

UP AMENDMENT NO. 1481

(Purpose: Technical amendments to H.R. 1952)

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), on behalf of Mr. CHAFEE, proposes an unprinted amendment numbered 1481 en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Amend section 7 by inserting "or the National Marine Fisheries Service" immediately after "the United States Fish and Wildlife Service" and by inserting "or the Secretary of Commerce" immediately after "the Secretary of the Interior".

"Sec. 8. Section 4(a) of the Coastal Barrier Resources Act (P.L. 97-348) is amended by inserting '(but excluding maps T02 and T03)' immediately after A01 through T12' and by inserting 'and the maps designated T02A and T03A, dated December 8, 1982' immediately after 'and dated September 30, 1982'."

● Mr. CHAFEE. Mr. President, H.R. 1952, which would reauthorize the Sikes Act, was originally passed by the House of Representatives on September 21, 1981. On June 9, 1982, the Senate passed H.R. 1952 with a series of four amendments, plus an amendment to the title of the bill. On September 30, 1982, the House agreed to Senate amendments 1, 2, and 3 as well as the amendment to the title of the bill. Amendment No. 4 was agreed to with a House amendment to clarify the authority of the Fish and Wildlife Service to carry out certain procedures as part of their sting-type undercover operations.

In recent years the Fish and Wildlife Service has been quite successful in detecting major wildlife crime by use of sting-type undercover operations. They have been using the authority contained in the administrative provision of the Appropriations Act each year to make expenditures for undercover operations. While this authority is probably adequate, there are three areas where there is some doubt and specific legislative authority would be helpful to clarify these issues. The first part of the House amendment will provide the necessary legislative authority. It is important to note that, through the appropriations process, Congress retains control over the amount allotted each year to undercover operations. Also, funds recovered from such operations will continue to come back to the Treasury.

The three areas addressed are:

First, authority to deposit advance of funds in commercial banks or other financial institutions. When the Service does this now they feel they must make complete disclosure to the bank. In small communities this can create security problems for undercover

agents. Specific authority will allow them to keep their identity confidential.

Second, authority to use proceeds of undercover operations to offset necessary and reasonable expenses incurred in such operations. For example, when running an undercover business you cannot just buy illegal wildlife, you must also purchase legal animals or products. When these are later sold, the proceeds are used to purchase additional animals or products. This, in effect, keeps you in business. The Comptroller General has ruled that money received in the course of an ongoing undercover operation need not be deposited in the Treasury until the operation is concluded. Nevertheless, specific legislative authority will help clarify these procedures.

Third, authority to reimburse to current appropriations money expended to purchase evidence and later recovered. This occurs in what is called a buy-bust operation. For example, an undercover agent purchases illegal wildlife with cash and received the merchandise. The violation is complete, the violator is arrested and the money is seized as evidence. The money recovered for evidence is not a miscellaneous receipt, however, specific authority again will be helpful.

The first amendment I am offering today would make a minor change in the House amendment to insure that the clarification of Fish and Wildlife Service authority applies to the National Marine Fisheries Service as well.

The second amendment makes technical and conforming changes to Public Law 97-348, the Coastal Barrier Resources Act.

When Congress adopted that conference report on the Coastal Barrier Resources Act on October 1 there was some question as to whether several areas in Texas were developed or undeveloped. In a colloquy between Congressman JACK BROOKS in whose district the affected areas are located and the bill's floor manager, Congressman JOHN BREAU, agreement was reached to reexamine the areas to ascertain their true status. During the October-November recess, information was brought forward to justify minor changes on two maps, T02 and T03.

The first map, T02, includes an area that did not meet the delineation criteria of an undeveloped coastal barrier set forth by the Department of the Interior pursuant to Public Law 97-35. My amendment modifies map T02 to conform with the delineation criteria.

The second map, T03, had two small subunits erroneously identified as undeveloped when they were actually developed according to definitions set forth in Public Law 97-348. The amendment deletes these two small areas from the Coastal Barrier Resources System.

These amendments have been cleared on both sides of the aisle and I move their adoption.

● The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (UP No. 1481) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur.

The motion was agreed to.

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

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMERICANS MISSING AND UNACCOUNTED FOR IN SOUTHEAST ASIA

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 977, Senate Concurrent Resolution 131.

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

Mr. ROBERT C. BYRD. No objection.

The PRESIDING OFFICER. The clerk will state the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 131) to express the sense of the Congress concerning Americans missing and unaccounted for in Southeast Asia.

There being no objection, the Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Foreign Relations, with amendments, as follows:

On page 2, line 12, strike "the President to respond", and insert "both governments to move"; and

On page 2, beginning on line 13, strike "to the indicated willingness of the Lao Government.

● Mr. PELL. Mr. President, I rise in support of Senate Concurrent Resolution 131. I am pleased and proud to be co-sponsor of this resolution which reaffirms our commitment to locate and bring home Americans missing and unaccounted for in Southeast Asia, expresses our sincere appreciation to the Laotian Government for recent indications of its willingness to assist the United States in this regard, and urges the Governments of the United States and Laos to move "with all dispatch to cooperate in this humanitarian effort."