

Transportation is authorized to allow, and the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for, the vessel M/V OCEAN TEMPEST (ex HORSESHOE REPLICER), United States official number 248773, to acquire, purchase, process, and transport fish and fish products in the fisheries of the United States: Provided, That if the vessel is scrapped, it shall not be scrapped other than in the domestic market without the prior approval of the Secretary of Transportation.

REPEAL OF OBSOLETE LAWS

Sec. 202. The following laws related to shipping are repealed:

- (1) the paragraph immediately before the heading "UNITED STATES VETERANS' BUREAU" in the first section of the Independent Offices Act, 1928 (46 App. U.S.C. 810a).
- (2) the Act of July 3, 1926 (46 App. U.S.C. 817a).
- (3) sections 3 and 4 of the Act of July 7, 1960 (46 App. U.S.C. 817b, 817c).
- (4) sections 2, 4, 5, 16, 22, and 23 of the Merchant Marine Act, 1920 (46 App. U.S.C. 862-864, 874, 878, 879).
- (5) section 2 of the Act of March 4, 1927 (46 App. U.S.C. 870a).
- (6) the Act of April 16, 1934 (46 App. U.S.C. 870b-870d).
- (7) section 2 of the Act of April 24, 1944 (46 App. U.S.C. 1128e-1).
- (8) sections 203, 401-404, 716, 903, 904, 907, 1001-1005, and 1010-1012 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1113, 1141-1144, 1206, 1243, 1246, 1251-1255, 1260-1262).
- (9) the first section and sections 2 and 3 of the Act of February 6, 1941 (46 App. U.S.C. 1119a, 1119b, 1214).
- (10) the Act of June 12, 1960 (46 App. U.S.C. 1401-1413).
- (11) section 7 of the Maritime Act of 1981 (46 App. U.S.C. 1606).

TRANSFER OF THE COAST GUARD CUTTER INGHAM  
 Sec. 203. The Secretary of the department in which the Coast Guard is operating shall transfer the Coast Guard cutter INGHAM to the Naval and Maritime Museum at Patriots Point, South Carolina. The Secretary shall transfer the INGHAM along with such equipment and in such condition as the Secretary considers appropriate. The Secretary shall make the transfer upon the decommissioning of the INGHAM or at a later time as determined appropriate by the Secretary.

Mr. BREAUX. Mr. President, the amendment in the nature of a substitute to H.R. 3105 is offered on behalf of Senator STEVEN, Senator HOLLINGS, and myself. H.R. 3105 is legislation which revises, consolidates, and enacts certain laws related to shipping definitions, maritime commercial instruments, and maritime liens.

H.R. 3105 represents a long overdue reauthorization of the Ship Mortgage Act of 1920 along with a few substantive changes in an effort to make our vessel financing and mortgage recordation processes less confusing and more in tune with modern commercial practices.

Although the legislation before us today is an amendment in the nature of a substitute, I hasten to add almost all of the modifications made to the House version are merely of a techni-

cal nature. Furthermore, it is our intent that the original legislative history promulgated by the House of Representatives on H.R. 3105 will continue to be the controlling legislative history on this legislation.

Mr. President, I would like to comment on one Senate amendment to this bill which is not technical in nature. Mr. STEVENS and I wish to amend section 107 of H.R. 3105. This amendment does not affect the substance of the act, but simply relates to the effective date of only that portion of the act concerning changes to section 9 of the Shipping Act, 1916, as amended. The amendment would have no effect on the changes to section 9 on a prospective basis. However, we believe it would be unfair to parties who have already relied upon the existing substantive provisions and remedies of section 9 in initiating transactions in conjunction with pending reorganization plans filed in U.S. bankruptcy courts, to change those provisions and remedies. Such changes could adversely and unfairly affect the consummation of such pending transactions and plans.

The amendments made by H.R. 3105 should revolutionize our vessel financing system by updating our laws in order to keep pace with modern business practices. Also, it is my understanding that this legislation enjoys the universal support of the ship financing industry.

Mr. President, I strongly support H.R. 3105, and request its adoption.

Mr. DANFORTH. Mr. President, Congress has generally opposed the establishment of user fees for Coast Guard services. I would like to express my concern about the potential impact on our domestic carriers of the Coast Guard user fee that is authorized by H.R. 3105, the Ship Mortgage Act codification.

Section 104(a)(2) of H.R. 3105 repeals the prohibition on user fees for documentation of vessels. Section 104(e)(2) requires that, through fiscal year 1993, all of the amount generated from these user fees be used to centralize and computerize records of instruments and documented vessels. Our colleagues on the House Merchant Marine and Fisheries Committee note that the only justification for permitting these fees is if there is a commensurate benefit to the public. They suggest that the benefit justifying these fees would be a replacement of the current slow and antiquated paper method of filing with a central computerized system using a modern format.

The U.S. barge and towing industry finds itself in a blizzard of taxes, both Federal and State. The authority to impose these fees is discretionary. Before the Secretary of Transportation decides to impose yet another burden in the form of a fee for docu-

mentation of vessels, I would expect the Secretary to consult with the industry about the benefits and levels of such fees for initial documentation and for renewals. Documentation must be renewed annually; imposition of fees could result in significant expenditures of operating funds that would place the barge industry at an additional disadvantage among competing transportation modes not paying commensurate fees. Absent a clear benefit to the industry and assurance that it will not be adversely affected, the Secretary should not impose the fees.

The amendment (No. 3754) was agreed to.

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

The bill was read the third time and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill, as amended was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ESTABLISHMENT OF THE DELAWARE AND LEHIGH NAVIGATION CANAL NATIONAL CORRIDOR IN THE COMMONWEALTH OF PENNSYLVANIA

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3957.

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

*Resolved*, That the House agree to the amendments of the Senate numbered 1-4 to the bill (H.R. 3957) entitled "An Act to establish the Delaware and Lehigh Navigation Canal National Heritage Corridor in the Commonwealth of Pennsylvania."

*Resolved*, That the House disagree to the amendment of the Senate numbered 5 to the aforesaid bill.

Mr. BYRD. Mr. President, I move that the Senate recede from the Senate amendment numbered 5 to the aforesaid bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

ARIZONA IDAHO CONSERVATION ACT

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2840.

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

*Resolved*, That the bill from the Senate (S. 2840) entitled "An Act to provide for the designation and conservation of certain

lands in the States of Arizona and Idaho, and for other purposes", do pass with the following amendments:

Page 55, strike out lines 4-19, inclusive.

Page 55, line 20, strike "407.", and insert: 406.

Page 56, line 1, strike out "408.", and insert: 407.

Page 96, line 2, after "Commission", insert: *subject to the approval, except for the purchase of fine art and antiques, of the Committees on Appropriations of the House of Representatives and Senate, respectively*

Mr. BYRD. Mr. President, I move to concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### FREDERICK DOUGLASS MEMORIAL AND HISTORICAL ASSOCIATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4236, a bill to increase the number of trustees of the Frederick Douglass Memorial and Historical Association.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4236) to amend the Act of June 6, 1900, to increase the number of trustees of the Frederick Douglass Memorial and Historical Association.

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

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

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4236) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### RELIEF OF SCHLECHTER FAMILY

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1842.

The PRESIDING OFFICER laid before the Senate the following mes-

sage from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1842) entitled "An Act for the relief of Mr. Wilhelm Jahn Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlechter", do pass with the following amendment:

Page 2, line 7, after "Act", insert: *Provided, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of such Act*

Mr. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MINTING OF COINS IN COMMEMORATION OF THE BICENTENNIAL OF THE UNITED STATES CONGRESS

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5280.

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

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 5280) entitled "An Act to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the United States Congress", with the following amendment:

Page 4, strike out lines 3 through 6 inclusive, and insert:

#### SEC. 8. USE OF SURCHARGES.

(a) USE OF SURCHARGES.—Fifty percent of the first \$40 million in surcharges that are received by the Secretary from the sale of coins minted under this Act shall be deposited in the Capitol Preservation Fund and be available to the United States Capitol Preservation Commission. The balance of the surcharges received by the Secretary shall be deposited in the general fund of the Treasury for the sole purpose of reducing the national debt.

(b) RESTRICTIONS ON USE OF SURCHARGES.—(1) PROHIBITION ON REPRESENTATIONAL EXPENSES.—No amount received by the Commission from the Capitol Preservation Fund may be used to pay representational expenses of the Commission.

(2) LIMITATIONS ON REIMBURSEMENTS.—A member of an advisory board established by the Commission shall be entitled to receive per diem, travel and transportation expenses in the same manner as an employee serving intermittently in the government service may receive under section 5703 of title 5, United States Code.

(c) REPORT REQUIRED.—The Commission shall submit a report of expenditures to the Clerk of the House of Representatives not later than February 28 for the last six

months of the preceding year and not later than August 31 for the first six months of the current year. The Clerk shall promptly transmit the reports to the Public Printer for printing in the Congressional Record.

Mr. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

#### EXTENSION OF THE AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC BROADCASTING

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4118, to amend and extend authorization of appropriations for public broadcasting.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4118) to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

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

There being no objection, the Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4118) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### FIRE MANAGEMENT POLICIES

Mr. BYRD. Mr. President, on behalf of Senators BAUCUS, SIMPSON, MURPHY, and WALLOP, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 510) to express the sense of the Senate regarding the need to assess the fire management policies of various Federal land management agencies in view of this year's fires in the Yellowstone region and elsewhere.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

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