

(6) TRANSPORT.—The term “transport” means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

#### SEC. 5. PROHIBITED ACTS.

(a) IN GENERAL.—Except as provided in subsection (b), a person shall not—

(1) import into, or export from, the United States bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera; or

(2) sell or barter, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera.

(b) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT PURPOSES.—A person described in subparagraph (B) or (C) of section 4(3) may import into, or export from, the United States, or transport between States, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, exportation, or transportation—

(1) is solely for wildlife law enforcement purposes; and

(2) is authorized by a valid permit issued under Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249), in any case in which such a permit is required under the Convention.

#### SEC. 6. PENALTIES AND ENFORCEMENT.

(a) CRIMINAL PENALTIES.—A person that knowingly violates section 5 shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) AMOUNT.—A person that knowingly violates section 5 may be assessed a civil penalty by the Secretary of not more than \$25,000 for each violation.

(2) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this subsection shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any bear viscera, or any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section (including any regulation issued under this section) shall be seized and forfeited to the United States.

(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are necessary to carry out this section.

(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

#### SEC. 7. DISCUSSIONS CONCERNING TRADE PRACTICES.

The Secretary and the Secretary of State shall discuss issues involving trade in bear viscera with the appropriate representatives of countries trading with the United States that are determined by the Secretary and the United States Trade Representative to be the leading importers, exporters, or con-

sumers of bear viscera, and attempt to establish coordinated efforts with the countries to protect bears.

#### SEC. 8. REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with appropriate State agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report detailing the progress of efforts to end the illegal trade in bear viscera.

### NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 2000

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 702, S. 1482.

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

The legislative clerk read as follows:

A bill (S. 1482) to amend the National Marine Sanctuaries Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(Omit the parts in boldface brackets and insert the parts printed in italic:)

S. 1482

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Marine Sanctuaries Amendments Act of [1999”] 2000”.

#### SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

#### SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES.

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

(1) by striking “research, educational, or aesthetic” in paragraph (2) and inserting “scientific, educational, cultural, archaeological, or aesthetic”;

(2) by inserting “ecosystem” after “comprehensive” in paragraph (3);

(3) by striking “wise use” in paragraph (5) and inserting “sustainable use”; and

[(4) by striking “and” after the semicolon in paragraph (5);

[(5)] (4) by striking “protection of these” in paragraph (6) and inserting “protecting the biodiversity, habitats, and qualities of such”; and

[(6)] (5) by inserting “and the values and ecological services they provide” in paragraph (6) after “living resources”.

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

(1) by striking “significance;” in paragraph (1) and inserting “significance and to manage these areas as the National Marine Sanctuary System;”;

(2) by striking paragraph (3) and inserting the following:

“(3) to maintain natural biodiversity and biological communities, and to protect, and

where appropriate, [restore.] restore and enhance natural habitats, populations, and ecological processes;”;

(3) by striking “understanding, appreciation, and wise use of the marine environment;” in paragraph (4) and inserting “understanding, and appreciation of the natural, historical, cultural, and archaeological resources of national marine sanctuaries;”;

(4) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), and inserting after paragraph (4) the following:

“(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;”;

(5) by striking “areas;” in paragraph (8), as redesignated, and inserting “areas, including the application of innovative management techniques; and”;

(6) by striking “marine resources; and” in paragraph (9), as redesignated, and inserting “marine and coastal resources.”; and

(7) by striking paragraph (10), as redesignated.

#### SEC. 4. CHANGES IN DEFINITIONS.

Section 302 (16 U.S.C. 1432) is amended—

(1) by striking “304(a)(1)(C)(v)” in paragraph (1) and inserting “304(a)(2)(A)”;

(2) by striking “Magnuson” in paragraph (2) and inserting “Magnuson-Stevens”;

(3) by striking “and” after the semicolon in subparagraph (B) of paragraph (6);

(4) by striking “resources;” in subparagraph (C) of paragraph (6) and inserting “resources; and”;

(5) by inserting after paragraph (6)(C) the following:

“(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources;”;

(6) by striking “injury;” in paragraph (7) and inserting “injury, including enforcement activities related to any incident;”

(7) by striking “educational, or ” in paragraph (8) and inserting “educational, cultural, archaeological;”;

(8) by striking “and” after the semicolon in paragraph (8);

(9) by striking “Magnuson Fishery Conservation and Management Act.” in paragraph (9) and inserting “Magnuson-Stevens Act;”;

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

“(10) ‘system’ means the National Marine Sanctuary System established by section 303; and

“(11) ‘person’ has the meaning given that term by section 1 of title 1, United States Code, but includes a department, agency, and instrumentality of the government of the United States, a State, or a foreign Nation.”.

#### SEC. 5. CHANGES IN SANCTUARY DESIGNATION STANDARDS.

Section 303 (16 U.S.C. 1433) is amended—

(1) by striking the section caption and inserting the following:

“SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.”;

(2) by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.”;

(3) by striking paragraph (3) of subsection (b), and redesignating paragraphs (1) and (2) as paragraphs (2) and (3);

(4) by striking so much of subsection (b) as precedes paragraph (2), as redesignated, and inserting the following:

“(b) SANCTUARY DESIGNATION STANDARDS.—

“(1) IN GENERAL.—Before designating an area of the marine environment as a national marine sanctuary, the Secretary shall find that—

“(A) the area is of special national significance due to its—

- “(i) biodiversity;
- “(ii) ecological importance;
- “(iii) archaeological, cultural, or historical importance; or
- “(iv) human-use values;

“(B) existing State and Federal authorities should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

“(C) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (B); and

“(D) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.”;

(5) by striking “subsection (a)” in paragraph (2), as redesignated, and inserting “paragraph (1)”;

(6) by redesignating subparagraphs (E) through (I) of paragraph (2), as redesignated, as paragraphs (F) through (J), and inserting after paragraph (D) the following:

“(E) the area’s scientific value and value for monitoring as a special area of the marine environment;”;

(7) by redesignating subparagraphs (H), (I), and (J), as redesignated, as subparagraphs (I), (J), and (K) and by inserting after subparagraph (G), as redesignated, the following:

“(H) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses;”;

(8) by striking “vital habitats, and resources which generate tourism;” in subparagraph (L), as redesignated, and inserting “and vital habitats;”;

(9) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), and inserting after subparagraph (I) the following:

“(J) the value of the area as an addition to the System;” and

(10) by striking “Merchant Marine and Fisheries” in subparagraph (A) of paragraph (3), as redesignated, and inserting “Resources”;

(11) by inserting after “Administrator” in subparagraph (B) of paragraph (3), as redesignated the following: “of the Environmental Protection Agency;” and

(12) by adding at the end of subsection (b) the following:

“(4) REQUIRED FINDINGS.—

“(A) NEW DESIGNATIONS.—Before beginning the designation process for any sanctuary that is not a designated sanctuary before January 1, 2000, the Secretary shall make, and submit to the Congress, a finding that each designated sanctuary has—

“(i) an operational level of facilities, equipment, and employees;

“(ii) a list of priorities it considers most urgent and a strategy to address those priorities;

“(iii) a plan and schedule to complete site characterization studies to inventory existing sanctuary resources, including cultural resources; and

“(iv) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities.

“(B) EXCEPTION.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for a Thunder Bay National Marine Sanctuary.”

“(A) NEW DESIGNATIONS.—The Secretary shall not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary unless the Secretary has published in the Federal Register and submitted to Congress a finding that the addition of a new sanctuary will not have a

negative impact on the National Marine Sanctuary System and each designated sanctuary has—

“(i) an operational level of facilities, equipment, and employees;

“(ii) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities;

“(iii) sufficient resources available in the fiscal year in which the finding is made to implement the sanctuary management plan effectively;

“(iv) completed site characterizations studies, inventories of known sanctuary resources, and management plan review; and

“(v) a list of priorities and a strategy to address such priorities.

“(B) FAILURE TO COMPLETE CERTAIN REQUIREMENTS.—If the requirements of subparagraph (A)(iv) have not been completed at the time of designation of a sanctuary, then the Secretary shall submit a plan and schedule for the completion of these activities for the sanctuary, based on the assumption that the amounts appropriated for the sanctuaries will be maintained at the same level for each fiscal year for the next 10 years.

“(C) EXCEPTION.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for the Thunder Bay National Marine Sanctuary.

“(D) DEADLINE.—If a finding under subparagraph (A) has not been published by February 1, 2004, the Secretary shall submit to Congress by September 30, 2004, a finding stating whether the requirements in subparagraph (A) have been met.

“(E) SUNSET.—The requirements of this paragraph shall be in effect until September 30, 2004.”

#### SEC. 6. CHANGES IN PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

(a) CHANGES IN NOTICE REQUIREMENTS.—Section 304(a) (16 U.S.C. 1434(a)) is amended—

(1) by striking paragraph (1)(C) and inserting the following:

“(C) on the same day the notice required by subparagraph (A) is submitted to the Office of the Federal Register, the Secretary shall submit a copy of the notice and the draft sanctuary designation documents prepared under paragraph (2) to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”;

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), and inserting the following after paragraph (1):

“(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare sanctuary designation documents on the proposal that include the following:

“(A) A draft environmental impact statement under paragraph (3).

“(B) A management plan document, which the Secretary shall make available to the public, containing—

“(i) the terms of the proposed designation;

“(ii) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

“(iii) the proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources, including innovative approaches such as marine zoning, interpretation and education, research, monitoring and assessment, resource protection, restoration, and enforcement (including surveillance activities for the area);

“(iv) an evaluation of the advantages of cooperative State and Federal management if all or part of a proposed marine sanctuary is within the territorial limits of a State, or is superjacent to the subsoil and seabed within the seaward boundary of a State (as established under the Submerged Lands Act (43 U.S.C. 1301 et seq.);

“(v) an estimate of the annual cost to the Federal government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education; and

“(vi) the regulations proposed under paragraph (1)(A).

“(C) Maps depicting the boundaries of the proposed sanctuary.

“(D) A statement of the basis for the findings made under section 303(b)(2).

“(E) An assessment of the considerations under section 303(b)(1).

“(F) A resource assessment that includes—

“(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

“(ii) a discussion, prepared after consultation with the Secretary of the Interior, of any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

“(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.”

(b) OTHER NOTICE-RELATED CHANGES.—Section 304(a) (16 U.S.C. 1434(a)) is further amended—

(1) by striking “as provided by” in subparagraph (A) of paragraph (3), as redesignated, and inserting “under”;

(2) by inserting “cultural, archaeological,” after “educational,” in paragraph (4), (5) as redesignated;

(3) by striking “only by the same procedures by which the original designation is made.” in paragraph (4). (5) as redesignated, and inserting “by following the applicable procedures of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and chapter 5 of title 5, United States Code.”;

(4) by inserting “this Act and” after “objectives of” in the second sentence of paragraph (6), as redesignated; and

(5) by striking “Merchant Marine and Fisheries Resources” in paragraph (7), as redesignated, and inserting “Resources”.

(c) OTHER CHANGES.—Section 304 (16 U.S.C. 1434) is amended—

(1) by striking “(a)(6)” in subsection (b)(1) and inserting “(a)(7)”;

[(1)] (2) by inserting “or the national system” in subsection (b)(2) after “sanctuary” each place it appears;

[(2)] (3) by striking “management techniques,” in subsection (e) and inserting “management techniques and strategies;” and

[(3)] (4) by striking “title.” in subsection (e) and inserting “title. This review shall include a prioritization of management objectives.”

#### SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

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

(1) by striking “sell,” in paragraph (2) and inserting “offer for sale, sell, purchase, import, export;” and

(2) by striking paragraph (3) and inserting the following:

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

“(A) refusing to permit any authorized officer to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person’s control for the purpose of conducting a search or inspection in connection with the enforcement of this title;

“(B) assaulting, resisting, opposing, impeding, intimidating, or interfering with any authorized officer in the conduct of any search or inspection under this title;

“(C) submitting false information to the Secretary or any officer authorized by the Secretary in connection with any search or inspection under this title; or

“(D) assaulting, resisting, opposing, impeding, intimidating, harassing, bribing, or interfering with any person authorized by the Secretary to implement the provisions of this title; or”.

#### SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

Section 307 (16 U.S.C. 1437) is amended—

(1) by redesignating paragraphs (1) through (5) of subsection (b) as paragraphs (2) through (6), and inserting before paragraph (2) the following:

“(1) arrest any person, if there is reasonable cause to believe that the person has committed an act prohibited by section 306(3);”;

(2) by redesignating subsections (c) through (j) as subsections (d) through (k), and inserting after subsection (b) the following:

“(c) CRIMINAL OFFENSES.—

“(1) IN GENERAL.—Violation of section 306(3) is punishable by a fine under title 18, United States Code, imprisonment for not more than 6 months, or both.

“(2) AGGRAVATED VIOLATIONS.—If a person in the course of violating section 306(3)—

“(A) uses a dangerous weapon,

“(B) causes bodily injury to any person authorized to enforce this title or to implement its provisions, or

“(C) causes such a person to fear imminent bodily injury,

then the violation is punishable by a fine under title 18, United States Code, imprisonment for not more than 10 years, or both.”;

(3) by redesignating subsections (e) through (k), as redesignated, as subsections (f) through (l), respectively, and by inserting after subsection (d), as redesignated, the following:

“(e) JUDICIAL CIVIL PENALTIES.—The Secretary may bring an action to access and collect any civil penalty for which a person is liable under paragraph (d)(1) in the United States district court for the district in which the person from whom the penalty is sought resides, in which such person’s principal place of business is located, or where the incident giving rise to civil penalties under this section occurred.”;

(4) by inserting “electronic files,” after “books,” in subsection (h), as redesignated; and

(5) by redesignating subsections (i) through (l), as designated, as subsections (j) through (m), and by inserting after subsection (h), as redesignated, the following:

“(i) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this chapter, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.”.

#### SEC. 9. ADDITIONAL REGULATIONS AUTHORITY ADDED.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

##### “SEC. 308. REGULATIONS AND SEVERABILITY.

“(a) REGULATIONS.—The Secretary may issue such regulations as may be necessary to carry out this title.

“(b) SEVERABILITY.—If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this title and of the application of that provision to other persons and circumstances shall not be affected.”.

#### SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

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

##### “SEC. 309. RESEARCH, MONITORING, AND EDUCATION PROGRAMS AND INTERPRETIVE FACILITIES.

“(a) IN GENERAL.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs necessary and reasonable to carry out the purposes and policies of this title.

“(b) RESEARCH AND MONITORING.—The Secretary may support, promote, and coordinate appropriate research on, and long-term monitoring of, the resources and human uses of marine sanctuaries, as is consistent with the purposes and policies of this title. In carrying out this subsection the Secretary may consult with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons, and coordinate with the National Estuarine Research Reserve System.

“(c) EDUCATION AND INTERPRETIVE FACILITIES.—The Secretary may establish facilities or displays—

“(1) to promote national marine sanctuaries and the purposes and policies of this title; and

“(2) either solely or in partnership with other persons, under an agreement under section 311.”.

#### SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

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

(1) by redesignating subsections (b) through [(e)] (f) as subsections (c) through [(f)] (g), and by inserting after subsection (a) the following:

“(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any activity subject to a special use permit under subsection (a).”;

(2) by striking “insurance” in paragraph (4) of subsection (c), as redesignated, and inserting “insurance, or post an equivalent bond.”;

(3) by striking “resource and a reasonable return to the United States Government.” in paragraph (2)(C) of subsection (d), as redesignated, and inserting “resource.”;

(4) by redesignating paragraph (3) of subsection (d), as redesignated, as paragraph (4), and by inserting after paragraph (2) thereof the following:

“(3) WAIVER OR REDUCTION OF FEES.—The Secretary may waive or reduce fees under this subsection, or accept in-kind contributions in lieu of fees under this subsection, for activities that do not derive profit from the access to and use of sanctuary resources or that the Secretary considers to be beneficial to the system.”; and

(5) by striking “designating and” in paragraph (4)(B) of subsection (d), as redesignated.

#### SEC. 12. CHANGES IN COOPERATIVE AGREEMENT PROVISIONS.

Section 311 (16 U.S.C. 1442) is amended—

(1) by adding at the end of subsection (a) the following: “Notwithstanding any other provision of law to the contrary, the Secretary may apply for, accept, and use grants from Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.”; and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), and inserting after subsection (a) the following:

“(b) USE OF STATE AND FEDERAL AGENCY RESOURCES.—The Secretary may, whenever appropriate, use by agreement the personnel, services, or facilities of departments, agencies, and instrumentalities of the govern-

ment of the United States or of any State or political subdivision thereof on a reimbursable or non-reimbursable basis to assist in carrying out the purposes and policies of this title.”.

#### SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) LIABILITY.—Section 312 (16 U.S.C. 1443(a)) is amended—

(1) by striking “used to destroy, cause the loss of, or injure” in subsection (a)(2) and inserting “that destroys, causes the loss of, or injures”;

(2) by inserting “or vessel” after “person” in subsection (a)(4);

(3) by inserting “(as defined in section 302(11))” after “damages” in subsection (b)(2);

(4) by striking “vessel who” in subsection (c) and inserting “vessel that”;

(5) by striking “person may” in subsection (c) and inserting “person or vessel may”;

(6) by inserting “by the Secretary” after “used” in subsection (d); and

(7) by adding at the end of subsection (d) the following:

“(4) STATUTE OF LIMITATIONS.—An action for response costs and damages under subsection (c) may not be brought more than 2 years after the date of completion of the relevant damage assessment and restoration plan prepared by the Secretary.”.

#### SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) \$30,000,000 for fiscal year 2000;

“(2) \$32,000,000 for fiscal year 2001;

“(3) \$34,000,000 for fiscal year 2002;

“(4) \$36,000,000 for fiscal year 2003; [and]

“(5) \$38,000,000 for fiscal year [2004.”.] 2004;

and

“(6) \$40,000,000 for fiscal year 2005.”.

#### SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

#### SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. [1446] 1445a) is amended by striking “provide assistance” in subsection (a) and inserting “advise and make recommendations”.

#### SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. [1447] 1445b) is amended—

(1) by striking “use” in subsection (a)(4) and inserting “manufacture, reproduction, or other use”;

(2) by striking “sanctuaries;” in subsection (a)(4) and inserting “sanctuaries or by persons that enter [cooperative agreements] collaborative efforts with the Secretary under subsection (f);”;

(3) by striking “symbols” in subsection (a)(6) and inserting “symbols, including sale of items bearing the symbols;”;

(4) by redesignating subsections (c), (d), and (e) as (d), (e), and (f), respectively, and by inserting after subsection (b) the following:

“(c) COLLABORATIONS.—The Secretary may authorize the use of the symbol described in subsection (a) by any person with which the Secretary is engaged in a collaborative effort to carry out the purposes and policies of this title.”;

[(4) striking] (5) by striking “Secretary; and” in paragraph (3) of subsection (f), as redesignated, and inserting “Secretary, or without prior authorization under subsection (a)(4); or”;

[(5)] (6) by adding at the end thereof the following:

[(f)] (g) AUTHORIZATION FOR NON-PROFIT ORGANIZATION TO SOLICIT SPONSORS.—

“(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit organization to solicit persons to be official sponsors of the national marine sanctuary program or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.”

“(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.”

Mr. COCHRAN. I ask consent the committee amendments be agreed to.

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

The committee amendments were agreed to.

AMENDMENT NO. 4322

Mr. COCHRAN. Senators SNOWE and KERRY have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Ms. SNOWE, for herself and Mr. KERRY, proposes an amendment numbered 4322.

Mr. COCHRAN. I ask unanimous consent the amendment be agreed to.

The amendment (No. 4322) was agreed to, as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

• Mr. MCCAIN. Mr. President, I rise in support of S. 1482, the National Marine Sanctuaries Amendments Act of 2000. The National Marine Sanctuary System recognizes the ecological and cultural importance of our nation's marine resources. By setting aside these areas for protection above and beyond what is already encompassed in other state and federal programs, we are ensuring that the public will benefit from them well into the future.

The existing 13 sanctuaries provide more than just protection for the marine resources they encompass. They also provide recreational and educational opportunities that might not otherwise exist. For example, in the USS Monitor Sanctuary, a sunken Civil War vessel lies off the coast of North Carolina and preserves a piece of our collective history. And, in the 5,300 square miles of the Monterey Bay Sanctuary, the program protects important kelp forests and one of the deepest underwater canyons on the west coast. This emphasis on complementary uses and management is the strength of the sanctuary program.

There is much we can do to build upon the successes the sanctuaries

have already achieved. By prioritizing our actions over the next few years on making the existing sanctuaries fully operational with education and research programs, a full complement of staff, active public outreach programs, and enforcement we will strengthen the system and help it to reach its full potential. At the same time, we are increasing the funding to the system to ensure that these goals can be reached. Authorization levels begin at \$32 million for fiscal year 2001 with levels increasing by \$2 million a year until fiscal year 2005. Additionally, \$6 million per year is authorized for construction projects at the sanctuaries.

This bill also includes a new initiative to help secure the future of marine resource conservation through the creation of the Dr. Nancy Foster Scholarship Program. These graduate scholarships will be funded by setting aside 1 percent of the National Marine Sanctuary Program's annual appropriated funds in memory of Dr. Nancy Foster, a 23-year NOAA employee who was serving as the Assistant Administrator for Ocean Services and Coastal Zone Management at the time of her death in June.

I would like to thank Senator SNOWE, the sponsor of the legislation, and Senators KERRY, INOUE, and HOLLINGS for their bipartisan support of and hard work on this bill. I would also like to express my gratitude and that of the Commerce Committee to the staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Brooke Sikora, Rick Kenin and Margaret Spring. In particular I would like to thank Emily Lindow, a Sea Grant fellow, whose background and experience in coastal management issues helped produce a strong and balanced marine sanctuaries bill.

Mr. President, again I urge the Senate to pass S. 1482, the National Marine Sanctuaries Amendments Act of 2000.

Mr. HOLLINGS. Mr. President, I rise to make a few remarks on S. 1482, the National Marine Sanctuaries Amendments Act of 2000, legislation to reauthorize the National Marine Sanctuaries Act.

To begin, I want to thank Senator SNOWE, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, for putting this legislation on the committee agenda this Congress and working diligently for its passage. In addition, passage of this bill would not have been possible without the tireless efforts of the ranking member of the subcommittee, Mr. KERRY. I would also like to thank them for their support and inclusion of the Dr. Nancy Foster Scholarship Program in this bill. We were all deeply saddened by Dr. Foster's passing this year, at the height of her career as the head of the National Ocean Service. I know I speak for all of my colleagues when I say we are only too pleased to have this opportunity to recognize Dr. Foster's efforts to protect, understand, and make the public care about our marine

environment. Dr. Foster was particularly proud of NOAA's Sanctuaries Program and I know she would have appreciated creating this opportunity to encourage more women and minorities to become involved in the study of the marine environment and conservation of our underwater treasures.

When Congress enacted the National Marine Sanctuaries Act in 1972 we recognized that while the Nation had already provided our "special areas" on land with protections, we had no mechanism to protect those areas of the marine environment with unique qualities that are of special national, and even international, significance. Congress acted on the need for certain marine areas to be protected from human threats and recognized that management of undersea areas posed different challenges than land-based preserves, requiring different expertise and approaches. In fact, at the time, the unique character of the marine environment was the predominant reason for bringing together the Stratton Commission and the subsequent creation of the National Oceanic and Atmospheric Administration (NOAA) at the Commission's recommendation. Before the creation of NOAA in 1970, the late Senator from Washington state, Warren Magnuson, noted that twenty-eight different departments and agencies dealt with the field of oceanography. Senator Magnuson concluded, in part because of the lack of coordination that we "know more about the back side of the Moon than we know of three-quarters of the Earth's surface." The creation of NOAA was the way to go about changing this fact. Since then, Congress has consistently endorsed the creation of NOAA 30 years ago as the premier federal agency to manage, study, and protect the marine environment in a coordinated and comprehensive manner.

In much the same way, Congress created the sanctuaries system to "provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment." It was the clear intent of Congress that a tool was needed to create and protect marine sanctuaries. If the Congress believed that existing laws could have done the job, we would not have created the Sanctuary program. In fact, in 1971 we recognized there was a need to create a marine sanctuaries program because "a mechanism for protecting certain important areas of the coastal zone from intrusive activities by man . . . is not met by any legislation now on the books."

Furthermore, the Senate Commerce Committee found that "the establishment of marine sanctuaries is appropriate where it is desirable to set aside areas of the seabed and the waters above for scientific study, to preserve, unique, rare, or characteristic features of the oceans, coastal, and other waters, and their total ecosystems." As I have said before, it is as clear now as it was then that NOAA is the appropriate

agency to study and preserve marine ecosystems; the line offices of NOAA have expertise in all of the major areas that impact marine sanctuaries and the ecosystems on which they depend.

Today, nothing has occurred that would change the intent of Congress when they created the sanctuaries program in 1972—certain areas of the marine environment need special protection and recognition. While that protection has not been as comprehensive as many would like, I know that the program is growing in both energy and focus thanks to a concerted effort from all those who care about our coastal environment. This year marks a great turning point for the program, as a result of the improvements in this legislation, the current five-year review process, the increased financial commitment by both the Congress and the administration, and the flood of public support for ocean conservation. In fact, the exploration and publicity generated by NOAA's Sustainable Seas program, in conjunction with the National Geographic Society, will help bring a fuller understanding and focus to each of our sanctuaries.

Now, one of the hallmarks of the Sanctuaries Act is the process that Congress established to ensure significant "up-front" involvement of all constituent groups affected by the designation of a sanctuary. Although to some this may seem unduly cumbersome, I believe that the history has shown that this inclusive, open-door process has worked and that the "behind-closed doors, top-down" approach creates nothing but havoc and leads to ineffective solutions that lack public support. However, I am heartened by the fact that President Clinton appears to agree with the process Congress created with the sanctuaries program. In Executive Order 13158 on Marine Protected Areas, signed on May 26, 2000, President Clinton states, "In carrying out the requirements of . . . of this order, [agencies] shall consult with those States that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities, as appropriate, to promote coordination of Federal, State, territorial, and tribal actions to establish and manage MPAs."

I would urge the administration to continue meeting the commitment to involve the public, the states, and tribes as much as possible up front, particularly with respect to efforts currently underway within the administration to identify and protect the corals and other living marine resources of the Northwestern Hawaiian Islands. Use the authorities and direction contained in the Sanctuaries Act; it is flexible, works well with our nearshore analogs, the National Estuarine Research Reserves, and other coastal reserves and parks, and has the added

benefit of a well-known process that has worked to ensure lasting public support for protecting the marine environment. In this regard, I commend the cooperative efforts of NOAA, and other federal and state agencies, and all the constituent groups in putting together the Tortugas Ecological Reserve under able leadership of the Florida Keys National Marine Sanctuary.

NOAA was established 30 years ago to research, protect, and manage our nations oceans and atmosphere. That statement may seem fairly obvious, but there are some who may have lost sight of where we've come from and where we are going. So I thought I would re-state congressional intent for the record: Congress clearly intended that NOAA be the lead agency in development of a comprehensive and coordinated ocean and coastal management system, including marine protected areas, under the National Marine Sanctuaries Act and many of the other statutes it implements such as the Coastal Zone Management Act and the Magnuson-Stevens Fishery Conservation and Management Act.

In closing, I would like again state my support for the National Marine Sanctuaries Amendments Act and to urge its adoption by the Senate. This bill takes an important step to further the wise stewardship of our marine resources and the protection of areas of significant ecological, aesthetic, historical and recreational value. It will improve our 13 existing sanctuaries, provide a rational framework for the designation of any future marine sanctuaries, and offers a sound mechanism for a coordinating a national system of marine protected areas.

• Ms. SNOWE. Mr. President, I rise in support of S. 1482, the National Marine Sanctuaries Amendments Act of 2000. This bill represents a major breakthrough for the protection of our coastal and marine resources by reauthorizing the marine sanctuary program. It is highly appropriate that we are considering this bill because just last week, on October 7, 2000, we designated our 13th national marine sanctuary in Thunder Bay. This is the first sanctuary in the system to be designated in the Great Lakes and serves as a perfect example of the type of federal and state partnerships that have contributed to the success of our other sanctuaries.

One hundred years after the first national park was created, the United States made a similar commitment to preserving its valuable marine resources by establishing the National Marine Sanctuary Program in 1972. Since then, 13 areas covering a wide range of marine habitats have been designated as national marine sanctuaries in the Atlantic, Pacific, Great Lakes and Gulf of Mexico. Today, the sanctuaries program protects over 18,000 square miles of our seas. Not only do the sanctuaries help protect unique ecosystems, but they also serve as models for multiple use management in the marine environment. Addi-

tionally, the sanctuaries can also function as platforms for better ocean stewardship, allowing opportunities for research, education, and outreach activities.

One of the most serious impediments to achieving the original goals of the program is the lack of funding. This bill authorizes funds at a level that we hope will allow full implementation of the sanctuary program. The bill authorizes \$32 million in fiscal year 2001, with levels increasing by \$2 million a year until fiscal year 2005. It also authorizes \$6 million a year in fiscal years 2001 through 2005 for construction projects at the sanctuaries.

Additionally, we have set the priority for the next few years on making the existing sanctuaries fully operational before expanding the sanctuary system. These marine sanctuaries have tremendous potential for protecting our marine resources and increasing the public's awareness of the marine environment. However, lack of funding has prevented the sanctuary program from reaching its full potential. By increasing authorization levels and focusing our attention on the existing sanctuaries we can drastically increase the public benefits from these sanctuaries.

There are two exceptions to this limitation. The first is to allow for the completion of the Thunder Bay National Marine Sanctuary designation. The second is to allow for the development of a sanctuary in the Northwestern Hawaiian Islands. These unpopulated islands provide a refuge for marine resources without the typical coastal development pressures. They are also home to the majority of the United States' coral reefs. The people of Hawaii have strong ties to these islands and, in recent years, have been working on a variety of conservation strategies to better manage these valuable resources. One of the options being discussed is a national marine sanctuary. Members of the Subcommittee on Oceans and Fisheries want to ensure that this remains an option. The full complement of marine conservation and management programs administered by the Department of Commerce will provide for meaningful and lasting protections of these resources.

This bill also creates the Dr. Nancy Foster Scholarship Program to recognize outstanding scholarship, particularly by women and minorities, in the fields of oceanography, marine biology, or maritime archeology. The scholarships will be used to support the graduate studies and research of its recipients. It is being established in honor of Dr. Nancy Foster, a 23-year NOAA employee who was serving as the Assistant Administrator for Ocean Services and Coastal Zone Management at the time of her death in June. The scholarship will be funded by setting aside 1 percent of the National Marine Sanctuary Program's annual appropriated funds. I can think of no better tribute

to Dr. Foster's long commitment to marine resource conservation and management then helping the next generation of scientists and managers launch their careers.

I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to thank Senator INOUE for his support, particularly for his contributions to the Northwestern Hawaiian Islands Coral Reef Reserve provision. In addition, I would like to thank Senator MCCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. We have before us an opportunity to significantly improve our nation's ability to conserve and manage our marine resources and I urge the Senate to pass S. 1482, as amended.●

#### MARINE SANCTUARY PROGRAM

● Mr. INOUE. Mr. President, I take this opportunity to thank Senators SNOWE, KERRY and HOLLINGS for their dedicated efforts in support of this important measure and engage in a discussion of certain provisions of S. 1482, the National Marine Sanctuaries Amendments Act of 2000.

Since its creation in 1972, the National Marine Sanctuary Program has successfully protected our nation's unique marine resources through a deliberative process that has allowed affected citizens to help shape the future of the protected resources. The Hawaiian Islands Humpback Whale National Marine Sanctuary is an excellent example of how divergent interests came together to develop a plan for the protection of the unique marine resources of this area.

We now have a new opportunity to enhance the protection of another unique Hawaiian resource—the coral reef ecosystem surrounding the Northwestern Hawaiian Island (NWHI). In May of this year, President Clinton expressed his desire to provide strong and lasting protection for the coral reef ecosystem of the NWHI, and directed the Secretaries of the Interior and Commerce, in cooperation with the State of Hawaii and in consultation with the Western Pacific Regional Fishery Management Council (WESPAC), to develop recommendations for “a new, coordinated management regime to increase protection for the coral reef ecosystem” of the NWHI.

I agree with the President that there should be strong and lasting protection for the coral reef ecosystem of the NWHI. I also believe that it is critical to ensure meaningful public input on the nature of actions to be taken and to foster public support for these lasting protections.

Prior to the President's announcement, the Commerce Department already had a solid head start in efforts to identify and evaluate actions to protect the resources of the NWHI in developing the first ever ecosystem level

fishery management plan. This Coral Reef Ecosystem Fisheries Management Plan, which identifies a series of actions such as “no-take” closures for coral and monk seal protection, was subject to extensive public comment and is now undergoing departmental internal review.

To complement this ongoing effort, the sanctuary program is well equipped to achieve the President's goals while ensuring meaningful public participation. Accordingly, S. 1482 would trigger an immediate process for designating a sanctuary in the NWHI. In the interim, to accommodate President Clinton's desire to implement protections without delay, S. 1482 would authorize the President, after consulting with the Governor of the State of Hawaii, to designate any coral reef ecosystem area in the NWHI as a coral reef reserve, and establish a Coral Reef Reserve Advisory Council to work with the Secretary of Commerce in developing a long-range and lasting plan to protect the living marine resources of the NWHI. The Coral Reef Reserve area would ultimately become part of any sanctuary established in the NWHI.

The Dry Tortugas Ecological Reserve and Natural Resource area off the Florida Keys is in many ways similar to what is being proposed for the Northwestern Hawaiian Islands. However, the Dry Tortugas process benefited from an extensive public process which ensured community concerns were heard and addressed. As a result of this process, there is now widespread support for this ecological reserve.

I am concerned about the administration's interest in immediately establishing, without any public input, areas around the NWHI within which all activities are permanently prohibited except for Native Hawaiian access and subsistence. This could mean that all other activities, including commercial and recreational access and possibly certain defense activities, would be prohibited within these areas forever. Whatever protections the administration feels are necessary should be subject to review during the course of the sanctuary designation process. Even the Administration's U.S. Coral Reef Task Force contemplated a deliberative process when it recommended the goal of achieving at least 20 percent protection by the year 2010.

Mr. HOLLINGS. I agree with my colleague from the great State of Hawaii. The National Sanctuary Program is an ideal tool for coordinated and comprehensive management of the coral reef ecosystem of the NWHI. I further agree that any closure areas imposed by the President prior to the completion of the sanctuary designation process should be subject to public comment and review before it becomes permanently carved in stone. Does the Senator envision that the Reserve area would be subject to the same 5-year program review that the Sanctuary process provides? In addition to Congressional oversight, such periodic and

rigorous review will help ensure the Sanctuary and Reserve are meeting the expectations set by the people of Hawaii, the Sanctuary Advisory Council, the Secretary of Commerce, and the President.

Mr. INOUE. Yes, in addition to the evaluation process provided for in the designation, the legislation ensures that such a 5-year review would take place. While we know enough about the area to understand the need to protect it, we will know far more about it in 5 years. In conjunction with the development of a Sanctuary the National Oceanic and Atmospheric Administration is already mapping and assessing the coral ecosystem of this area, and evaluating the status of its living marine resources. It will be important to use this information to evaluate whether the management of the area under the National Marine Sanctuaries Act, in conjunction with other marine conservation laws, is adequate.

Ms. SNOWE. I fully concur with my colleagues that robust public participation, oversight and review is necessary to ensure long-term meaningful protection of our living marine resources whether in Hawaii or in my home state of Maine. While I agree that it is appropriate to take action to protect our precious coral resources, I, to, am greatly concerned about the administration's plans to impose immediate and permanent prohibitions in marine areas without providing a meaningful opportunity for public comment on the proposal. Both the National Marine Sanctuaries Act and the Magnuson-Stevens Fishery Conservation and Management Act provide models for such a process. As my esteemed colleague from Hawaii pointed out, WESPAC has gone through an elaborate public process in developing the Coral Reef Ecosystem Fishery Management Plan which identified several potential closed areas. Does the Senator believe the development of this plan provided sufficient public review to support immediate closures under the Magnuson-Stevens Act or other marine conservation status implemented by the Secretary?

Mr. INOUE. Yes I do, and I would support such closures, as well as taking aggressive action to address the terrible problem of marine debris in the NWHI, which is harming both the corals and our endangered monk seals. Furthermore, I believe it may be appropriate to identify further precautionary actions that our scientists tell us may be necessary to prevent future harm to these resources. However, no action should be taken on these proposals until they can be evaluated publicly by the people of Hawaii.

Mr. HOLLINGS. I believe that is a sound plan and I look forward to working with you as we ensure that the NWHI and other important marine areas are accorded strong and lasting protections developed through the consensus process. Thank you.

Mr. INOUE. I thank Senators SNOWE and HOLLINGS.●

Mr. COCHRAN. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1482), as amended, was engrossed for a third reading, read the third time, and passed, as follows:

S. 1482

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

**SECTION. 1. SHORT TITLE.**

This Act may be cited as the "National Marine Sanctuaries Amendments Act of 2000".

**SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

**SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.**

(a) CLERICAL AMENDMENT.—The heading for section 301 (16 U.S.C. 1431) is amended to read as follows:

**"SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM."**

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

(1) in paragraph (2) by striking "research, educational, or esthetic" and inserting "scientific, educational, cultural, archeological, or esthetic";

(2) in paragraph (3) by adding "and" after the semicolon; and

(3) by striking paragraphs (4), (5), and (6) and inserting the following:

"(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will—

"(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

"(B) enhance public awareness, understanding, and appreciation of the marine environment; and

"(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas."

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

(1) by striking "significance;" in paragraph (1) and inserting "significance and to manage these areas as the National Marine Sanctuary System;";

(2) by striking paragraphs (3), (4), and (9);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(4) by inserting after paragraph (2) the following:

"(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

"(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeo-

logical resources of the National Marine Sanctuary System;

"(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;";

(5) in paragraph (8), as redesignated, by striking "areas;" and inserting "areas, including the application of innovative management techniques; and"; and

(6) in paragraph (9), as redesignated, by striking ";" and inserting a period.

(d) ESTABLISHMENT OF SYSTEM.—Section 301 is amended by adding at the end the following:

"(c) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title."

**SEC. 4. CHANGES IN DEFINITIONS.**

(a) DAMAGES.—Paragraph (6) of section 302 (16 U.S.C. 1432) is amended—

(1) by striking "and" after the semicolon at the end of subparagraph (B); and

(2) by adding after subparagraph (C) the following:

"(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources; and

"(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;";

(b) RESPONSE COSTS.—Paragraph (7) of such section is amended by inserting "including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312" after "injury" the second place it appears.

(c) SANCTUARY RESOURCE.—Paragraph (8) of such section is amended by striking "research, educational," and inserting "educational, cultural, archeological, scientific,".

(d) SYSTEM.—Such section is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting ";" and"; and

(3) by adding at the end the following:

"(10) 'System' means the National Marine Sanctuary System established by section 301."

**SEC. 5. CHANGES RELATING TO SANCTUARY DESIGNATION STANDARDS.**

(a) STANDARDS.—Section 303(a)(1) (16 U.S.C. 1433(a)(1)) is amended to read as follows:

"(1) determines that—

"(A) the designation will fulfill the purposes and policies of this title;

"(B) the area is of special national significance due to—

"(i) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;

"(ii) the communities of living marine resources it harbors; or

"(iii) its resource or human-use values;

"(C) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(D) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (C); and

"(E) the area is of a size and nature that will permit comprehensive and coordinated conservation and management; and"

(b) FACTORS; REPEAL OF REPORT REQUIREMENT.—Section 303(b) (16 U.S.C. 1433(b)) is amended—

(1) in paragraph (1) by striking "and" at the end of subparagraph (H), by striking the

period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

"(J) the area's scientific value and value for monitoring the resources and natural processes that occur there;

"(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

"(L) the value of the area as an addition to the System."; and

(2) by striking paragraph (3).

**SEC. 6. CHANGES IN PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.**

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

"(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located."

(b) SANCTUARY DESIGNATION.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

"(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) A resource assessment that documents—

"(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

"(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

"(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

"(C) A draft management plan for the proposed national marine sanctuary that includes the following:

"(i) The terms of the proposed designation.

"(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

"(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

"(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is

within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

“(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

“(vi) The proposed regulations referred to in paragraph (1)(A).

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

“(E) The basis for the findings made under section 303(a) with respect to the area.

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

(c) **WITHDRAWAL OF DESIGNATION.**—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting “or System” after “sanctuary” the second place it appears.

(d) **FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.**—Section 304(d) (16 U.S.C.1434(d)) is amended by adding at the end the following:

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

(e) **EVALUATION OF PROGRESS IN IMPLEMENTING MANAGEMENT STRATEGIES.**—Section 304(e) (16 U.S.C. 1434(e)) is amended—

(1) by striking “management techniques,” and inserting “management techniques and strategies.”; and

(2) by adding at the end the following: “This review shall include a prioritization of management objectives.”

(f) **LIMITATION ON DESIGNATION OF NEW SANCTUARIES.**—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

“(f) **LIMITATION ON DESIGNATION OF NEW SANCTUARIES.**—

“(1) **FINDING REQUIRED.**—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

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

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

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

“(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

“(2) **DEADLINE.**—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of paragraph (2) have been met by all existing sanctuaries.

“(3) **LIMITATION ON APPLICATION.**—Paragraph (1) does not apply to any sanctuary designation documents for—

“(A) a Thunder Bay National Marine Sanctuary; or

“(B) a Northwestern Hawaiian Islands National Marine Sanctuary.”

(g) **NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.**—

(1) **PRESIDENTIAL DESIGNATION.**—The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) **SECRETARIAL ACTION.**—Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) **PUBLIC COMMENT.**—Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) **COORDINATION.**—The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) **REVIEW.**—If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(6) **REPORT.**—No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding \$4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (6) to be reflected in the Budget of the United States Government.

#### SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

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

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

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

(3) by amending paragraph (3) to read as follows:

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

“(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person’s control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

“(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

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

#### SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

(a) **POWERS OF AUTHORIZED OFFICERS TO ARREST.**—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking “and” after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by adding at the end the following:

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

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

“(c) **CRIMINAL OFFENSES.**—

“(1) **OFFENSES.**—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

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

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

“(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”

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

(d) **NATIONWIDE SERVICE OF PROCESS.**—Section 307 (16 U.S.C. 1437) is amended by adding at the end the following:

“(1) **NATIONWIDE SERVICE OF PROCESS.**—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.”

#### SEC. 9. ADDITIONAL REGULATIONS AUTHORITY.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

##### “SEC. 308. REGULATIONS.

“The Secretary may issue such regulations as may be necessary to carry out this title.”

#### SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

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

##### “SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

“(a) **IN GENERAL.**—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

“(b) **RESEARCH AND MONITORING.**—

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

“(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

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

“(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

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

“(c) EDUCATION.—

“(1) IN GENERAL.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

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

“(d) INTERPRETIVE FACILITIES.—

“(1) IN GENERAL.—The Secretary may develop interpretive facilities near any national marine sanctuary.

“(2) FACILITY REQUIREMENT.—Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

“(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.”

#### SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

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

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), and by inserting after subsection (a) the following:

“(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).”;

(2) by striking “insurance” in paragraph (4) of subsection (c), as redesignated, and inserting “insurance, or post an equivalent bond.”;

(3) by striking “resource and a reasonable return to the United States Government.” in paragraph (2)(C) of subsection (d), as redesignated, and inserting “resource.”;

(4) in subsection (d)(3)(B), as redesignated, by striking “designating and”;

(5) in subsection (d), as redesignated, by inserting after paragraph (3) the following:

“(4) WAIVER OR REDUCTION OF FEES.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.”

#### SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

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

“(a) AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agree-

ments, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.”

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

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

“(f) AUTHORITY TO OBTAIN GRANTS.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.”

#### SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

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

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

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

(3) by adding at the end the following:

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

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

“(B) the vessel is located, in the case of an action against a vessel; or

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

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

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

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

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

“(2) OTHER AMOUNTS.—All other amounts recovered shall be used, in order of priority—

“(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

“(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

“(C) to restore degraded sanctuary resources of other national marine sanctuaries.”

(c) STATUTE OF LIMITATIONS.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

“(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage

assessment and restoration plan for the sanctuary resources to which the action relates.”

#### SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

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

#### “SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary—

“(1) to carry out this title—

“(A) \$32,000,000 for fiscal year 2001;

“(B) \$34,000,000 for fiscal year 2002;

“(C) \$36,000,000 for fiscal year 2003;

“(D) \$38,000,000 for fiscal year 2004;

“(E) \$40,000,000 for fiscal year 2005; and

“(2) for construction projects at national marine sanctuaries, \$6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.”

#### SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

#### SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1445a) is amended by striking “provide assistance” in subsection (a) and inserting “advise and make recommendations”.

#### SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

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

(1) in subsection (a)(1), by inserting “or the System” after “sanctuaries”;

(2) in subsection (a)(4) by striking “use of any symbol published under paragraph (1)” and inserting “manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol.”;

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

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

(4) by adding at the end the following:

“(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

“(g) AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.—

“(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

“(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

“(3) PARTNER ORGANIZATION DEFINED.—In this subsection, the term ‘partner organization’ means an organization that—

“(A) draws its membership from individuals, private organizations, corporation, academic institutions, or State and local governments; and

“(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.”.

**SEC. 18. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.**

The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) is amended by inserting after section 317 the following:

**“SEC. 318. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.**

“(a) ESTABLISHMENT.—The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

“(b) PURPOSES.—The purposes of the Dr. Nancy Foster Scholarship Program are—

“(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups; and

“(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

“(c) AWARD.—Each Dr. Nancy Foster Scholarship—

“(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

“(2) shall be awarded in accordance with guidelines issued by the Secretary.

“(d) DISTRIBUTION OF FUNDS.—The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

“(e) FUNDING.—Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

“(f) SCHOLARSHIP REPAYMENT REQUIREMENT.—The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

“(g) MARITIME ARCHEOLOGY DEFINED.—In this section the term ‘maritime archeology’ includes the curation, preservation, and display of maritime artifacts.”.

**SEC. 19. CLERICAL AMENDMENTS.**

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking “Merchant Marine and Fisheries” and inserting “Resources”:

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

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

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—(1) Section 302(2) is amended to read as follows:

“(2) ‘Magnuson-Stevens Act’ means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).”.

(2) Section 302(9) is amended by striking “Magnuson Fishery Conservation and Management Act” and inserting “Magnuson-Stevens Act”.

(3) Section 303(b)(2)(D) is amended by striking “Magnuson Act” and inserting “Magnuson-Stevens Act”.

(4) Section 304(a)(5) is amended by striking “Magnuson Act” and inserting “Magnuson-Stevens Act”.

(5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking “Magnuson Fishery Conservation and Management Act” and inserting “Magnuson-Stevens Act”.

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

**CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH ACT**

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 797, S. 1066.

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

The legislative clerk read as follows:

A bill (S. 1066) to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment; as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Carbon Cycle and Agricultural Best Practices Research Act”.*

**SEC. 2. FINDINGS.**

*Congress finds that—*

(1) *agricultural producers in the United States—*

(A) *have, in good faith, participated in mandatory and voluntary conservation programs, the successes of which are unseen by the general public, to preserve natural resources; and*

(B) *have a personal stake in ensuring that the air, water, and soil of the United States are productive since agricultural productivity directly affects—*

(i) *the economic success of agricultural producers; and*

(ii) *the production of food and fiber for developing and developed nations;*

(2) *in addition to providing food and fiber, agriculture serves an environmental role by providing benefits to air, soil, and water through agricultural best practices;*

(3) *agricultural best practices include the more efficient use of agriculture inputs and equipment;*

(4)(A) *agricultural best practices accentuate the carbon cycle by increasing the conversion of carbon dioxide from the air into plants that produce grain and forage;*

(B) *at the end of the growing season, plant material decomposes, adding carbon to soil;*

(C) *carbon can persist in soil for hundreds and even thousands of years; and*

(D) *through conservation practices, the additional carbon in soil results in multiple environmental benefits, erosion reduction, moisture retention, water quality improvements, and increased crop yields;*

(5) *according to the Climate Monitoring and Diagnostics Laboratory of the National Oceanic and Atmospheric Administration, North American soils, crops, rangelands, and forests absorbed an equivalent quantity of carbon dioxide emitted from fossil fuel combustion as part of the natural carbon cycle from 1988 through 1992;*

(6) *the estimated quantity of carbon stored in world soils is more than twice the carbon in living vegetation or in the atmosphere;*

(7) *agricultural best practices can increase the quantity of carbon stored in farm soils, crops, and rangeland;*

(8) *by increasing use of voluntary agricultural best practices, it is possible to offset carbon dioxide emissions, thereby benefiting the environment, without implementing a United Nations-sponsored climate change protocol or treaty;*

(9) *Federal research is needed to identify—*

(A) *the agricultural best practices that supplement the natural carbon cycle; and*

(B) *Federal conservation programs that can be altered to increase the environmental benefits provided by the natural carbon cycle; and*

(10) *increasing soil organic carbon is widely recognized as a means of increasing agricultural production and meeting the growing domestic and international food consumption needs with a positive environmental benefit.*

**SEC. 3. AGRICULTURAL BEST PRACTICES.**

*Title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following:*

**“Subtitle N—Carbon Cycle and Agricultural Best Practices**

**“SEC. 1490. DEFINITIONS.**

*“In this subtitle:*

“(1) *AGRICULTURAL BEST PRACTICE.—The term ‘agricultural best practice’ means a voluntary practice used by 1 or more agricultural producers to manage a farm or ranch that has a beneficial or minimal impact on the environment, including—*

“(A) *crop residue management;*

“(B) *soil erosion management;*

“(C) *nutrient management;*

“(D) *remote sensing;*

“(E) *precision agriculture;*

“(F) *integrated pest management;*

“(G) *animal waste management;*

“(H) *cover crop management;*

“(I) *water quality and utilization manage-*

*ment;*

“(J) *grazing and range management;*

“(K) *wetland management;*

“(L) *buffer strip use; and*

“(M) *tree planting.*

“(2) *CONSERVATION PROGRAM.—The term ‘conservation program’ means a program established under—*

“(A) *subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.);*

“(B) *section 401 or 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201, 2202);*

“(C) *section 3 or 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003, 1006a); or*

“(D) *any other provision of law that authorizes the Secretary to make payments or provide other assistance to agricultural producers to promote conservation.*

**“SEC. 1491. CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH.**

“(a) *IN GENERAL.—The Department of Agriculture shall be the lead agency with respect to any agricultural soil carbon research conducted by the Federal Government.*

“(b) *RESEARCH SERVICES.—*

“(1) *AGRICULTURAL RESEARCH SERVICE.—The Secretary, acting through the Agricultural Research Service, shall collaborate with other Federal agencies to develop data and conduct research addressing soil carbon balance and storage, making special efforts to—*

“(A) *determine the effects of management and conservation on soil organic carbon storage in cropland and grazing land;*

“(B) *evaluate the long-term impact of tillage and residue management systems on the accumulation of organic carbon;*

“(C) *study the transfer of organic carbon to soil; and*

“(D) *study carbon storage of commodities.*

“(2) *NATURAL RESOURCES CONSERVATION SERVICE.—*

“(A) *RESEARCH MISSIONS.—The research missions of the Secretary, acting through the Natural Resources Conservation Service, include—*