

106TH CONGRESS
1ST SESSION

H. R. 1243

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 1999

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To reauthorize and amend the National Marine Sanctuaries
Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sanctuaries and Re-
3 serves Act of 1999”.

4 **TITLE I—NATIONAL MARINE**
5 **SANCTUARIES**

6 **SEC. 101. AMENDMENT OF NATIONAL MARINE SANC-**
7 **TUARIES ACT.**

8 Except as otherwise expressly provided, whenever in
9 this title an amendment or repeal is expressed in terms
10 of an amendment to, or repeal of, a section or other provi-
11 sion, the reference shall be considered to be made to a
12 section or other provision of the National Marine Sanc-
13 tuaries Act (16 U.S.C. 1431 et seq.).

14 **SEC. 102. FINDINGS; PURPOSES AND POLICIES.**

15 (a) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a))
16 is amended—

17 (1) in paragraph (2) by inserting “cultural, ar-
18 chaeological,” after “educational,”;

19 (2) in paragraph (4) by inserting “as national
20 marine sanctuaries” after “environment”;

21 (3) in paragraph (5) by inserting “of national
22 marine sanctuaries managed as the National Marine
23 Sanctuary System” after “program”; and

24 (4) in paragraph (6) by striking “special areas”
25 and inserting “national marine sanctuaries”.

1 (b) PURPOSES AND POLICIES.—Section 301(b) (16
2 U.S.C. 1431) is amended—

3 (1) in paragraph (1) by inserting before the
4 semicolon at the end the following: “, and to manage
5 these areas as the National Marine Sanctuary Sys-
6 tem”; and

7 (2) in paragraph (4) by inserting before the
8 semicolon at the end the following: “and of the nat-
9 ural, historical, cultural, and archaeological re-
10 sources of the National Marine Sanctuary System”.

11 **SEC. 103. DEFINITIONS.**

12 Section 302 (16 U.S.C. 1432) is amended as follows:

13 (1) Paragraph (2) is amended by striking
14 “Magnuson Fishery” and inserting “Magnuson-Ste-
15 vens Fishery”;

16 (2) Paragraph (6) is amended by striking
17 “and” after the semicolon at the end of subpara-
18 graph (B), and by adding after subparagraph (C)
19 the following:

20 “(D) the cost of curation and conservation
21 of archaeological, historical, and cultural sanc-
22 tuary resources; and

23 “(E) the cost of enforcement actions un-
24 dertaken by the Secretary for the destruction or
25 loss of, or injury to, a sanctuary resource;”.

1 (3) Paragraph (7) is amended by inserting “,
2 including costs related to seizure, forfeiture, storage,
3 or disposal arising from liability under section 312”
4 after “injury” the second place it appears.

5 (4) In paragraph (8) by inserting “cultural, ar-
6 chaeological,” after “educational,”.

7 (5) In paragraph (9) by striking “Fishery Con-
8 servation and Management”.

9 (6) By striking “and” after the semicolon at
10 the end of paragraph (8), by striking the period at
11 the end of paragraph (9) and inserting a semicolon,
12 and by adding at the end the following:

13 “(10) ‘person’ means any individual (whether or
14 not a citizen or national of the United States), any
15 corporation, partnership, association, or other entity
16 (whether or not organized or existing under the laws
17 of any State), and any Federal, State, local, or for-
18 eign government or any entity of any such govern-
19 ment; and

20 “(11) ‘System’ means the National Marine
21 Sanctuary System established by section 303.”.

1 **SEC. 104. ESTABLISHMENT OF NATIONAL MARINE SANC-**
2 **TUARY SYSTEM; SANCTUARY DESIGNATION**
3 **STANDARDS.**

4 (a) ESTABLISHMENT OF NATIONAL MARINE SANC-
5 TUARY SYSTEM.—Section 303 (16 U.S.C. 1433(a)) is
6 amended by striking the heading for the section and all
7 that follows through “(a) STANDARDS.—” and inserting
8 before the remaining matter of subsection (a) the fol-
9 lowing:

10 **“SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.**

11 “(a) ESTABLISHMENT OF SYSTEM; SANCTUARY DES-
12 IGNATION STANDARDS.—There is established the National
13 Marine Sanctuary System, which shall consist of national
14 marine sanctuaries designated by the Secretary in accord-
15 ance with this title.”.

16 (b) SANCTUARY DESIGNATION STANDARDS.—Section
17 303(b)(1) (16 U.S.C. 1433(b)(1)) is amended by striking
18 “and” at the end of subparagraph (H), by striking the
19 period at the end of subparagraph (I) and inserting a
20 semicolon, and by adding at the end the following:

21 “(J) the area’s value as a site for marine
22 resources monitoring and assessment activities;
23 and

24 “(K) the value of the area as an addition
25 to the System.”.

1 (c) REPEAL.—Section 303(b)(3) (16 U.S.C.
2 1433)(3)) is repealed.

3 **SEC. 105. PROCEDURES FOR SANCTUARY DESIGNATION**
4 **AND IMPLEMENTATION.**

5 (a) SUBMISSION OF NOTICE OF PROPOSED DESIGNA-
6 TION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C.
7 1434(a)(1)(C)) is amended to read as follows:

8 “(C) no later than the day on which the
9 notice required under subparagraph (A) is sub-
10 mitted to Office of the Federal Register, the
11 Secretary shall submit a copy of that notice and
12 the draft sanctuary designation documents pre-
13 pared pursuant to section 304(a)(2), including
14 an executive summary, to the Committee on Re-
15 sources of the House of Representatives, the
16 Committee on Commerce, Science, and Trans-
17 portation of the Senate, and the Governor of
18 each State in which any part of the proposed
19 sanctuary would be located.”.

20 (b) SANCTUARY DESIGNATION DOCUMENTS.—

21 (1) IN GENERAL.—Section 304(a)(2) (16
22 U.S.C. 1434(a)(2)) is amended to read as follows:

23 “(2) SANCTUARY DESIGNATION DOCUMENTS.—
24 The Secretary shall prepare and make available to

1 the public sanctuary designation documents on the
2 proposal that include the following:

3 “(A) A draft environmental impact state-
4 ment pursuant to the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

6 “(B)(i) A resource assessment report docu-
7 menting present and potential uses of the area
8 proposed to be designated as a national marine
9 sanctuary, including commercial and rec-
10 reational fishing, research and education, min-
11 erals and energy development, subsistence uses,
12 and other commercial, governmental, or rec-
13 reational uses.

14 “(ii) The Secretary, in consultation with
15 the Secretary of the Interior, shall draft and in-
16 clude in the report a resource assessment sec-
17 tion regarding any commercial, governmental,
18 or recreational resource uses in the area under
19 consideration that are subject to the primary
20 jurisdiction of the Department of the Interior.

21 “(iii) The Secretary, in consultation with
22 the Secretary of Defense, the Secretary of En-
23 ergy, and the Administrator, shall draft and in-
24 clude in the report a resource assessment sec-
25 tion that includes any information on past,

1 present, or proposed future disposal or dis-
2 charge of materials in the vicinity of the area
3 proposed to be designated as a national marine
4 sanctuary. Public disclosure by the Secretary of
5 such information shall be consistent with na-
6 tional security regulations.

7 “(C) A draft management plan for the pro-
8 posed national marine sanctuary that includes
9 the following:

10 “(i) The terms of the proposed des-
11 ignation.

12 “(ii) Proposed mechanisms to coordi-
13 nate existing regulatory and management
14 authorities within the proposed sanctuary.

15 “(iii) The proposed goals and objec-
16 tives, management responsibilities, re-
17 source studies, and appropriate strategies
18 for managing sanctuary resources of the
19 proposed sanctuary, including interpreta-
20 tion and education, research, monitoring
21 and assessment, resource protection, res-
22 toration, enforcement, and surveillance ac-
23 tivities.

24 “(iv) An evaluation of the advantages
25 of cooperative State and Federal manage-

1 ment if all or part of the proposed sanc-
2 tuary is within the territorial limits of any
3 State or is superjacent to the subsoil and
4 seabed within the seaward boundary of a
5 State, as that boundary is established
6 under the Submerged Lands Act (43
7 U.S.C. 1301 et seq.).

8 “(v) The proposed regulations re-
9 ferred to in paragraph (1)(A).

10 “(D) Maps depicting the boundaries of the
11 proposed sanctuary.

12 “(E) The basis of the findings made under
13 section 303(a)(2) with respect to the area.

14 “(F) An assessment of the considerations
15 under section 303(b)(1).

16 “(G) An estimate of the annual cost to the
17 Federal Government of the proposed designa-
18 tion, including costs of personnel, equipment
19 and facilities, enforcement, research, and public
20 education.”.

21 (2) CONFORMING AMENDMENT.—Section
22 302(1) (16 U.S.C. 1432(1)) is amended by striking
23 “304(a)(1)(C)(v)” and inserting “304(a)(2)(C)”.

1 (c) TERMS OF DESIGNATION.—Section 304(a)(4) (16
2 U.S.C. 1434(a)(4)) is amended in the first sentence by
3 inserting “cultural, archaeological,” after “educational,”.

4 (d) WITHDRAWAL OF DESIGNATION.—Section
5 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting
6 “or System” after “sanctuary” the second place it ap-
7 pears.

8 (e) FEDERAL AGENCY ACTIONS AFFECTING SANC-
9 TUARY RESOURCES.—Section 304(d) (16 U.S.C. 1434(d))
10 is amended by adding at the end the following:

11 “(4) FAILURE TO FOLLOW ALTERNATIVE.—If
12 the head of a Federal agency takes an action other
13 than an alternative recommended by the Secretary
14 and such action results in the destruction or loss of
15 or injury to a sanctuary resource, the head of the
16 agency shall promptly prevent and mitigate further
17 damage and restore or replace the sanctuary re-
18 source in a manner approved by the Secretary.”.

19 (f) LIMITATION ON DESIGNATION OF NEW SANC-
20 TUARIES.—Section 304 (16 U.S.C. 1434) is amended by
21 adding at the end the following:

22 “(f) LIMITATION ON DESIGNATION OF NEW SANC-
23 TUARIES.—

24 “(1) FUNDING REQUIRED.—The Secretary may
25 not prepare any sanctuary designation documents

1 for a proposed designation of a national marine
2 sanctuary, unless the Secretary has published a find-
3 ing that—

4 “(A) the addition of a new sanctuary will
5 not have a negative impact on the System; and

6 “(B) sufficient resources were available in
7 the fiscal year in which the finding is made
8 to—

9 “(i) effectively implement sanctuary
10 management plans for each sanctuary in
11 the System; and

12 “(ii) complete site characterization
13 studies and inventory known sanctuary re-
14 sources, including cultural resources, for
15 each sanctuary in the System within 10
16 years after the date that the finding is
17 made if the resources available for those
18 activities are maintained at the same level
19 for each fiscal year in that 10-year period.

20 “(2) LIMITATION ON APPLICATION.—Paragraph
21 (1) does not apply to any sanctuary designation doc-
22 uments for a Thunder Bay National Marine Sanc-
23 tuary.”.

24 **SEC. 106. PROHIBITED ACTIVITIES.**

25 Section 306 (16 U.S.C. 1436) is amended—

1 (1) in the matter preceding paragraph (1) by
2 inserting “for any person” after “unlawful”;

3 (2) in paragraph (2) by inserting “offer for
4 sale, purchase, import, export,” after “sell,”; and

5 (3) by amending paragraph (3) to read as fol-
6 lows:

7 “(3) interfere with the enforcement of this title
8 by—

9 “(A) refusing to permit any officer author-
10 ized to enforce this title to board a vessel sub-
11 ject to such person’s control for the purposes of
12 conducting any search or inspection in connec-
13 tion with the enforcement of this title;

14 “(B) forcibly assaulting, resisting, oppos-
15 ing, impeding, intimidating, or interfering with
16 any person authorized by the Secretary to im-
17 plement this title or any such authorized officer
18 in the conduct of any search or inspection per-
19 formed under this title; or

20 “(C) knowingly and willfully submitting
21 false information to the Secretary or any officer
22 authorized to enforce this title in connection
23 with any search or inspection conducted under
24 this title; or”.

1 **SEC. 107. ENFORCEMENT.**

2 (a) POWERS OF AUTHORIZED OFFICERS TO AR-
3 REST.—Section 307(b) (16 U.S.C. 1437(b)) is amended
4 by striking “and” after the semicolon at the end of para-
5 graph (4), by striking the period at the end of paragraph
6 (5) and inserting “; and”, and by adding at the end the
7 following:

8 “(6) arrest any person, if there is reasonable
9 cause to believe that such person has committed an
10 act prohibited by section 306(3).”.

11 (b) CRIMINAL OFFENSES.—Section 307 (16 U.S.C.
12 1437) is amended by redesignating subsections (c)
13 through (j) in order as subsections (d) through (k), and
14 by inserting after subsection (b) the following:

15 “(c) CRIMINAL OFFENSES.—

16 “(1) OFFENSES.—A person is guilty of an of-
17 fense under this subsection if the person commits
18 any act prohibited by section 306(3).

19 “(2) PUNISHMENT.—Any person that is guilty
20 of an offense under this subsection—

21 “(A) except as provided in subparagraph
22 (B), shall be fined under title 18, United States
23 Code, imprisoned for not more than 6 months,
24 or both; or

25 “(B) in the case a person who in the com-
26 mission of such an offense uses a dangerous

1 weapon, engages in conduct that causes bodily
2 injury to any person authorized to enforce this
3 title or any person authorized to implement the
4 provisions of this title, or places any such per-
5 son in fear of imminent bodily injury, shall be
6 fined under title 18, United States Code, im-
7 prisoned for not more than 10 years, or both.”.

8 (c) **SUBPOENAS OF ELECTRONIC FILES.**—Subsection
9 (g) of section 307 (16 U.S.C. 1437), as redesignated by
10 this section, is amended by inserting “electronic files,”
11 after “books,”.

12 **SEC. 108. RESEARCH, MONITORING, AND EDUCATION.**

13 Section 309 (16 U.S.C. 1440) is amended to read as
14 follows:

15 **“SEC. 309. RESEARCH, MONITORING, AND EDUCATION.**

16 “(a) **IN GENERAL.**—The Secretary shall conduct,
17 support, and coordinate research, monitoring, and edu-
18 cation programs consistent with subsections (b) and (c)
19 and the purposes and policies of this title.

20 “(b) **RESEARCH AND MONITORING.**—

21 “(1) **IN GENERAL.**—The Secretary may—

22 “(A) support, promote, and coordinate re-
23 search on, and long-term monitoring of, sanc-
24 tuary resources and natural processes that
25 occur in national marine sanctuaries, including

1 exploration, mapping, and environmental and
2 socioeconomic assessment;

3 “(B) develop and test methods to enhance
4 degraded habitats or restore damaged, injured,
5 or lost sanctuary resources; and

6 “(C) support, promote, and coordinate re-
7 search on the cultural, archaeological, and his-
8 torical resources of national marine sanctuaries.

9 “(2) AVAILABILITY OF RESULTS.—The results
10 of research and monitoring conducted or supported
11 by the Secretary under this subsection shall be made
12 available to the public.

13 “(c) EDUCATION.—

14 “(1) IN GENERAL.—The Secretary may sup-
15 port, promote, and coordinate efforts to enhance
16 public awareness, understanding, and appreciation of
17 national marine sanctuaries. Efforts supported, pro-
18 moted, or coordinated under this subsection must
19 emphasize the conservation goals and public uses of
20 national marine sanctuaries.

21 “(2) EDUCATIONAL ACTIVITIES.—Activities
22 under this subsection may include education of the
23 general public, teachers, students, national marine
24 sanctuary users, and ocean and coastal resource
25 managers.

1 “(d) INTERPRETIVE FACILITIES.—

2 “(1) IN GENERAL.—The Secretary may develop
3 interpretive facilities near any national marine sanc-
4 tuary.

5 “(2) FACILITY REQUIREMENT.—Any facility de-
6 veloped under this subsection must emphasize the
7 conservation goals and public uses of national ma-
8 rine sanctuaries by providing the public with infor-
9 mation about the natural, biological, ecological, and
10 social functions and values of the national marine
11 sanctuary, including its public uses.

12 “(e) CONSULTATION AND COORDINATION.—In con-
13 ducting, supporting, and coordinating research, moni-
14 toring, and education programs under subsection (a) and
15 developing interpretive facilities under subsection (d), the
16 Secretary may consult or coordinate with Federal agen-
17 cies, States, local governments, regional agencies, or other
18 persons, including the National Estuarine Reserve Sys-
19 tem.”.

20 **SEC. 109. SPECIAL USE PERMITS.**

21 Section 310 (16 U.S.C. 1441) is amended—

22 (1) in subsection (b)(4), by inserting “, or post
23 an equivalent bond,” after “general liability insur-
24 ance”;

1 (2) by amending subsection (c)(2)(C) to read as
2 follows:

3 “(C) an amount that represents the fair
4 market value of the use of the sanctuary re-
5 sources.”;

6 (3) in subsection (c)(3)(B), by striking “desig-
7 nating and”;

8 (4) in subsection (c) by inserting after para-
9 graph (3) the following:

10 “(4) WAIVER OR REDUCTION OF FEES.—The
11 Secretary may accept in-kind contributions in lieu of
12 a fee under paragraph (2)(C), or waive or reduce
13 any fee assessed under this subsection for any activ-
14 ity that does not derive profit from the use of sanc-
15 tuary resources.”; and

16 (5) by amending subsection (e) to read as fol-
17 lows:

18 “(e) NOTICE.—The Secretary shall provide public no-
19 tice of any determination that a category of activity may
20 require a special use permit under this section.”.

21 **SEC. 110. AGREEMENTS, DONATIONS, AND ACQUISITIONS.**

22 (a) AGREEMENTS AND GRANTS.—Section 311(a) (16
23 U.S.C. 1442(a)) is amended to read as follows:

24 “(a) AGREEMENTS AND GRANTS.—The Secretary
25 may enter into cooperative agreements, contracts, or other

1 agreements with, or make grants to, States, local govern-
2 ments, regional agencies, interstate agencies, or other per-
3 sons to carry out the purposes and policies of this title.”.

4 (b) USE OF RESOURCES FROM OTHER GOVERNMENT
5 AGENCIES.—Section 311 (16 U.S.C. 1442) is amended by
6 adding at the end the following:

7 “(e) USE OF RESOURCES OF OTHER GOVERNMENT
8 AGENCIES.—The Secretary may, whenever appropriate,
9 enter into an agreement with a State or other Federal
10 agency to use the personnel, services or facilities of such
11 agency on a reimbursable or non-reimbursable basis, to
12 assist in carrying out the purposes and policies of this
13 title.

14 “(f) AUTHORITY TO OBTAIN GRANTS.—Notwith-
15 standing any other provision of law that prohibits a Fed-
16 eral agency from receiving assistance, the Secretary may
17 apply for, accept, and use grants from other Federal agen-
18 cies, States, local governments, regional agencies, inter-
19 state agencies, foundations, or other persons, to carry out
20 the purposes and policies of this title.”.

21 **SEC. 111. DESTRUCTION OF, LOSS OF, OR INJURY TO, SANC-**
22 **TUARY RESOURCES.**

23 (a) VENUE FOR CIVIL ACTIONS.—Section 312(c) (16
24 U.S.C. 1443(c)) is amended—

25 (1) by inserting “(1)” before the first sentence;

1 (2) in paragraph (1) (as so designated) in the
2 first sentence by striking “in the United States dis-
3 trict court for the appropriate district”; and

4 (3) by adding at the end the following:

5 “(2) An action under this subsection may be brought
6 in the United States district court for any district in
7 which—

8 “(A) the defendant is located, resides, or is
9 doing business, in the case of an action against a
10 person;

11 “(B) the vessel is located, in the case of an ac-
12 tion against a vessel; or

13 “(C) the destruction of, loss of, or injury to a
14 sanctuary resource occurred.”.

15 (b) USE OF RECOVERED AMOUNTS.—Section 312(d)
16 (16 U.S.C. 1443(d)) is amended by striking paragraphs
17 (1) and (2) and inserting the following:

18 “(1) RESPONSE COSTS.—Amounts recovered by
19 the United States for costs of response actions and
20 damage assessments under this section shall be
21 used, as the Secretary considers appropriate—

22 “(A) to reimburse the Secretary or any
23 other Federal or State agency that conducted
24 those activities; and

1 “(B) after reimbursement of such costs, to
2 restore, replace, or acquire the equivalent of
3 any sanctuary resource.

4 “(2) OTHER AMOUNTS.—All other amounts re-
5 covered shall be used, in order of priority—

6 “(A) to restore, replace, or acquire the
7 equivalent of the sanctuary resources that were
8 the subject of the action, including for costs of
9 monitoring and the costs of curation and con-
10 servation of archaeological, historical, and cul-
11 tural sanctuary resources;

12 “(B) to restore degraded sanctuary re-
13 sources of the national marine sanctuary that
14 was the subject of the action, giving priority to
15 sanctuary resources and habitats that are com-
16 parable to the sanctuary resources that were
17 the subject of the action; and

18 “(C) to restore degraded sanctuary re-
19 sources of other national marine sanctuaries.”.

20 (e) STATUTE OF LIMITATIONS.—Section 312 (16
21 U.S.C. 1443) is amended by adding at the end the fol-
22 lowing:

23 “(e) STATUTE OF LIMITATIONS.—An action for re-
24 sponse costs or damages under subsection (c) shall be
25 barred unless the complaint is filed within 3 years after

1 the date on which the Secretary completes a damage as-
2 sessment and restoration plan for the sanctuary resources
3 to which the action relates.”.

4 **SEC. 112. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 313 (16 U.S.C. 1444) is amended to read as
6 follows:

7 **“SEC. 313. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated to the
9 Secretary—

10 “(1) to carry out this title, \$26,000,000 for
11 each of fiscal years 2000, 2001, 2002, 2003, and
12 2004; and

13 “(2) for construction projects at national ma-
14 rine sanctuaries, \$3,000,000 for each of fiscal years
15 2000, 2001, 2002, 2003, and 2004.”.

16 **SEC. 113. ADVISORY COUNCILS.**

17 Section 315(a) (16 U.S.C. 1445a(a)) is amended by
18 striking “provide assistance to” and inserting “advise”.

19 **SEC. 114. USE OF NATIONAL MARINE SANCTUARY PRO-**
20 **GRAM SYMBOLS.**

21 Section 316 (16 U.S.C. 1445b) is amended—

22 (1) in subsection (a)(4) by striking “use of any
23 symbol published under paragraph (1)” and insert-
24 ing “manufacture, reproduction, or other use of any

1 symbol published under paragraph (1), including the
2 sale of items bearing such a symbol,”;

3 (2) by amending subsection (e)(3) to read as
4 follows:

5 “(3) to manufacture, reproduce, or otherwise
6 use any symbol adopted by the Secretary under sub-
7 section (a)(1), including to sell any item bearing
8 such a symbol, unless authorized by the Secretary
9 under subsection (a)(4) or subsection (f); or”;

10 (3) by adding at the end the following:

11 “(f) COLLABORATIONS.—The Secretary may author-
12 ize the use of a symbol adopted by the Secretary under
13 subsection (a)(1) by any person engaged in a collaborative
14 effort with the Secretary to carry out the purposes and
15 policies of this title and to benefit a national marine sanc-
16 tuary or the System.”.

17 **SEC. 115. CLERICAL AMENDMENTS.**

18 (a) CORRECTION OF REFERENCES TO FORMER COM-
19 MITTEE.—The following provisions are amended by strik-
20 ing “Merchant Marine and Fisheries” and inserting “Re-
21 sources”:

22 (1) Section 303(b)(2)(A) (16 U.S.C. 6
23 1433(b)(2)(A)).

24 (2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

25 (3) Section 314(b)(1) (16 U.S.C. 1445(b)(1)).

1 (b) CORRECTION OF REFERENCE TO RENAMED
2 ACT.—Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is
3 amended by striking “Fishery Conservation and Manage-
4 ment”.

5 (c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C.
6 1443(a)(1)) is amended by striking “UNITED STATES”
7 and inserting “UNITED STATES”.

8 **TITLE II—NATIONAL ESTUARINE** 9 **RESERVES**

10 **SEC. 201. POLICIES.**

11 (a) DECLARATION OF POLICY.—Section 303 of the
12 Coastal Zone Management Act of 1972 (16 U.S.C. 1452)
13 is amended by striking “and” after the semicolon in para-
14 graph (5), by striking the period at the end of paragraph
15 (6) and inserting a semicolon, and by adding at the end
16 the following:

17 “(7) to use Federal, State, and community
18 partnerships developed through the system estab-
19 lished by section 315 to improve the understanding,
20 stewardship, and management of coastal areas; and

21 “(8) to encourage the development, application,
22 and transfer to local, State, and Federal resources
23 managers of innovative coastal and estuarine re-
24 sources management technologies and techniques

1 that promote the long-term conservation of coastal
2 and estuarine resources.”.

3 **SEC. 202. NATIONAL ESTUARINE RESERVE SYSTEM.**

4 Section 315 of such Act (16 U.S.C. 1461(b)) is
5 amended to read as follows:

6 “NATIONAL ESTUARINE RESERVE SYSTEM

7 “SEC. 315. (a) ESTABLISHMENT OF THE SYSTEM.—

8 (1) There is established the National Estuarine Reserve
9 System. The System shall consist of—

10 “(A) each estuarine sanctuary designated under
11 this section as in effect before the date of the enact-
12 ment of the Coastal Zone Management Reauthoriza-
13 tion Act of 1985; and

14 “(B) each estuarine area designated as a na-
15 tional estuarine reserve under subsection (b).

16 “(2) The purpose of the System and of each national
17 estuarine reserve is to improve the understanding, stew-
18 ardship, and management of estuarine and coastal areas
19 through a network of areas protected by Federal, State,
20 and community partnerships that promotes informed man-
21 agement of such areas through integrated programs in re-
22 source stewardship, education and training, and scientific
23 understanding.

24 “(3) Each estuarine sanctuary referred to in para-
25 graph (1)(A) is hereby designated as a national estuarine
26 reserve.

1 “(b) DESIGNATION OF NATIONAL ESTUARINE RE-
2 SERVES.—The Secretary may designate an estuarine area
3 as a national estuarine reserve if—

4 “(1) the Government of the coastal state in
5 which the area is located nominates the area for that
6 designation; and

7 “(2) the Secretary finds that—

8 “(A) the estuarine area is a representative
9 estuarine ecosystem that is suitable for long-
10 term research and contributes to the biogeo-
11 graphical and typological balance of the System;

12 “(B) the law of the coastal state provides
13 long-term protection for reserve resources to en-
14 sure a stable environment for research, edu-
15 cation, and resource stewardship;

16 “(C) designation of the area as a reserve
17 will serve to enhance public awareness and un-
18 derstanding of estuarine areas, and provide
19 suitable opportunities for education, interpreta-
20 tion, training, and demonstration projects to
21 improve coastal management; and

22 “(D) the coastal state in which the area is
23 located has complied with the requirements of
24 any regulations issued by the Secretary to im-
25 plement this section.

1 “(c) ESTUARINE RESEARCH, EDUCATION, AND RE-
2 SOURCE STEWARDSHIP GUIDELINES.—(1) The Secretary
3 shall develop guidelines for the conduct of research, edu-
4 cation, and resource stewardship within the System that
5 shall include—

6 “(A) a mechanism for identifying, and estab-
7 lishing priorities among, the coastal management
8 issues that should be addressed through coordinated
9 research, education, and resource stewardship within
10 the System;

11 “(B) the establishment of common principles
12 and objectives to guide the development of research,
13 education, and resource stewardship programs with-
14 in the Systems;

15 “(C) the identification of uniform research
16 methodologies which will ensure comparability of
17 data, the broadest application of research results,
18 and the maximum use of the System for research
19 purposes;

20 “(D) the establishment of performance stand-
21 ards upon which the effectiveness of the research,
22 education, and resource stewardship efforts and the
23 value of reserves within the System in addressing
24 the coastal management issues identified in subpara-
25 graph (A) may be measured; and

1 “(E) the consideration of sources of funds for
2 estuarine research, education, and resource steward-
3 ship in addition to the funds authorized under this
4 Act, and strategies for encouraging the use of such
5 funds within the System, with particular emphasis
6 on mechanisms established under subsection (d).

7 “(2) In developing the guidelines under this section,
8 the Secretary shall consult with prominent members of the
9 estuarine research, education, and resource stewardship
10 community.

11 “(d) PROMOTION AND COORDINATION OF ESTUA-
12 RINE RESEARCH, EDUCATION, AND RESOURCE STEWARD-
13 SHIP.—(1) The Secretary shall take such actions as are
14 necessary to promote and coordinate the use of the System
15 for research, education, and resource stewardship pur-
16 poses.

17 “(2) Actions under this subsection shall include the
18 following:

19 “(A) Requiring that research, education, and
20 resource stewardship activities administered or sup-
21 ported by the Secretary and relating to estuaries
22 give priority consideration to activities that use the
23 System.

24 “(B) Consulting with other Federal and State
25 agencies to promote use of one or more reserves

1 within the System by such agencies when conducting
2 estuarine research, education, and resource steward-
3 ship activities.

4 “(C) Establishing partnerships with other Fed-
5 eral and State estuarine management programs to
6 coordinate and collaborate on estuarine research,
7 education, and resource stewardship.

8 “(e) FINANCIAL ASSISTANCE.—(1) The Secretary
9 may, in accordance with such rules and regulations as the
10 Secretary shall promulgate, make grants—

11 “(A) to a coastal state—

12 “(i) for purposes of acquiring such lands
13 and waters, and any property interests therein,
14 as are necessary to ensure the appropriate long-
15 term management of an area as a national es-
16 tuarine reserve;

17 “(ii) for purposes of operating or man-
18 aging a national estuarine reserve and con-
19 structing appropriate reserve facilities; or

20 “(iii) for purposes of conducting edu-
21 cational or interpretive activities; and

22 “(B) to any coastal state or public or private
23 person for purposes of supporting research and mon-
24 itoring within a national estuarine reserve that are

1 consistent with the research guidelines developed
2 under subsection (c).

3 “(2) Financial assistance provided under paragraph
4 (1) shall be subject to such terms and conditions as the
5 Secretary considers necessary or appropriate to protect
6 the interests of the United States, including requiring
7 coastal states to execute suitable title documents setting
8 forth the property interest or interests of the United
9 States in any lands and waters acquired in whole or part
10 with such financial assistance.

11 “(3)(A) The amount of the financial assistance pro-
12 vided under paragraph (1)(A)(i) with respect to the acqui-
13 sition of lands and waters, or interests therein, for any
14 one national estuarine reserve may not exceed an amount
15 equal to 50 percent of the costs of the lands, waters, and
16 interests therein or \$5,000,000, whichever amount is less.

17 “(B)(i) Except as provided in clause (ii), the amount
18 of the financial assistance provided under paragraph
19 (1)(A)(ii) and paragraph (1)(B) may not exceed 70 per-
20 cent of the costs incurred to achieve the purposes de-
21 scribed in those paragraphs with respect to a reserve.

22 “(ii) The amount of financial assistance provided for
23 education and interpretive activities under paragraph
24 (1)(A)(iii) or research and monitoring activities under
25 paragraph (1)(B) may be up to 100 percent of any costs

1 for activities that service the System as a whole, including
2 System-wide monitoring equipment acquisition, data man-
3 agement, and data synthesis, and administration and syn-
4 thesis of System-wide research programs.

5 “(C) Notwithstanding subparagraphs (A) and (B), fi-
6 nancial assistance under this subsection provided from
7 amounts recovered as a result of damage to natural re-
8 sources located in the coastal zone may be used to pay
9 100 percent of the costs of activities carried out with the
10 assistance.

11 “(4)(A) The Secretary may—

12 “(i) enter into cooperative agreements or con-
13 tracts, with, or make grants to, any nonprofit orga-
14 nization established to benefit a national estuarine
15 reserve, authorizing the organization to solicit dona-
16 tions to carry out projects, other than general ad-
17 ministration of the reserve or the System, that are
18 consistent with the purpose of the reserve and the
19 System; and

20 “(ii) accept donations of funds and services for
21 use in carrying out projects, other than general ad-
22 ministration of a national estuarine reserve or the
23 System, that are consistent with the purpose of the
24 reserve and the System.

1 “(B) Donations accepted under this paragraph shall
2 be considered as a gift or bequest to or for the use of
3 the United States for carrying out this section.

4 “(f) EVALUATION OF SYSTEM PERFORMANCE.—(1)
5 The Secretary shall periodically evaluate the operation and
6 management of each national estuarine reserve, including
7 coordination with State programs established under sec-
8 tion 306, education and interpretive activities, and the re-
9 search being conducted within the reserve.

10 “(2) If evaluation under paragraph (1) reveals that
11 the operation and management of the reserve is deficient,
12 or that the research, education, or resource stewardship
13 being conducted within the reserve is not consistent with
14 the guidelines developed under subsection (c), the Sec-
15 retary may suspend the eligibility of that reserve for finan-
16 cial assistance under subsection (e) until the deficiency or
17 inconsistency is remedied.

18 “(3) The Secretary may withdraw the designation of
19 an estuarine areas a national estuarine reserve if evalua-
20 tion under paragraph (1) reveals that—

21 “(A) the basis for any one or more of the find-
22 ings made under subsection (b)(2) regarding that
23 area no longer exists; or

24 “(B) a substantial portion of the research, edu-
25 cation, or resource stewardship conducted within the

1 area, over a period of years, has not been consistent
2 with the guidelines developed under subsection (c).

3 “(g) REPORT.—The Secretary shall include in the re-
4 port required under section 316 information regarding—

5 “(1) new designations of national estuarine re-
6 serves;

7 “(2) any expansion of existing national estua-
8 rine reserves;

9 “(3) the status of the research, education, and
10 resource stewardship program being conducted with-
11 in the System; and

12 “(4) a summary of the evaluations made under
13 subsection (f).

14 “(h) DEFINITIONS.—In this section:

15 “(1) The term ‘estuarine area’ means an area
16 that—

17 “(A) is comprised of—

18 “(i) any part or all of an estuary; and

19 “(ii) any part or all of any island,
20 transitional area, and upland in, adjoining,
21 or adjacent to such estuary; and

22 “(B) constitutes, to the extent feasible, a
23 natural unit.

24 “(2) The term ‘System’ means the National Es-
25 tuarine Reserve System established by this section.”.

1 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 318(a) of such Act (16 U.S.C. 1464(a)) is
3 amended by striking “and” after the semicolon at the end
4 of paragraph (1)(C), and by striking paragraph (2) and
5 inserting the following:

6 “(2) for grants under section 315—

7 “(A) \$7,000,000 for fiscal year 2000;

8 “(B) \$8,000,000 for fiscal year 2001;

9 “(C) \$9,000,000 for fiscal year 2002;

10 “(D) \$10,000,000 for fiscal year 2003;

11 and

12 “(E) \$11,000,000 for fiscal year 2004; and

13 “(3) for grants for construction projects at na-
14 tional estuarine reserves designated under section
15 315 and land acquisition directly related to such
16 construction, \$12,000,000 for each of fiscal years
17 2000, 2001, 2002, 2003, and 2004.”.

18 **SEC. 204. CONFORMING AMENDMENT.**

19 Section 304(8) of such Act (16 U.S.C. 1453(8)) is
20 amended to read as follows:

1 “(8) The term ‘national estuarine reserve’ means an
2 area that is designated as a national estuarine reserve
3 under section 315.”.

Passed the House of Representatives September 21,
1999.

Attest:

JEFF TRANDAHL,

Clerk.