106TH CONGRESS
1ST SESSION

H. R. 1243

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 1999
Received; read twice and referred to the Committee on Commerce, Science, and Transportation

AN ACT

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

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 ''Sanctuaries and Reserves Act of 1999''.

TITLE I—NATIONAL MARINE SANCTUARIES

SEC. 101. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment 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. 102. FINDINGS; PURPOSES AND POLICIES.

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

(1) in paragraph (2) by inserting ''cultural, archaeological,'' after ''educational,'';

(2) in paragraph (4) by inserting ''as national marine sanctuaries'' after ''environment'';

(3) in paragraph (5) by inserting ''of national marine sanctuaries managed as the National Marine Sanctuary System'' after ''program''; and

(4) in paragraph (6) by striking ''special areas'' and inserting ''national marine sanctuaries''.

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

(1) in paragraph (1) by inserting before the semicolon at the end the following: ", and to manage these areas as the National Marine Sanctuary System"; and

(2) in paragraph (4) by inserting before the semicolon at the end the following: "and of the natural, historical, cultural, and archaeological resources of the National Marine Sanctuary System".

SEC. 103. DEFINITIONS.

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

(1) Paragraph (2) is amended by striking "Magnuson Fishery" and inserting "Magnuson-Stevens Fishery";

(2) Paragraph (6) is amended by striking "and" after the semicolon at the end of subparagraph (B), and by adding after subparagraph (C) the following:

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

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

(3) Paragraph (7) 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.

(4) In paragraph (8) by inserting "cultural, archaeological," after "educational,".

(5) In paragraph (9) by striking "Fishery Conservation and Management".

(6) By striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a semicolon, and by adding at the end the following:

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

"(11) 'System' means the National Marine Sanctuary System established by section 303.".

SEC. 104. ESTABLISHMENT OF NATIONAL MARINE SANCTUARY SYSTEM; SANCTUARY DESIGNATION STANDARDS.

(a) ESTABLISHMENT OF NATIONAL MARINE SANCTUARY SYSTEM.—Section 303 (16 U.S.C. 1433(a)) is amended by striking the heading for the section and all that follows through ''(a) STANDARDS.—'' and inserting before the remaining matter of subsection (a) the following:

''SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.

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

(b) SANCTUARY DESIGNATION STANDARDS.—Section 303(b)(1) (16 U.S.C. 1433(b)(1)) is amended 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 value as a site for marine resources monitoring and assessment activities; and

''(K) the value of the area as an addition to the System.''.

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

SEC. 105. 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 DOCUMENTS.—

(1) IN GENERAL.—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)(i) A resource assessment report documenting present and potential uses of the area proposed to be designated as a national marine sanctuary, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses.

"(ii) The Secretary, in consultation with the Secretary of the Interior, shall draft and include in the report a resource assessment section regarding any commercial, governmental, or recreational resource uses in the area under consideration that are subject to the primary jurisdiction of the Department of the Interior.

"(iii) The Secretary, in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator, shall draft and include in the report a resource assessment section that includes any information on past,

present, or proposed future disposal or discharge of materials in the vicinity of the area proposed to be designated as a national marine 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 proposed sanctuary.

''(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, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

''(iv) An evaluation of the advantages of cooperative State and Federal manage-

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

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

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

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

"(G) 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.".

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

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

(d) 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.

(e) 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 or 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.''.

(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) FUNDING REQUIRED.—The Secretary may not prepare any sanctuary designation documents

for a proposed designation of a national marine 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) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to any sanctuary designation documents for a Thunder Bay National Marine Sanctuary.".

SEC. 106. PROHIBITED ACTIVITIES.

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 subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

''(B) forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with 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. 107. ENFORCEMENT.

(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 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,''.

SEC. 108. RESEARCH, MONITORING, AND EDUCATION.

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, and coordinate research, monitoring, 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 the cultural, archaeological, and historical resources of national marine sanctuaries.

"(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted or supported 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. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and public uses of national marine sanctuaries.

"(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 public uses of national marine sanctuaries by providing the public with information about the natural, biological, ecological, and social functions and values of the national marine sanctuary, including its public uses.

"(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal agencies, States, local governments, regional agencies, or other persons, including the National Estuarine Reserve System.".

SEC. 109. SPECIAL USE PERMITS.

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

(1) in subsection (b)(4), by inserting ", or post an equivalent bond," after "general liability insurance";

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

"(C) an amount that represents the fair market value of the use of the sanctuary resources.";

(3) in subsection (c)(3)(B), by striking "designating and";

(4) in subsection (c) 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 use of sanctuary resources."; and

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

"(e) NOTICE.—The Secretary shall provide public notice of any determination that a category of activity may require a special use permit under this section.".

SEC. 110. AGREEMENTS, DONATIONS, AND ACQUISITIONS.

(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 agreements, 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 non-reimbursable 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. 111. DESTRUCTION OF, LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

(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''; and

(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 archaeological, 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. 112. 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, $26,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

''(2) for construction projects at national marine sanctuaries, $3,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.''.

SEC. 113. ADVISORY COUNCILS.

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

SEC. 114. USE OF NATIONAL MARINE SANCTUARY PROGRAM SYMBOLS.

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

(1) 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,'';

(2) 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''; and

(3) 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.''.

SEC. 115. 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. 6 1433(b)(2)(A)).

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

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

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking ''Fishery Conservation and Management''.

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

TITLE II—NATIONAL ESTUARINE RESERVES

SEC. 201. POLICIES.

(a) DECLARATION OF POLICY.—Section 303 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1452) is amended by striking ''and'' after the semicolon in paragraph (5), by striking the period at the end of paragraph (6) and inserting a semicolon, and by adding at the end the following:

''(7) to use Federal, State, and community partnerships developed through the system established by section 315 to improve the understanding, stewardship, and management of coastal areas; and

''(8) to encourage the development, application, and transfer to local, State, and Federal resources managers of innovative coastal and estuarine resources management technologies and techniques

that promote the long-term conservation of coastal and estuarine resources.''.

SEC. 202. NATIONAL ESTUARINE RESERVE SYSTEM.

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

''NATIONAL ESTUARINE RESERVE SYSTEM

''SEC. 315. (a) ESTABLISHMENT OF THE SYSTEM.—(1) There is established the National Estuarine Reserve System. The System shall consist of—

''(A) each estuarine sanctuary designated under this section as in effect before the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985; and

''(B) each estuarine area designated as a national estuarine reserve under subsection (b).

''(2) The purpose of the System and of each national estuarine reserve is to improve the understanding, stewardship, and management of estuarine and coastal areas through a network of areas protected by Federal, State, and community partnerships that promotes informed management of such areas through integrated programs in resource stewardship, education and training, and scientific understanding.

''(3) Each estuarine sanctuary referred to in paragraph (1)(A) is hereby designated as a national estuarine reserve.

"(b) DESIGNATION OF NATIONAL ESTUARINE RESERVES.—The Secretary may designate an estuarine area as a national estuarine reserve if—

"(1) the Government of the coastal state in which the area is located nominates the area for that designation; and

"(2) the Secretary finds that—

"(A) the estuarine area is a representative estuarine ecosystem that is suitable for long-term research and contributes to the biogeographical and typological balance of the System;

"(B) the law of the coastal state provides long-term protection for reserve resources to ensure a stable environment for research, education, and resource stewardship;

"(C) designation of the area as a reserve will serve to enhance public awareness and understanding of estuarine areas, and provide suitable opportunities for education, interpretation, training, and demonstration projects to improve coastal management; and

"(D) the coastal state in which the area is located has complied with the requirements of any regulations issued by the Secretary to implement this section.

"(c) ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP GUIDELINES.—(1) The Secretary shall develop guidelines for the conduct of research, education, and resource stewardship within the System that shall include—

"(A) a mechanism for identifying, and establishing priorities among, the coastal management issues that should be addressed through coordinated research, education, and resource stewardship within the System;

"(B) the establishment of common principles and objectives to guide the development of research, education, and resource stewardship programs within the Systems;

"(C) the identification of uniform research methodologies which will ensure comparability of data, the broadest application of research results, and the maximum use of the System for research purposes;

"(D) the establishment of performance standards upon which the effectiveness of the research, education, and resource stewardship efforts and the value of reserves within the System in addressing the coastal management issues identified in subparagraph (A) may be measured; and

"(E) the consideration of sources of funds for estuarine research, education, and resource stewardship in addition to the funds authorized under this Act, and strategies for encouraging the use of such funds within the System, with particular emphasis on mechanisms established under subsection (d).

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

"(d) PROMOTION AND COORDINATION OF ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—(1) The Secretary shall take such actions as are necessary to promote and coordinate the use of the System for research, education, and resource stewardship purposes.

"(2) Actions under this subsection shall include the following:

"(A) Requiring that research, education, and resource stewardship activities administered or supported by the Secretary and relating to estuaries give priority consideration to activities that use the System.

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

within the System by such agencies when conducting estuarine research, education, and resource stewardship activities.

''(C) Establishing partnerships with other Federal and State estuarine management programs to coordinate and collaborate on estuarine research, education, and resource stewardship.

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

''(A) to a coastal state—

''(i) for purposes of acquiring such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve;

''(ii) for purposes of operating or managing a national estuarine reserve and constructing appropriate reserve facilities; or

''(iii) for purposes of conducting educational or interpretive activities; and

''(B) to any coastal state or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are

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

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

"(3)(A) The amount of the financial assistance provided under paragraph (1)(A)(i) with respect to the acquisition of lands and waters, or interests therein, for any one national estuarine reserve may not exceed an amount equal to 50 percent of the costs of the lands, waters, and interests therein or $5,000,000, whichever amount is less.

"(B)(i) Except as provided in clause (ii), the amount of the financial assistance provided under paragraph (1)(A)(ii) and paragraph (1)(B) may not exceed 70 percent of the costs incurred to achieve the purposes described in those paragraphs with respect to a reserve.

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

for activities that service the System as a whole, including System-wide monitoring equipment acquisition, data management, and data synthesis, and administration and synthesis of System-wide research programs.

"(C) Notwithstanding subparagraphs (A) and (B), financial assistance under this subsection provided from amounts recovered as a result of damage to natural resources located in the coastal zone may be used to pay 100 percent of the costs of activities carried out with the assistance.

"(4)(A) The Secretary may—

"(i) enter into cooperative agreements or contracts, with, or make grants to, any nonprofit organization established to benefit a national estuarine reserve, authorizing the organization to solicit donations to carry out projects, other than general administration of the reserve or the System, that are consistent with the purpose of the reserve and the System; and

"(ii) accept donations of funds and services for use in carrying out projects, other than general administration of a national estuarine reserve or the System, that are consistent with the purpose of the reserve and the System.

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

"(f) EVALUATION OF SYSTEM PERFORMANCE.—(1) The Secretary shall periodically evaluate the operation and management of each national estuarine reserve, including coordination with State programs established under section 306, education and interpretive activities, and the research being conducted within the reserve.

"(2) If evaluation under paragraph (1) reveals that the operation and management of the reserve is deficient, or that the research, education, or resource stewardship being conducted within the reserve is not consistent with the guidelines developed under subsection (c), the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) until the deficiency or inconsistency is remedied.

"(3) The Secretary may withdraw the designation of an estuarine areas a national estuarine reserve if evaluation under paragraph (1) reveals that—

"(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

"(B) a substantial portion of the research, education, or resource stewardship conducted within the

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

"(g) REPORT.—The Secretary shall include in the report required under section 316 information regarding—

"(1) new designations of national estuarine reserves;

"(2) any expansion of existing national estuarine reserves;

"(3) the status of the research, education, and resource stewardship program being conducted within the System; and

"(4) a summary of the evaluations made under subsection (f).

"(h) DEFINITIONS.—In this section:

"(1) The term 'estuarine area' means an area that—

"(A) is comprised of—

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

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

"(B) constitutes, to the extent feasible, a natural unit.

"(2) The term 'System' means the National Estuarine Reserve System established by this section.".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

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

''(2) for grants under section 315—

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

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

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

''(D) $10,000,000 for fiscal year 2003; and

''(E) $11,000,000 for fiscal year 2004; and

''(3) for grants for construction projects at national estuarine reserves designated under section 315 and land acquisition directly related to such construction, $12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.''.

SEC. 204. CONFORMING AMENDMENT.

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

"(8) The term 'national estuarine reserve' means an area that is designated as a national estuarine reserve under section 315.".

Passed the House of Representatives September 21, 1999.

Attest: JEFF TRANDAHL,

Clerk.