

THE R.M.S. "TITANIC" MARITIME MEMORIAL ACT OF 1985

NOVEMBER 21, 1985.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JONES of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 3272]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 3272) to designate the shipwreck of the *Titanic* as a maritime memorial and to provide for reasonable research, exploration, and, if appropriate, salvage activities, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as "The R.M.S. 'Titanic' Maritime Memorial Act of 1985".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the R.M.S. *Titanic*, the ocean liner which sank on her maiden voyage after striking an iceberg on April 14, 1912, should be designated as an international maritime memorial to the men, women, and children who perished aboard her;

(2) the recent discovery of the R.M.S. *Titanic*, lying more than 12,000 feet beneath the ocean surface, demonstrates the practical applications of ocean science and engineering;

(3) the R.M.S. *Titanic*, well preserved in the cold, oxygen-poor waters of the deep North Atlantic Ocean, is of major national and international cultural and historical significance, and merits appropriate international protection; and

(4) The R.M.S. *Titanic* represents a special opportunity for deep ocean scientific research and exploration.

(b) PURPOSES.—The Congress declares that the purposes of this Act are—

(1) to encourage international efforts to designate the R.M.S. *Titanic* as an international maritime memorial to those who lost their lives aboard her in 1912;

(2) to direct the United States to enter into negotiations with other interested nations to establish an international agreement which will provide for designa-

tion of the R.M.S. *Titanic* as an international maritime memorial, and protect the scientific, cultural, and historical significance of the R.M.S. *Titanic*;

(3) to encourage, in those negotiations or in other fora, the development and implementation of international guidelines for conducting research on, exploration of, and if appropriate, salvage of the R.M.S. *Titanic*; and

(4) to express the sense of the United States Congress that, pending such international agreement or guidelines, no person should physically alter, disturb, or salvage the R.M.S. *Titanic* in any research or exploratory activities which are conducted.

#### SEC. 3. DEFINITIONS.

For the purposes of this Act, the term—

(a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration (NOAA);

(b) "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government;

(c) "R.M.S. *Titanic*" means the shipwrecked vessel R.M.S. *Titanic*, her cargo or other contents, including those items which are scattered on the ocean floor in her vicinity; and

(d) "Secretary" means the Secretary of State.

#### SEC. 4. COMMENDATION.

The Congress of the United States highly commends the members of the joint international expedition which discovered the R.M.S. *Titanic*.

#### SEC. 5. INTERNATIONAL GUIDELINES.

(a) The Administrator is directed to enter into consultations with the United Kingdom, France, Canada, and other interested nations to develop international guidelines for research on, exploration of, and if appropriate, salvage of the R.M.S. *Titanic*, which:

(1) are consistent with its national and international scientific, cultural, and historical significance and the purposes of this Act; and

(2) promote the safety of individuals involved in such operations.

(b) In developing these international guidelines, the Administrator shall consult with the Secretary and shall promote full participation by other interested Federal agencies, academic and research institutions, and members of the public.

#### SEC. 6. INTERNATIONAL AGREEMENT.

(a) The Secretary is directed to enter into negotiations with the United Kingdom, France, Canada, and other interested nations to develop an international agreement which provides for:

(1) the designation of the R.M.S. *Titanic* as an international maritime memorial; and

(2) research on, exploration of, and if appropriate, salvage of the R.M.S. *Titanic* consistent with the international guidelines developed pursuant to section (5) and the purposes of this Act.

(b) In carrying out the requirements of subsection (a), the Secretary shall consult with the Administrator, who shall provide research and technical assistance to the Secretary.

(c) The Secretary and the Administrator shall report semiannually to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the appropriate Committee in the Senate on the progress of the negotiations and consultations.

(d) Upon adoption of an international agreement as described in subsection (a), the Secretary shall provide notification of the agreement and recommendations for legislation to implement the agreement to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the appropriate Committee in the Senate.

#### SEC. 7. SENSE OF CONGRESS REGARDING CONDUCT OF FUTURE ACTIVITIES.

It is the sense of Congress that research and limited exploration activities concerning the R.M.S. *Titanic* should continue for the purpose of enhancing public knowledge of its scientific, cultural, and historical significance, provided that, pending adoption of the international agreement described in section 6(a) or implementation of the international guidelines described in section 5, no person should conduct any such research or exploration activity which would physically alter, disturb, or salvage the R.M.S. *Titanic*.

## SEC. 8. DISCLAIMER OF EXTRATERRITORIAL SOVEREIGNTY.

By enactment of this Act, the United States does not assert sovereignty, or sovereign or exclusive rights or jurisdiction over, or the ownership of, any marine areas or the R.M.S. *Titanic*.

Amend the title so as to read:

To encourage international efforts to designate the shipwreck of the R.M.S. *Titanic* as an international maritime memorial and to provide for reasonable research, exploration and, if appropriate, salvage activities with respect to the shipwreck.

## BACKGROUND

The legendary R.M.S. *Titanic*, lost for 73 years, was located on September 1, 1985 by a joint American and French expedition. This "unsinkable" vessel, steeped in myth, was found in 12,500 feet of water off the coast of Newfoundland. Following reports of the find, questions arose as to the possibility of exploration and salvage of the shipwreck. While still at the site, Dr. Robert Ballard, the American expedition leader, called for "gentle exploration" of the shipwreck. Concerns for the proper protection of the shipwreck led to the introduction of H.R. 3272, The R.M.S. "*Titanic*" Maritime Memorial Act of 1985.

*History of the sinking*

The R.M.S. *Titanic*, a steamer of the White Star Line, was 882 feet long, weighed 46,328 gross tons, and was built without regard to the cost of construction as a luxury liner. Regarded as the largest, most technologically sophisticated commercial vessel of its time, it was owned by Oceanic Steam Navigation Company of England, the stock of which was entirely owned by International Navigation Company (LTD). The International Navigation Company was owned by International Mercantile Company, a New Jersey Corporation (Report No. 806, 62d Congress, 2d session, Senate Commerce Committee, 1912).

The *Titanic* began its maiden voyage from Southampton, England on April 10, 1912. It stopped at Cherbourg, France, and Queenstown, Ireland, before beginning its trans-Atlantic crossing to New York City. Records show that 2,207 persons were on board, representing many different countries.

Although forewarned that there were icebergs in its vicinity, at 11:40 p.m. ship's time, April 14, 1912, the R.M.S. *Titanic* collided with a black iceberg off the coast of Newfoundland, Canada. Within ten seconds, a 300 foot gash covering nearly a third of the length of the ship had been torn in the vessel about ten feet above the keel. The impact was not violent enough to disturb the passengers.

Two hours and forty minutes later, the R.M.S. *Titanic* slid, bow first, into the water. It sank to a depth of nearly 13,000 feet, or two and a half miles. 1,513 persons, mostly men and passengers in steerage who could be not accommodated by the inadequately supplied lifeboats operated by the inexperienced crew, died within minutes from exposure to the frigid waters of the North Atlantic. Many had not boarded lifeboats because they believed that the R.M.S. *Titanic* was unsinkable as advertised.

Much controversy surrounds the rescue of the *Titanic*'s passengers. It is believed that two ships were close enough to the sinking ship to come to its aid. Captain Rostron of the *Carpathia*

rushed 58 miles to save all 705 surviving passengers. Captain Lord of the *Californian*, who was so close to the R.M.S. *Titanic* that his crew could see the distress signals, including rockets launched from the vessel, failed to respond. His Marconi radio operator was asleep and did not hear the distress calls. Perhaps he feared a similar collision with an iceberg. It is thought that the *Californian* was five to nineteen miles from the R.M.S. *Titanic*, at the time of the accident.

Following this great tragedy, two British Board of Trade inquiries were held in England, as well as a hearing before the United States Senate. The British assessors recommended that passenger vessels be equipped with watertight compartments and sufficient lifeboats and liferafts to accommodate all persons on board, life boat drills be conducted, and an international conference on vessel safety be convened. The Senate made similar recommendations. It also called for 24 hour radio monitoring operations and additional legislation to secure safety of life at sea. In 1914, the Senate ratified the first International Convention on the Safety of Life at Sea (SOLAS), applicable to passenger vessels. Subsequent broader SOLAS conventions, two of which were found necessary because of events which took place during World Wars I and II, have since been ratified. The International Ice Patrol was established to monitor the path of icebergs, particularly during each spring.

### *The Discovery*

The R.M.S. *Titanic* was located by a joint U.S.-French research team on September 1, 1985, 73 years after it sank. Eighty percent of the research area was surveyed earlier during the summer by the French group, led by Jean-Louis Michel of the Institute for Research and Exploitation of the Sea, aboard its vessel *Le Suroit*. It used a side-scanning sonar, resembling a fat torpedo, which was lowered to within 230 feet of the bottom. It swept a path over a half-mile wide for objects which might reflect its sound waves. The United States does not have an identical system.

Three weeks later the U.S. Navy Research vessel *Knorr*, operated by the Woods Hole Oceanographic Institute under the direction of Dr. Robert D. Ballard, lowered the Argo, a 16 foot long cage that included a clutch of strobe lights, side-scanning sonar devices, and an array of cameras. The video images it picked up were relayed instantaneously through a cable to computers and video screens in the *Knorr* above. Scientists had an Argo's-eye view of the ocean floor. After a boiler of the R.M.S. *Titanic* was spotted, the Argo was raised, and the *Angus*, another unmanned submersible, was lowered. It took high-quality still photographs of the shipwreck. Except for the stern, the R.M.S. *Titanic* appeared to be intact.

### THE NEED FOR LEGISLATION

Following the significant discovery of the shipwreck comes the realization that this is the final resting place and monument for over 1,500 souls. The shipwreck also represents a mecca for salvors, a laboratory for scientists, and, for lawyers, naval architects, ocean travelers and, the public in general the impetus for greatly improved vessel safety measures worldwide.

For relatives and friends, and for the international public in general, the *Titanic* is a monument to those who perished aboard her in 1912.

For salvors, gathering artifacts either for sale or museums is a possibility. State-of-the-art technology is available which will allow selected items to be brought to the surface. This technology is available to persons of many nations; plans are being developed by individuals and by the French Government to visit the site as soon as possible.

For scientists, the find represents an outstanding opportunity to study the introduction of materials at great depths and extreme pressures. Experiments testing the impact of this environment on the vessel would enhance international understanding of the oceans.

For lawyers, naval architects, and ocean travelers, the tremendous legal and safety improvements resulting from the sinking of the R.M.S. *Titanic*, as well as the aura surrounding this tragedy, make this shipwreck stand out among others. Vastly improved radio operations, requirements for communication between the radio room and the ship's bridge, the installation of emergency auxiliary power sources for passenger vessels, the priority given to distress messages, the provision of adequate lifesaving appliances and the training of crews to use them efficiently, international vessel safety negotiations, and the dynamic International Ice Patrol all trace their roots to the R.M.S. *Titanic* disaster. Consequently, those who use the oceans today are far safer than those passengers who traveled aboard the R.M.S. *Titanic*. Future travelers may benefit additionally by a thorough examination of the damage done to the ship which led to its demise.

Additionally, for our technological society, the R.M.S. *Titanic* is a monumental reminder that, in our exploration and exploitation of marine resources, we must maintain a sense of perspective regarding man's abilities and nature's powers.

Thus, the discovery of the shipwreck of the R.M.S. *Titanic* offers several different opportunities, clearly separate and potentially conflicting in purpose and outcome. Yet, all may be realized if the shipwreck is managed properly. The need exists to balance the various uses of this new discovery.

#### PURPOSE OF LEGISLATION

The Purpose of The R.M.S. "Titanic" Maritime Memorial Act of 1985 is to recognize and commend the tremendous achievement made by the discovery team and to encourage international negotiations to develop an international agreement and guidelines to protect this unique shipwreck from potential harm caused by misguided salvage. Since the vessel lies in international waters, this legislation seeks to establish an international consensus with respect to activities pertaining to it. Unilateral sanctions against U.S. citizens alone would be both discriminatory and ineffective, especially since other nations have the technology to salvage the R.M.S. *Titanic*. The intent of this bill is to encourage an international understanding between interested nations regarding R.M.S. *Titanic* related activities. H.R. 3272 also expresses the sense of Congress that no

person should physically alter, disturb, or salvage the R.M.S. *Titanic* pending the conclusion of international guidelines or an international agreement.

#### COMMITTEE ACTION

H.R. 3272, was introduced on September 11, 1985 by Mr. Jones, Mr. Lent, Mr. Biaggi, Mr. Studds, Mr. Lowrey of Washington, Mr. Carper and Mr. Hughes.

The Full Committee held a hearing on October 29, 1985 on H.R. 3272 and the discovery of the R.M.S. *Titanic*. Testimony was heard from five panels. Panel I concerned the discovery and significance of the R.M.S. *Titanic*. It was composed of Dr. Robert D. Ballard, Director of the Deep Submergence Laboratory of the Woods Hole Oceanographic Institution, and Jon Hollis, Spokesperson for the Titanic Historical Society, Inc., of Indian Orchard, Massachusetts.

Dr. Ballard, who led the American discovery venture, gave a slide presentation depicting the U.S. and French oceanographic equipment used in the expedition and the submerged bow of the R.M.S. *Titanic*. He expressed his support for H.R. 3272 and his hope that the shipwreck site would not be plundered. However, Dr. Ballard also stated that the R.M.S. *Titanic* should not simply be left forever in total darkness. Rather, he urged that the vessel, including its interior, be filmed gracefully, and that the delicate objects strewn upon the ocean floor when the ship's stern broke up be recovered and protected since they are vulnerable to dredging salvage operations. In his written statement he proposed that no attempt be made to retrieve items from the interior compartments of the R.M.S. *Titanic*. Both the French and British scientists and officials with whom Dr. Ballard has been in contact feel strongly that the site should be preserved.

Mr. Hollis also spoke in support of H.R. 3272. He gave a brief history of the Titanic Historical Society. Referring to the R.M.S. *Titanic* as the "Mt. Everest" of shipwrecks, he explained that it is not a Spanish treasure ship laden with gold and jewels. Those jewels which were not retrieved by survivors were lost overboard before the ship sank and are not inside the shipwreck itself. He asked the Committee to let the R.M.S. *Titanic* rest in peace and submitted for the record letters by survivors, a well-known commercial salvager, noted marine authors, and marine artifact sellers and collectors regarding this legislation. These letters support designating shipwreck as a maritime memorial to those who died and leaving it intact for scientific research rather than for commercial salvagers of profit.

Panel II consisted of Mrs. Louise (Kink) Pope, a survivor of the sinking of the R.M.S. *Titanic*. Mrs. Pope was four years old at the time. Her parents survived the shipwreck with her, but her father's sister and brother, both in their early twenties, did not. Mrs. Pope urged that no salvage be undertaken for commercial purposes. However, she does favor research and the recovery of artifacts for museums.

Panel III focused on interest in salvaging the shipwreck site. Jack F. Grimm, owner of Grimm Oil Company, Abilene, Texas, was accompanied by an associate, John P. Lee, and by Dr. William B.F.

Ryan, Associate Professor, Lamont-Doherty Geological Observatory, Columbia University. Mr. Grimm expressed limited opposition to H.R. 3272. On three different occasions, in 1980, 1981, and 1983, he contracted with Dr. Ryan and with Dr. Frederick Spiess of Scripps Institute of Oceanography to search for the R.M.S. *Titanic*. The technology developed for and the information obtained from these expeditions was placed in the public domain. Plans are underway to recertify and contract the *Aluminaut*, a manned submersible, to dive on the wreck in 1986 or 1987. Mr. Grimm stated that he has never considered raising the R.M.S. *Titanic* but instead wants to recover artifacts and make them available to museums and institutions such as the Smithsonian.

Panel IV consisted of Administration witnesses. Dr. Nancy Foster, Chief, Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce testified first. She said that the R.M.S. *Titanic* is a unique historical shipwreck because of the emotional reactions and mystique surrounding it, its perception as the world's greatest maritime disaster, and because the international community focused instant attention on improved safety and international cooperation. She explained NOAA's role in protecting the Civil War ironclad, U.S.S. *Monitor*, which lies off the coast of North Carolina. Dr. Foster stated that NOAA is prepared to work on the development of guidelines for the R.M.S. *Titanic* and to assist the Department of State as it negotiates an international agreement on the R.M.S. *Titanic*.

Mr. Brian J. Hoyle, Director, Office of Ocean Law and Policy, U.S. Department of State, testified that the Administration supports H.R. 3272. Mr. Hoyle recommended that a few changes be made to the bill which would emphasize the international character of measures needed to protect the *Titanic*. In addition, he noted a number of complicated issues which have influenced the State Department's support for an international approach and must be addressed in the international negotiations. These issues include the vessel's exact location and proximity to Canada, the nature and character of the ownership of the R.M.S. *Titanic*, and the rights afforded under maritime law to France and the United States as discoverers of the shipwreck. Mr. Hoyle cautioned that the U.S. must be careful not to interfere unreasonably with the legitimate activities of other nations and their citizens.

Panel V focused on appropriate international fora for negotiations concerning the R.M.S. *Titanic*. Dr. Frank L. Wiswall, Esq., former Chairman of the Legal Committee of the International Maritime Organization (IMO), urged that the United States seek to use the facilities of the IMO to develop international guidelines to protect the wreck from plundering. Dr. Wiswall believes that the IMO would view such a request favorably, as the origin of IMO can be traced directly to the R.M.S. *Titanic* disaster. He stressed that the clear linkage between the first multilateral treaty on the Safety of Life at Sea (SOLAS) and its successor conventions, each of which were negotiated through IMO, is historical fact and not mere romance. Dr. Wiswall believes that much can be learned from a discreet and orderly examination of the damage sustained by the ship

after colliding with the iceberg and of the positioning of the lifesaving equipment on board. This knowledge and evidence could affect present considerations of ship structure and naval architecture.

Written testimony for the record was solicited and received in time for the hearing from Dr. Robert L. Scheina, U.S. Coast Guard Historian; Rear Admiral John B. Mooney, Chief of Naval Research, U.S. Navy; and Captain Willard F. Searle, Jr., USN (Retired), Chairman, Searle Consultants, Ltd. Dr. Scheina documented the tremendous influence which the sinking of the R.M.S. *Titanic* has had on maritime legislation and regulation within and between many nations. RADM Mooney submitted a statement depicting the Navy's role in the ship's discovery. Captain Searle's written testimony explains the technology which would make feasible salvaging the shipwreck.

On November 6, 1985, the Full Committee on Merchant Marine and Fisheries reported H.R. 3272 after adopting, by unanimous voice vote, an amendment in the nature of a substitute offered by Mr. Jones of North Carolina. The amendment makes clear the intent of the bill to promote a cooperative spirit among nations interested in protecting the shipwreck. It encourages international efforts to designate the R.M.S. *Titanic* as an international maritime memorial. Additionally, it calls for the development of international guidelines concerning appropriate activities. The title of H.R. 3272 was revised to reflect the changes made to the bill.

Two new provisions were also included in the substitute amendment. First, the Secretary of State and the Administrator of NOAA are directed to report semiannually to the Committee on Merchant Marine and Fisheries and to the appropriate Senate Committee on the process of the negotiations. Second, the amendment expresses the sense of Congress that, pending conclusion of an international agreement or guidelines, research and limited exploration activities should continue, as long as they do not physically alter, disturb, or salvage the shipwreck.

#### SECTION-BY-SECTION ANALYSIS OF H.R. 3272, AS REPORTED

##### *Section 1. Short title*

This Section states the abbreviated version of the title of the bill, "The R.M.S. "Titanic" Maritime Memorial Act of 1985."

##### *Section 2. Findings and purposes*

Congress finds in Section 2(a)(1) that the R.M.S. *Titanic* should be designated as an international maritime memorial to those who died. In investigating the shipwreck of the R.M.S. *Titanic*, the Congress has learned that more than 1,500 men, women, and children from numerous countries perished when this ocean liner sank. Although it appears that most of the deceased were on the decks of the vessel as she sank, and many were later recovered from the ocean, the R.M.S. *Titanic*, in all likelihood, contains the remains of numerous persons. In any case, the shipwreck represents the burial place of those passengers and crew who were not rescued by lifeboats or recovered from the water and properly buried elsewhere.

In Section 2(a)(2) Congress finds that the discovery of the R.M.S. *Titanic* approximately two and a half miles below the ocean sur-

face is a demonstration of the practical applications of ocean science and engineering. Valuable new information about the marine environment can be obtained because of the tremendous advances in marine scientific capability enabling underwater research and exploration at ever greater depths. The full impact of this information and its applicability to marine scientific affairs has yet to be realized.

Section 2(a) (3) and (4) express the findings by Congress that because of the major domestic and international cultural and historical significance of the shipwreck, as well as its special scientific significance, the R.M.S. *Titanic* deserves international protection. It also represents a special research opportunity. Congress recognizes that the well-preserved shipwreck is both the remains of what is reputed to be the world's greatest maritime tragedy and an international time-capsule of pre-World War I culture and history. Numerous far-reaching laws, regulations, conventions, books, movies, television programs, and songs perpetuate its memory, yet study of the vessel itself will yield additional information to fill in the many gaps which exist. Furthermore, after 73 years in the deep ocean environment, the vessel has the potential for yielding new, valuable scientific information about the impact of this environment upon the numerous materials comprising it. The opportunity exists to conduct research in marine biology, biochemistry, metallurgy, toxicology, and other disciplines, as they relate to the shipwreck. Using sophisticated, state-of-the-art technology, such as that which was employed to locate the R.M.S. *Titanic*, deep ocean scientific research and exploration pertaining to this vessel should continue.

Section 2(b) (1) describes the purpose of the legislation to promote international endeavors to designate the R.M.S. *Titanic* as an international maritime memorial. The intent of Congress is not to undertake such a designation unilaterally, but instead to encourage cooperation among those countries interested in ensuring the protection of this shipwreck.

As stated in Section 2(b) (2) and (3), it is the purpose of this bill to encourage the United States to initiate negotiations with these interested nations in order to establish an international agreement, and in doing so, to urge the development and implementation of international guidelines consistent with the significance of the wreck.

Additionally, Congress intends in Section 2(b) (4) that only visitation and documentation of the shipwreck site occur prior to the adoption of an agreement or guidelines. On the one hand, Congress wishes to encourage further enrichment of public knowledge of the R.M.S. *Titanic*. This understanding can only be obtained through continued research and exploration. Yet on the other hand, recovery of artifacts is discouraged until interested nations can decide by international agreement or guidelines whether such recovery is appropriate, and if so, to what extent and under what conditions.

### *Section 3. Definitions*

This section defines the words "Administrators," "person," "R.M.S. *Titanic*," and "Secretary," as they are used in H.R. 3272. "Administrator", as defined in Section 3(a), refers to the Adminis-

trator of the National Oceanic and Atmospheric Administration (NOAA).

"Person", found in Section 3(b), means any individual, corporation, partnership, association, or other entity, as well as any Federal, State, local, or foreign government or any entity of such government. As defined here, an individual is not restricted to one who is a citizen or national of the United States. Also, a corporation, partnership, association, or other entity is not restricted to one that is organized or exists under the laws of any State.

"R.M.S. *Titanic*" refers to the shipwreck of the luxury liner R.M.S. *Titanic* which sank in April 1912 in the waters of the North Atlantic. Her cargo or other contents, including the items associated with the vessel which are scattered on the ocean floor in her vicinity, are considered part of the shipwreck R.M.S. *Titanic*.

"Secretary" is used throughout H.R. 3272 to mean the Secretary of State of the United States.

#### *Section 4. Commendation*

Section 4 states that the Congress applauds the American-French expedition which located the R.M.S. *Titanic* nearly two and a half miles below the ocean surface. In offering this commendation, Section 4 demonstrates the appreciation by Congress of the international character of the undertaking to discover the R.M.S. *Titanic*.

#### *Section 5. International guidelines*

Section 5(d) directs the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to consult with interested countries, including the United Kingdom, France and Canada, to develop international guidelines for the R.M.S. *Titanic*. It is the intent of Congress that countries such as those which have the technology to affect the status of the shipwreck, or which have a defined interest in the R.M.S. *Titanic*, be included in these negotiations. Since the three countries specifically named have shown a direct, active interest in the vessel, Congress wishes to acknowledge them explicitly. The R.M.S. *Titanic* was originally owned and insured by British firms, sank off the Coast of Newfoundland, Canada, in international waters, with passengers from numerous nations on board, and was discovered through the collaborative efforts of a French and an American expedition. Hence, the direct involvement of these three nations in efforts to protect the shipwreck site is altogether appropriate.

Congress intends in Section 5(a) (1) and (2) that these research, exploration, and salvage guidelines be consistent with the important cultural, historical and scientific nature of the shipwreck site, and that they promote the safety of the people involved in what could be rather dangerous underwater ventures. In developing this legislation, one of the more difficult issues facing the Committee has been whether and under what conditions salvage of the R.M.S. *Titanic* should occur. The Committee does not intend to speak in detail on this question, believing that the international guidelines are a more proper context for specifying the parameters on acceptable salvage. Nevertheless, these parameters should reflect an appropriate balance of several objectives. The Committee believes that despoliation of the shipwreck, destruction of artifacts, or fail-

ure to develop proper archeological information about the site should not occur. Yet it also believes that documentation of the site and recovery of certain artifacts should be allowed to occur under proper circumstances in order to provide incentives to explore the R.M.S. *Titanic* further, so as to enhance the educational and scientific contributions of the shipwreck. Hence, the substantial public interest in the shipwreck site dictates that the information gathered and an appropriate representative sampling of the artifacts recovered from the site remain in the public domain.

In section 5(b) the NOAA Administrator is to consult with the Secretary of State and provide for full participation in the guideline development process by other interested U.S. Federal agencies, academic and research institutions and the public.

#### *Section 6. International agreement*

Section 6 (a) and (b) directs the Secretary of State, in consultation with the NOAA Administrator, who is to provide research and technical assistance, to begin negotiating an agreement to protect the R.M.S. *Titanic* with other interested nations, including the United Kingdom, France, and Canada. As stated in Section 6(a) (1) and (2), this agreement should provide for the designation of the shipwreck as an international maritime memorial and for research, exploration, and, if appropriate, salvage activities consistent with the international guidelines developed.

Pursuant to Section 6(c), twice a year the Secretary is to report to the House Committee on Merchant Marine and Fisheries and to the appropriate Senate Committee on the status of the international negotiations. Likewise, the Administrator is to report on the progress of the consultations to formulate international guidelines. Congress intends that these reports may be made either in writing or as a formal briefing. Section 6(d) provides that once an international agreement is adopted, the Secretary is to notify these same House and Senate Committees and suggest legislation to implement this agreement.

#### *Section 7. Sense of Congress regarding conduct of future activities*

Section 7 expresses the sense of Congress that research and limited exploration activities related to the shipwreck site which would enhance public knowledge of its significance should continue pending the adoption of an international agreement. However, the R.M.S. *Titanic* should not be physically altered, disturbed, or salvaged during this interim period. By enacting this legislation, Congress does not mean to discourage continued visitation and audio-visual or other harmless documentation of the shipwreck site prior to the adoption of an international agreement. The Committee acknowledges that only a successful international agreement will supercede existing international law affecting the site.

#### *Section 8. Disclaimer of extraterritorial sovereignty*

Section 8 specifies that the United States does not assert any jurisdiction or rights over the R.M.S. *Titanic* or any marine areas by enacting this legislation. The Committee intends to make clear through this section that it is not attempting to extend unilateral claims of jurisdiction or control over the shipwreck. Rather, this

disclaimer reflects the fact that the central purpose of the legislation is to encourage an international agreement governing activities regarding the R.M.S. *Titanic*.

#### INFLATIONARY IMPACT STATEMENT

With respect to the requirements of clause (2)(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 3272 would have no significant inflationary impact upon the prices and costs in the operation of the national economy.

#### COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires a statement of the estimated costs to the United States which would be incurred in carrying out H.R. 3272. However, under paragraph (d) of Clause 7, the provisions of (a) do not apply when the Committee has received a timely report from the Congressional Budget Office.

#### COMPLIANCE WITH HOUSE RULE XI

With respect to the requirements of clause (2)(1)(3) of rule XI of the Rules of the House of Representatives—

(A) No oversight findings or recommendations on the subject of H.R. 3272 have been made by the Committee during the 99th Congress.

(B) The requirement of section 308(a) of the Congressional Budget Act of 1974 are not applicable to this legislation since it does not provide new budget authority or new or increased tax expenditures.

(C) The Committee has received no report from the Committee on Government Operations of oversight findings and recommendations arrived at under clause 4(C)(2) of rule X of the Rules of the House of Representatives.

(D) The Director of the Congressional Budget Office has furnished the Committee with an estimate and comparison of costs for H.R. 3272 under section 403 of the Congressional Budget Act of 1974. The submission is as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 7, 1985.*

HON. WALTER B. JONES,  
*Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3272, the R.M.S. *Titanic* Maritime Memorial Act of 1985, as ordered reported by the House Committee on Merchant Marine and Fisheries, November 6, 1985. We estimate that the enactment of this bill would result in no significant cost to the federal government, and in no cost to state or local governments.

H.R. 3272 would direct the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to consult with other nations to develop international guidelines for exploration of the Titanic. The bill would further direct the Secretary of State to enter into negotiations with other interested nations to develop an international agreement designating the Titanic as an international maritime memorial and providing for research and exploration activities. These negotiations are not expected to result in any significant cost to the government.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,  
Sincerely,

RUDOLPH G. PENNER.

#### CHANGES IN EXISTING LAW

If this bill is enacted it will make no changes in existing law.

#### DEPARTMENTAL REPORTS

The Committee forwarded copies of H.R. 3272 to the Departments of State and Commerce. As of November 13, 1985, the Committee had not received a report from either Department.

## APPENDIX

The House Foreign Affairs Committee submitted the following letter for inclusion in the report on H.R. 3272:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC, November 20, 1985.*

HON. WALTER B. JONES,  
*Chairman, Committee on Merchant Marine and Fisheries,  
Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: The Foreign Affairs Committee has reviewed the provisions of H.R. 3272, the Titanic Marine Memorial Act of 1985, as ordered reported from the Committee on Merchant Marine and Fisheries, and in order not to cause any delay in floor consideration of the bill, will not request referral of the bill to this Committee. This is done with the understanding that it will not prejudice the jurisdiction of the Foreign Affairs Committee. It is also my understanding that the amendments to Section 5(b) and sections 6 (c) and (d) of H.R. 3272 as ordered reported by this Committee and as stated in the attached draft legislation will be incorporated into the bill during floor action, anticipated on December 3, 1985.

Inclusion of this letter in the Merchant Marine and Fisheries Committee report on H.R. 3272 would be greatly appreciated.

I look forward to continued cooperation between our Committees on matters of mutual interest.

With best wishes, I am  
Sincerely yours,

DANTE B. FASCELL, *Chairman.*

Enclosure.

[November 8, 1985]

### AMENDMENTS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE (AS REPORTED BY THE HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE)

In section 5(b), strike out "developing these international guidelines" and insert in lieu thereof "carrying out subsection (a)".

In section 6(c), insert "and the Committee on Foreign Affairs" after "Committee on Merchant Marine and Fisheries".

In section 6(d), insert "and the Committee on Foreign Affairs" after "Committee on Merchant Marine and Fisheries".

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