 302. ACQUISITION OF FISHERY SURVEY VESSELS.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations, may in accordance with this section acquire, by pur-

chase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

(c) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary **[\$60,000,000.] \$60,000,000 for each of fiscal years 2002 and 2003.**

#### TITLE IV—MISCELLANEOUS

##### SEC. 401. USE OF AIRCRAFT PROHIBITED.

Section 7(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971e(a)) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by striking "fish." in paragraph (2) and inserting "fish; or"; and

(3) by adding at the end the following:

"(3) for any person, other than a person holding a valid Federal permit in the purse seine category—

"(A) to use an aircraft to locate or otherwise assist in fishing for, catching, or retaining Atlantic bluefin tuna; or

"(B) to catch, possess, or retain Atlantic bluefin tuna located by use of an aircraft."

##### SEC. 402. FISHERIES RESEARCH VESSEL PROCUREMENT.

Notwithstanding section 644 of title 15, United States Code, and section 19.502-2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size. Any such procurement shall require, as an award criterion, that at least 40 percent of the value of the total contract for the construction and outfitting of each craft be obtained from responsible small business concerns either directly or through subcontracting.

AMENDMENT NO. 3621

(Purpose: To strike the 40 percent SBA set-aside for the fish research vessel procurement)

Mr. THOMAS. Senator SNOWE has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for Ms. SNOWE, proposes an amendment numbered 3621:

On page 13, beginning with "Any" in line 23, strike through line 2 on page 14.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3621) was agreed to.

Ms. SNOWE. Mr. President, I rise in support of H.R. 1651, the Fishermen's Protective Act Amendments of 1999. This bill makes a number of conservation and management improvements to several important fisheries laws. First, it amends the Fishermen's Protective Act of 1967 to extend current law from

fiscal year 2000 to fiscal year 2003 so that reimbursement may be provided to owners of U.S. fishing vessels illegally detained or seized by foreign countries. In 1998, there were not any claims filed under this law, but in 1996 and 1997, U.S. vessel owners were reimbursed over \$290,000 based on 261 claims for illegal transit fees charged by Canada. Because this provision of the law has expired, the bill will ensure that U.S. vessels who are illegally seized or fined are able to seek reimbursement.

Second, the bill establishes a panel to advise the Secretaries of State and Interior on Yukon River Salmon management issues in Alaska. In 1985, the United States and Canada signed the Pacific Salmon Treaty. This treaty established a framework with which to bilaterally manage their shared salmon stocks. Ten years later, the countries signed an interim agreement regarding management of the stock of salmon in the Yukon River. The United States implemented the agreement on Yukon River salmon through the Fisheries Act of 1995, creating a Yukon River salmon panel and advisory committee.

When the interim agreement expired in 1998, it was unclear whether the advisory panel was still authorized to recommend salmon restoration measures. This bill codifies the Yukon River Salmon Panel, established under the 1995 interim agreement, to advise the Secretary of State on Yukon River Salmon management, advise the Secretary of Interior on enhancement and restoration of the salmon stocks, and perform other activities that relate to the conservation and management of Yukon River salmon stocks. H.R. 1651, as amended, also authorizes \$4 million a year for each of fiscal years 2000 through 2003. Up to \$3 million of these funds can be used by the Departments of Commerce and Interior for survey, restoration, and enhancement projects related to Yukon River salmon. In addition, the reported bill authorizes \$600,000 for cooperative salmon research and management projects in the United States portion of the Yukon River drainage area that have been recommended by the Panel.

Third, the bill, as amended by the Commerce Committee, authorizes \$60 million for each of the fiscal years 2002 and 2003 for the Secretary of Commerce to acquire two fishery research vessels. These vessels are one of the most important fishery management tools available to federal scientists. Because they conduct the vast majority of fishery stock assessments, their reliability is critical to fishery management. Species abundance, recruitment, age class composition, and responses to ecological change and fishing pressure can all be studied with these research platforms. The information obtained using them is critical for the improvement of the regulations governing fisheries management.

In New England, there is only one NOAA research vessel—the *Albatross IV*. This vessel is 38 years old, at the

end of its useful life, and practically obsolete. Despite this, the vessel continues to collect the survey data that is used for management decisions regarding valuable Northeast fisheries stocks, including cod, haddock and herring. A replacement vessel is crucial to maintaining the existing ability to collect the long term fisheries, oceanographic, and biological data necessary to improve fishery management decisions. According to the Commerce Department, the deterioration of the *Albatross IV* has created an urgent need for a replacement vessel in the Northeast.

Finally, the bill also addresses the use of spotter aircraft in the New England-based Atlantic bluefin tuna (ABT) fishery. Mr. President, in 1998, the Highly Migratory Species Advisory Panel, established under the Magnuson-Stevens Fishery Conservation and Management Act, unanimously requested and advised the Secretary of Commerce to prohibit the use of spotter aircraft in the General and Harpoon categories of the ABT fishery. The use of these planes can accelerate the catch rates and closures in the General and Harpoon categories. In turn, the accelerated catch rates can have an adverse impact on the scientific and conservation objectives of the highly migratory species fishery management plan and the communities that depend on the fishery. Moreover, the use of such aircraft has resulted in an unsafe and often hostile environment in the ABT fishery.

Over two years ago, NMFS issued a proposed rule to adopt the Advisory Panel recommendation. Unfortunately, NMFS has delayed the rule time and again, and ultimately failed to finalize it. Consequently, it has become necessary to take legislative action on the issue. This bill adopts the Commerce Secretary's Advisory Panel recommendation and prohibits the use of spotter aircraft in the General and Harpoon categories of the Atlantic bluefin tuna fishery.

I thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support, especially with regard to the provisions related to the NOAA fishery research vessels and the Atlantic bluefin tuna fishery. Both of these provisions are quite important in New England. I would also like to express my appreciation to Senator MCCAIN, the Chairman of the Commerce Committee and Senator HOLLINGS, the ranking member of the Committee for their bipartisan support of this measure. I urge the Senate to pass H.R. 1651, as amended.

Mr. THOMAS. Mr. President, I ask unanimous consent the committee amendment, as amended be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendments were ordered to be engrossed and the bill was read the third time and passed.

#### ENERGY COSTS

Mr. THOMAS. Mr. President, we are focusing today on energy and energy costs, which is something of which each of us is certainly aware. I suspect there is more exposure to gasoline prices than any other particular price. As we drive down Main Street in our hometowns, on every block we see a big sign showing the price of gasoline, and it certainly changes.

I wanted to go back a little, however. As the Senator from Arizona mentioned, there is a background here. I think there are several reasons, of course, why we have the price difficulties we have now. It is a complex story. It has to do with global supply and demand. It has to do with technological change and environmental consciousness, the shifting of consumer tastes, and social order. It also, of course, has a great deal to do with restrictions and regulations that have been imposed.

But one of the other things it has to do with is the availability and access to public lands. About 54 percent of the surface of this country belongs to the Federal Government. Most of that, of course, lies in the West. The State ownership in my State of Wyoming is about 50 percent of the total. It goes up to as high as 90 percent of the total in Nevada and Alaska and other States. So the idea of multiple use and access to these lands becomes a very important factor, not only for resources such as oil and gas, but equally important and perhaps even more important, often, for recreation, access for hunting and fishing recreation. We have seen, in recent months, an even more focused effort on the part of this administration to reduce access to public lands, to make it more difficult for the people who own those public lands to have an opportunity to utilize them.

After all, I happen to be the chairman of the Subcommittee on National Parks. The purpose of a national park, of course, is not only to preserve the resource, the national treasure, but to make it available for the people who own it to use it; that is, the taxpayers of this country. It is true, parks are quite different than BLM lands, quite different than Forest Service lands, but the principle is still there; that we ought to preserve that resource and at the same time have multiple use so its owners can enjoy it for recreation, can enjoy it for hunting or fishing, so the economy of this country and the economy of this particular State can be enhanced by the multiple use of those resources.

As we move into different ways of prospecting for oil and different ways of mining, different ways of using snowmobiles and so on, we find we have a better opportunity, as time goes by, to use those resources without causing damage.