

106TH CONGRESS
2^D SESSION

S. 1482

AN ACT

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

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

3 **SECTION. 1. SHORT TITLE.**

4 This Act may be cited as the “National Marine Sanc-
5 tuaries Amendments Act of 2000”.

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

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

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

11 (a) CLERICAL AMENDMENT.—The heading for sec-
 12 tion 301 (16 U.S.C. 1431) is amended to read as follows:
 13 **“SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTAB-**
 14 **LISHMENT OF SYSTEM.”.**

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

17 (1) in paragraph (2) by striking “research, edu-
 18 cational, or esthetic” and inserting “scientific, edu-
 19 cational, cultural, archeological, or esthetic”;

20 (2) in paragraph (3) by adding “and” after the
 21 semicolon; and

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

24 “(4) a Federal program which establishes areas
 25 of the marine environment which have special con-
 26 servation, recreational, ecological, historical, cultural,

1 archeological, scientific, educational, or esthetic
2 qualities as national marine sanctuaries managed as
3 the National Marine Sanctuary System will—

4 “(A) improve the conservation, under-
5 standing, management, and wise and sustain-
6 able use of marine resources;

7 “(B) enhance public awareness, under-
8 standing, and appreciation of the marine envi-
9 ronment; and

10 “(C) maintain for future generations the
11 habitat, and ecological services, of the natural
12 assemblage of living resources that inhabit
13 these areas.”.

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

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

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

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

22 (4) by inserting after paragraph (2) the fol-
23 lowing:

24 “(3) to maintain the natural biological commu-
25 nities in the national marine sanctuaries, and to pro-

1 tect, and, where appropriate, restore and enhance
2 natural habitats, populations, and ecological pro-
3 cesses;

4 “(4) to enhance public awareness, under-
5 standing, appreciation, and wise and sustainable use
6 of the marine environment, and the natural, histor-
7 ical, cultural, and archeological resources of the Na-
8 tional Marine Sanctuary System;

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

12 (5) in paragraph (8), as redesignated, by strik-
13 ing “areas;” and inserting “areas, including the ap-
14 plication of innovative management techniques;
15 and”; and

16 (6) in paragraph (9), as redesignated, by strik-
17 ing “; and” and inserting a period.

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

20 “(c) ESTABLISHMENT OF SYSTEM.—There is estab-
21 lished the National Marine Sanctuary System, which shall
22 consist of national marine sanctuaries designated by the
23 Secretary in accordance with this title.”.

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

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

4 (1) by striking “and” after the semicolon at the
5 end of subparagraph (B); and

6 (2) by adding after subparagraph (C) the fol-
7 lowing:

8 “(D) the cost of curation and conservation
9 of archeological, historical, and cultural sanc-
10 tuary resources; and

11 “(E) the cost of enforcement actions un-
12 dertaken by the Secretary in response to the de-
13 struction or loss of, or injury to, a sanctuary re-
14 source;”.

15 (b) RESPONSE COSTS.—Paragraph (7) of such sec-
16 tion is amended by inserting “, including costs related to
17 seizure, forfeiture, storage, or disposal arising from liabil-
18 ity under section 312” after “injury” the second place it
19 appears.

20 (c) SANCTUARY RESOURCE.—Paragraph (8) of such
21 section is amended by striking “research, educational,”
22 and inserting “educational, cultural, archeological, sci-
23 entific,”.

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

25 (1) by striking “and” after the semicolon at the
26 end of paragraph (8);

1 (2) by striking the period at the end of para-
2 graph (9) and inserting “; and”; and

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

4 “(10) ‘System’ means the National Marine
5 Sanctuary System established by section 301.”.

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

8 (a) STANDARDS.—Section 303(a)(1) (16 U.S.C.
9 1433(a)(1)) is amended to read as follows:

10 “(1) determines that—

11 “(A) the designation will fulfill the pur-
12 poses and policies of this title;

13 “(B) the area is of special national signifi-
14 cance due to—

15 “(i) its conservation, recreational, eco-
16 logical, historical, scientific, cultural, ar-
17 cheological, educational, or esthetic quali-
18 ties;

19 “(ii) the communities of living marine
20 resources it harbors; or

21 “(iii) its resource or human-use val-
22 ues;

23 “(C) existing State and Federal authorities
24 are inadequate or should be supplemented to
25 ensure coordinated and comprehensive con-

1 servation and management of the area, includ-
2 ing resource protection, scientific research, and
3 public education;

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

7 “(E) the area is of a size and nature that
8 will permit comprehensive and coordinated con-
9 servation and management; and”.

10 (b) **FACTORS; REPEAL OF REPORT REQUIREMENT.**—

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

12 (1) in paragraph (1) by striking “and” at the
13 end of subparagraph (H), by striking the period at
14 the end of subparagraph (I) and inserting a semi-
15 colon, and by adding at the end the following:

16 “(J) the area’s scientific value and value
17 for monitoring the resources and natural proc-
18 esses that occur there;

19 “(K) the feasibility, where appropriate, of
20 employing innovative management approaches
21 to protect sanctuary resources or to manage
22 compatible uses; and

23 “(L) the value of the area as an addition
24 to the System.”; and

25 (2) by striking paragraph (3).

1 **SEC. 6. CHANGES IN PROCEDURES FOR SANCTUARY DES-**
2 **IGNATION AND IMPLEMENTATION.**

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

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

18 (b) **SANCTUARY DESIGNATION.**—Section 304(a)(2)
19 (16 U.S.C. 1434(a)(2)) is amended to read as follows:

20 “(2) **SANCTUARY DESIGNATION DOCUMENTS.**—
21 The Secretary shall prepare and make available to
22 the public sanctuary designation documents on the
23 proposal that include the following:

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

1 “(B) A resource assessment that
2 documents—

3 “(i) present and potential uses of the
4 area, including commercial and rec-
5 reational fishing, research and education,
6 minerals and energy development, subsist-
7 ence uses, and other commercial, govern-
8 mental, or recreational uses;

9 “(ii) after consultation with the Sec-
10 retary of the Interior, any commercial, gov-
11 ernmental, or recreational resource uses in
12 the areas that are subject to the primary
13 jurisdiction of the Department of the Inte-
14 rior; and

15 “(iii) information prepared in con-
16 sultation with the Secretary of Defense,
17 the Secretary of Energy, and the Adminis-
18 trator of the Environmental Protection
19 Agency, on any past, present, or proposed
20 future disposal or discharge of materials in
21 the vicinity of the proposed sanctuary.

22 Public disclosure by the Secretary of such infor-
23 mation shall be consistent with national secu-
24 rity regulations.

1 “(C) A draft management plan for the pro-
2 posed national marine sanctuary that includes
3 the following:

4 “(i) The terms of the proposed des-
5 ignation.

6 “(ii) Proposed mechanisms to coordi-
7 nate existing regulatory and management
8 authorities within the area.

9 “(iii) The proposed goals and objec-
10 tives, management responsibilities, re-
11 source studies, and appropriate strategies
12 for managing sanctuary resources of the
13 proposed sanctuary, including interpreta-
14 tion and education, innovative management
15 strategies, research, monitoring and as-
16 sessment, resource protection, restoration,
17 enforcement, and surveillance activities.

18 “(iv) An evaluation of the advantages
19 of cooperative State and Federal manage-
20 ment if all or part of the proposed sanc-
21 tuary is within the territorial limits of any
22 State or is superjacent to the subsoil and
23 seabed within the seaward boundary of a
24 State, as that boundary is established

1 under the Submerged Lands Act (43
2 U.S.C. 1301 et seq.).

3 “(v) An estimate of the annual cost to
4 the Federal Government of the proposed
5 designation, including costs of personnel,
6 equipment and facilities, enforcement, re-
7 search, and public education.

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

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

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

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

16 (c) WITHDRAWAL OF DESIGNATION.—Section
17 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting
18 “or System” after “sanctuary” the second place it ap-
19 pears.

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

23 “(4) FAILURE TO FOLLOW ALTERNATIVE.—If
24 the head of a Federal agency takes an action other
25 than an alternative recommended by the Secretary

1 and such action results in the destruction of, loss of,
2 or injury to a sanctuary resource, the head of the
3 agency shall promptly prevent and mitigate further
4 damage and restore or replace the sanctuary re-
5 source in a manner approved by the Secretary.”.

6 (e) EVALUATION OF PROGRESS IN IMPLEMENTING
7 MANAGEMENT STRATEGIES.—Section 304(e) (16 U.S.C.
8 1434(e)) is amended—

9 (1) by striking “management techniques,” and
10 inserting “management techniques and strategies,”;
11 and

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

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

18 “(f) LIMITATION ON DESIGNATION OF NEW SANC-
19 TUARIES.—

20 “(1) FINDING REQUIRED.—The Secretary may
21 not publish in the Federal Register any sanctuary
22 designation notice or regulations proposing to des-
23 ignate a new sanctuary, unless the Secretary has
24 published a finding that—

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

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

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

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

17 “(2) DEADLINE.—If the Secretary does not
18 submit the findings required by paragraph (1) before
19 February 1, 2004, the Secretary shall submit to the
20 Congress before October 1, 2004, a finding with re-
21 spect to whether the requirements of paragraph (2)
22 have been met by all existing sanctuaries.

23 “(3) LIMITATION ON APPLICATION.—Paragraph
24 (1) does not apply to any sanctuary designation doc-
25 uments for—

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

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

5 (g) NORTHWESTERN HAWAIIAN ISLANDS CORAL
6 REEF RESERVE.—

7 (1) PRESIDENTIAL DESIGNATION.—The Presi-
8 dent, after consultation with the Governor of the
9 State of Hawaii, may designate any Northwestern
10 Hawaiian Islands coral reef or coral reef ecosystem
11 as a coral reef reserve to be managed by the Sec-
12 retary of Commerce.

13 (2) SECRETARIAL ACTION.—Upon the designa-
14 tion of a reserve under paragraph (1) by the Presi-
15 dent, the Secretary shall—

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

20 (B) establish a Northwestern Hawaiian Is-
21 lands Reserve Advisory Council under section
22 315 of that Act (16 U.S.C. 1445a), the mem-
23 bership of which shall include at least 1 rep-
24 resentative from Native Hawaiian groups; and

1 (C) until the reserve is designated as a Na-
2 tional Marine Sanctuary, manage the reserve in
3 a manner consistent with the purposes and poli-
4 cies of that Act.

5 (3) PUBLIC COMMENT.—Notwithstanding any
6 other provision of law, no closure areas around the
7 Northwestern Hawaiian Islands shall become perma-
8 nent without adequate review and comment.

9 (4) COORDINATION.—The Secretary shall work
10 with other Federal agencies and the Director of the
11 National Science Foundation, to develop a coordi-
12 nated plan to make vessels and other resources
13 available for conservation or research activities for
14 the reserve.

15 (5) REVIEW.—If the Secretary has not des-
16 ignated a national marine sanctuary in the North-
17 western Hawaiian Islands under sections 303 and
18 304 of the National Marine Sanctuaries Act (16
19 U.S.C. 1433, 1434) before October 1, 2005, the Sec-
20 retary shall conduct a review of the management of
21 the reserve under section 304(e) of that Act (16
22 U.S.C. 1434(e)).

23 (6) REPORT.—No later than 6 months after the
24 date of enactment of this Act, the Secretary shall
25 submit a report to the Senate Committee on Com-

1 merce, Science, and Transportation and the House
2 of Representatives Committee on Resources, describ-
3 ing actions taken to implement this subsection, in-
4 cluding costs of monitoring, enforcing, and address-
5 ing marine debris, and the extent to which the fiscal
6 or other resources necessary to carry out this sub-
7 section are reflected in the Budget of the United
8 States Government submitted by the President
9 under section 1104 of title 31, United States Code.

10 (7) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to the Sec-
12 retary of Commerce to carry out the provisions of
13 this subsection such sums, not exceeding \$4,000,000
14 for each of fiscal years 2001, 2002, 2003, 2004, and
15 2005, as are reported under paragraph (6) to be re-
16 flected in the Budget of the United States Govern-
17 ment.

18 **SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.**

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

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

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

24 (3) by amending paragraph (3) to read as fol-
25 lows:

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

3 “(A) refusing to permit any officer author-
4 ized to enforce this title to board a vessel, other
5 than a vessel operated by the Department of
6 Defense or United States Coast Guard, subject
7 to such person’s control for the purposes of
8 conducting any search or inspection in connec-
9 tion with the enforcement of this title;

10 “(B) resisting, opposing, impeding, intimi-
11 dating, harassing, bribing, interfering with, or
12 forcibly assaulting any person authorized by the
13 Secretary to implement this title or any such
14 authorized officer in the conduct of any search
15 or inspection performed under this title; or

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

21 **SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.**

22 (a) POWERS OF AUTHORIZED OFFICERS TO AR-
23 REST.—Section 307(b) (16 U.S.C. 1437(b)) is amended
24 by striking “and” after the semicolon at the end of para-
25 graph (4), by striking the period at the end of paragraph

1 (5) and inserting “; and”, and by adding at the end the
2 following:

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

6 (b) CRIMINAL OFFENSES.—Section 307 (16 U.S.C.
7 1437) is amended by redesignating subsections (c)
8 through (j) in order as subsections (d) through (k), and
9 by inserting after subsection (b) the following:

10 “(c) CRIMINAL OFFENSES.—

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

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

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

20 “(B) in the case of a person who in the
21 commission of such an offense uses a dangerous
22 weapon, engages in conduct that causes bodily
23 injury to any person authorized to enforce this
24 title or any person authorized to implement the
25 provisions of this title, or places any such per-

1 son in fear of imminent bodily injury, shall be
2 fined under title 18, United States Code, im-
3 prisoned for not more than 10 years, or both.”.

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

8 (d) NATIONWIDE SERVICE OF PROCESS.—Section
9 307 (16 U.S.C. 1437) is amended by adding at the end
10 the following:

11 “(l) NATIONWIDE SERVICE OF PROCESS.—In any ac-
12 tion by the United States under this title, process may
13 be served in any district where the defendant is found,
14 resides, transacts business, or has appointed an agent for
15 the service of process.”.

16 **SEC. 9. ADDITIONAL REGULATIONS AUTHORITY.**

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

19 **“SEC. 308. REGULATIONS.**

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

22 **SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDU-
23 CATION PROVISIONS.**

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

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

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

6 “(b) RESEARCH AND MONITORING.—

7 “(1) IN GENERAL.—The Secretary may—

8 “(A) support, promote, and coordinate re-
9 search on, and long-term monitoring of, sanc-
10 tuary resources and natural processes that
11 occur in national marine sanctuaries, including
12 exploration, mapping, and environmental and
13 socioeconomic assessment;

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

17 “(C) support, promote, and coordinate re-
18 search on, and the conservation, curation, and
19 public display of, the cultural, archeological,
20 and historical resources of national marine
21 sanctuaries.

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

26 “(c) EDUCATION.—

1 “(1) IN GENERAL.—The Secretary may sup-
2 port, promote, and coordinate efforts to enhance
3 public awareness, understanding, and appreciation of
4 national marine sanctuaries and the System. Efforts
5 supported, promoted, or coordinated under this sub-
6 section must emphasize the conservation goals and
7 sustainable public uses of national marine sanc-
8 tuaries and the System.

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

14 “(d) INTERPRETIVE FACILITIES.—

15 “(1) IN GENERAL.—The Secretary may develop
16 interpretive facilities near any national marine sanc-
17 tuary.

18 “(2) FACILITY REQUIREMENT.—Any facility de-
19 veloped under this subsection must emphasize the
20 conservation goals and sustainable public uses of na-
21 tional marine sanctuaries by providing the public
22 with information about the conservation, rec-
23 reational, ecological, historical, cultural, archeo-
24 logical, scientific, educational, or esthetic qualities of
25 the national marine sanctuary.

1 “(e) CONSULTATION AND COORDINATION.—In con-
2 ducting, supporting, and coordinating research, moni-
3 toring, evaluation, and education programs under sub-
4 section (a) and developing interpretive facilities under sub-
5 section (d), the Secretary may consult or coordinate with
6 Federal, interstate, or regional agencies, States or local
7 governments.”.

8 **SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.**

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

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

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

17 (2) by striking “insurance” in paragraph (4) of
18 subsection (c), as redesignated, and inserting “insur-
19 ance, or post an equivalent bond,”;

20 (3) by striking “resource and a reasonable re-
21 turn to the United States Government.” in para-
22 graph (2)(C) of subsection (d), as redesignated, and
23 inserting “resource.”;

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

1 (5) in subsection (d), as redesignated, by insert-
2 ing after paragraph (3) the following:

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

9 **SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVI-**
10 **SIONS.**

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

13 “(a) AGREEMENTS AND GRANTS.—The Secretary
14 may enter into cooperative agreements, contracts, or other
15 agreements with, or make grants to, States, local govern-
16 ments, regional agencies, interstate agencies, or other per-
17 sons to carry out the purposes and policies of this title.”.

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

21 “(e) USE OF RESOURCES OF OTHER GOVERNMENT
22 AGENCIES.—The Secretary may, whenever appropriate,
23 enter into an agreement with a State or other Federal
24 agency to use the personnel, services, or facilities of such

1 agency on a reimbursable or nonreimbursable basis, to as-
2 sist in carrying out the purposes and policies of this title.

3 “(f) **AUTHORITY TO OBTAIN GRANTS.**—Notwith-
4 standing any other provision of law that prohibits a Fed-
5 eral agency from receiving assistance, the Secretary may
6 apply for, accept, and use grants from other Federal agen-
7 cies, States, local governments, regional agencies, inter-
8 state agencies, foundations, or other persons, to carry out
9 the purposes and policies of this title.”.

10 **SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUC-**
11 **TION, LOSS, OR INJURY.**

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

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

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

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

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

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

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

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

5 (b) USE OF RECOVERED AMOUNTS.—Section 312(d)
6 (16 U.S.C. 1443(d)) is amended by striking paragraphs
7 (1) and (2) and inserting the following:

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

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

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

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

20 “(A) to restore, replace, or acquire the
21 equivalent of the sanctuary resources that were
22 the subject of the action, including for costs of
23 monitoring and the costs of curation and con-
24 servation of archeological, historical, and cul-
25 tural sanctuary resources;

1 “(B) to restore degraded sanctuary re-
2 sources of the national marine sanctuary that
3 was the subject of the action, giving priority to
4 sanctuary resources and habitats that are com-
5 parable to the sanctuary resources that were
6 the subject of the action; and

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

9 (c) STATUTE OF LIMITATIONS.—Section 312 (16
10 U.S.C. 1443) is amended by adding at the end the fol-
11 lowing:

12 “(e) STATUTE OF LIMITATIONS.—An action for re-
13 sponse costs or damages under subsection (c) shall be
14 barred unless the complaint is filed within 3 years after
15 the date on which the Secretary completes a damage as-
16 sessment and restoration plan for the sanctuary resources
17 to which the action relates.”.

18 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

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

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

22 “There are authorized to be appropriated to the
23 Secretary—

24 “(1) to carry out this title—

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

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

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

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

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

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

17 “(1) IN GENERAL.—The Secretary may enter
18 into an agreement with a non-profit partner organi-
19 zation authorizing it to assist in the administration
20 of the sponsorship program established under this
21 section. Under an agreement entered into under this
22 paragraph, the Secretary may authorize the non-
23 profit partner organization to solicit persons to be
24 official sponsors of the national marine sanctuary
25 system or of individual national marine sanctuaries,

1 upon such terms as the Secretary deems reasonable
2 and will contribute to the successful administration
3 of the sanctuary system. The Secretary may also au-
4 thorize the non-profit partner organization to collect
5 the statutory contribution from the sponsor, and,
6 subject to paragraph (2), transfer the contribution
7 to the Secretary.

8 “(2) REIMBURSEMENT FOR ADMINISTRATIVE
9 COSTS.—Under the agreement entered into under
10 paragraph (1), the Secretary may authorize the non-
11 profit partner organization to retain not more than
12 5 percent of the amount of monetary contributions
13 it receives from official sponsors under the agree-
14 ment to offset the administrative costs of the organi-
15 zation in soliciting sponsors.

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

19 “(A) draws its membership from individ-
20 uals, private organizations, corporation, aca-
21 demic institutions, or State and local govern-
22 ments; and

23 “(B) is established to promote the under-
24 standing of, education relating to, and the con-

1 servation of the resources of a particular sanc-
2 tuary or 2 or more related sanctuaries.”.

3 **SEC. 18. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLAR-**
4 **SHIP PROGRAM.**

5 The National Marine Sanctuaries Act (16 U.S.C.
6 1431 et seq.) is amended by inserting after section 317
7 the following:

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

9 “(a) **ESTABLISHMENT.**—The Secretary shall estab-
10 lish and administer through the National Ocean Service
11 the Dr. Nancy Foster Scholarship Program. Under the
12 program, the Secretary shall award graduate education
13 scholarships in oceanography, marine biology or maritime
14 archeology, to be known as Dr. Nancy Foster Scholar-
15 ships.

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

18 “(1) to recognize outstanding scholarship in
19 oceanography, marine biology, or maritime arche-
20 ology, particularly by women and members of minor-
21 ity groups ; and

22 “(2) to encourage independent graduate level
23 research in oceanography, marine biology, or mari-
24 time archeology.

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

1 “(1) shall be used to support graduate studies
2 in oceanography, marine biology, or maritime arche-
3 ology at a graduate level institution of higher edu-
4 cation; and

5 “(2) shall be awarded in accordance with guide-
6 lines issued by the Secretary.

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

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

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

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

1 **SEC. 19. CLERICAL AMENDMENTS.**

2 (a) CORRECTION OF REFERENCES TO FORMER COM-
3 MITTEE.—The following provisions are amended by strik-
4 ing “Merchant Marine and Fisheries” and inserting “Re-
5 sources”:

6 (1) Section 303(b)(2)(A) (16 U.S.C.
7 1433(b)(2)(A)).

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

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

11 “(2) ‘Magnuson-Stevens Act’ means the Mag-
12 nuson-Stevens Fishery Conservation and Manage-
13 ment Act (16 U.S.C. 1801 et seq.);”.

14 (2) Section 302(9) is amended by striking “Magnu-
15 son Fishery Conservation and Management Act” and in-
16 serting “Magnuson-Stevens Act”.

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

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

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

1 (c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C.
2 1443(a)(1)) is amended by striking “UNITED STATES”
3 and inserting “UNITED STATES”.

 Passed the Senate October 17 (legislative day, Sep-
tember 22), 2000.

Attest:

Secretary.

106TH CONGRESS
2D SESSION

S. 1482

AN ACT

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

S 1482 ES—2

S 1482 ES—3

S 1482 ES—4

S 1482 ES—5