

Public Law 106-555
106th Congress

An Act

To reauthorize the Striped Bass Conservation Act, and for other purposes.

Dec. 21, 2000
[H.R. 2903]

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 “Striped Bass Conservation, Atlantic Coastal Fisheries Management, and Marine Mammal Rescue Assistance Act of 2000”.

Striped Bass Conservation, Atlantic Coastal Fisheries Management, and Marine Mammal Rescue Assistance Act of 2000.
16 USC 1361 note.

TITLE I—ATLANTIC COASTAL FISHERIES

Subtitle A—Atlantic Striped Bass Conservation

SEC. 101. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT. 16 USC 5156.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

“(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

- “(1) \$1,000,000 to the Secretary of Commerce; and
- “(2) \$250,000 to the Secretary of the Interior.”

SEC. 102. POPULATION STUDY OF STRIPED BASS.

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

- (1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and
- (2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate

Deadline.

the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce \$250,000 to carry out this section.

Atlantic Coastal
Fisheries Act of
2000.

16 USC 5101
note.

Subtitle B—Atlantic Coastal Fisheries Cooperative Management

SEC. 121. SHORT TITLE.

This subtitle may be cited as the “Atlantic Coastal Fisheries Act of 2000”.

SEC. 122. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 811 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended to read as follows:

“SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—To carry out this title, there are authorized to be appropriated \$10,000,000 for each of fiscal years 2001 through 2005.

“(b) COOPERATIVE STATISTICS PROGRAM.—Amounts authorized under subsection (a) may be used by the Secretary to support the Commission’s cooperative statistics program.”.

(b) TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—Such Act is amended—

(A) in section 802(3) (16 U.S.C. 5101(3)) by striking “such resources in” and inserting “such resources is”; and
(B) by striking section 812 and the second section 811.

(2) AMENDMENTS TO REPEAL NOT AFFECTED.—The amendments made by paragraph (1)(B) shall not affect any amendment or repeal made by the sections struck by that paragraph.

(3) SHORT TITLE REFERENCES.—Such Act is further amended by striking “Magnuson Fishery” each place it appears and inserting “Magnuson-Stevens Fishery”.

(c) REPORTS.—

(1) ANNUAL REPORT TO THE SECRETARY.—The Secretary shall require, as a condition of providing financial assistance under this subtitle, that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use of the assistance.

(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the

16 USC 5102,
5103, 5106,
5107a, 5107b.

16 USC 5107
note.

States under this subtitle. Each biennial report shall evaluate the success of such assistance in implementing this subtitle.

TITLE II—JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM

Marine Mammal
Rescue
Assistance Act of
2000.

SEC. 201. SHORT TITLE.

This title may be cited as the “Marine Mammal Rescue Assistance Act of 2000”.

16 USC 1361
note.

SEC. 202. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

- (1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and
- (2) by inserting after section 407 the following:

16 USC 1421g,
1421h.

“SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

16 USC 4121f-1.

“(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead stranded marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

“(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the stranding regions designated as of the date of the enactment of the Marine Mammal Rescue Assistance Act of 2000, and in making such grants shall give preference to those facilities that have established records for rescuing or rehabilitating sick and stranded marine mammals in each of the respective regions, or subregions.

“(B) In determining priorities among such regions, the Secretary may consider—

- “(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year;
- “(ii) data regarding average annual strandings and mortality events per region; and
- “(iii) the size of the marine mammal populations inhabiting a geographic area within such a region.

“(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

“(c) CONSULTATION.—The Secretary shall consult with the Marine Mammal Commission, a representative from each of the designated stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals, regarding

the development of criteria for the implementation of the grant program and the awarding of grants under the program.

“(d) LIMITATION.—The amount of a grant under this section shall not exceed \$100,000.

“(e) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

“(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

“(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this section.

“(g) DEFINITIONS.—In this section:

“(1) DESIGNATED STRANDING REGION.—The term ‘designated stranding region’ means a geographic region designated by the Secretary for purposes of administration of this title.

“(2) SECRETARY.—The term ‘Secretary’ has the meaning given that term in section 3(12)(A).

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended, of which—

“(1) \$4,000,000 may be available to the Secretary of Commerce; and

“(2) \$1,000,000 may be available to the Secretary of the Interior.”.

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting “(other than section 408)” after “title IV”.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

“Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.

“Sec. 409. Authorization of appropriations.

“Sec. 410. Definitions.”.

SEC. 203. STUDY OF THE EASTERN GRAY WHALE POPULATION.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population and other potential impacts these factors may be having on the eastern gray whale population.

(b) CONSIDERATION OF WESTERN POPULATION INFORMATION.—The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under this title, there are authorized to be appropriated to the Secretary to carry out this section—

- (1) \$290,000 for fiscal year 2001; and
- (2) \$500,000 for each of fiscal years 2002 through 2004.

SEC. 204. CONVEYANCE OF FISHERY RESEARCH VESSEL TO AMERICAN SAMOA.

(a) IN GENERAL.—The Secretary of Commerce (in this section referred to as the “Secretary”) may convey to the Government of American Samoa in accordance with this section, without consideration, all right, title, and interest of the United States in and to a retired National Oceanic and Atmospheric Administration fishery research vessel in operable condition, for use by American Samoa.

(b) LIMITATION.—The Secretary may not convey a vessel under this section before the date on which a new replacement fishery research vessel has been delivered to the National Oceanic and Atmospheric Administration and put in active service.

(c) OPERATION AND MAINTENANCE.—The Government of the United States shall not be responsible or liable for any maintenance or operation of a vessel conveyed under this section after the date of the delivery of the vessel to American Samoa.

SEC. 205. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO NATIONAL MARINE SANCTUARY DESIGNATION STANDARDS.

(a) TECHNICAL AMENDMENT.—Section 303(a) of the National Marine Sanctuaries Act (16 U.S.C. 1433(a)) is amended by striking “the Secretary—” and all that follows through the end of the sentence and inserting the following: “the Secretary determines that—

“(1) the designation will fulfill the purposes and policies of this title;

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

“(A) its conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or esthetic qualities;

“(B) the communities of living marine resources it harbors; or

“(C) its resource or human-use values;

“(3) 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;

“(4) designation of the area as a national marine sanctuary will facilitate the objectives stated in paragraph (3); and

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

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 304(a)(1)(C) (as amended by section 6(a) of the National Marine Sanctuaries Amendments Act of 2000) by striking “the Secretary shall”; and

(2) in section 304(a)(2)(E) (as amended by section 6(b) of the National Marine Sanctuaries Amendments Act of 2000) by striking “findings” and inserting “determinations”.

16 USC 1433 note. (c) EFFECTIVE DATE.—This section shall take effect immediately after the National Marine Sanctuaries Amendments Act of 2000 takes effect.

16 USC 1855 note. **SEC. 206. WESTERN PACIFIC PROJECT GRANTS.**

Section 111(b)(1) of the Sustainable Fisheries Act (16 U.S.C. 155 note) is amended by striking the last sentence and inserting “There are authorized to be appropriated to carry out this section \$500,000 for each fiscal year.”.

Approved December 21, 2000.

LEGISLATIVE HISTORY—H.R. 2903:

CONGRESSIONAL RECORD, Vol. 146 (2000):
Oct. 31, considered and passed House.
Dec. 8, considered and passed Senate.

