1104THCONGRESS
2DSESSIONH. R. 3487
AN ACT
To reauthorize the National Marine Sanctuaries
Act, and for other purposes.

104THCONGRESS
2DSESSIONH. R. 3487
AN ACTTo reauthorize the National Marine Sanctuaries Act, and
for other purposes.
1Be it enacted by the Senate and House of Representa-2tives of the United States of America in Congress assembled,
3SECTION 1. SHORT TITLE.
4This Act may be cited as the ‘‘National Marine Sanc-5tuaries Preservation Act’’.

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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 to, or repeal of, a section or other provi-
6 sion, the reference shall be considered to be made to a

7 section or other provision of National Marine Sanctuaries 8 Act (16 U.S.C. 1431–1445a).

9 SEC. 3. REAUTHORIZATION OF THE NATIONAL MARINE

10 SANCTUARIES ACT.
11 Section 313 (16 U.S.C. 1444) is amended to read as
12 follows:
13 ‘‘SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

14 ‘‘There are authorized to be appropriated to the Sec-

15 retary to carry out this title—
16 ‘‘(1) $12,000,000 for fiscal year 1997;

17 ‘‘(2) $15,000,000 for fiscal year 1998; and
18 ‘‘(3) $18,000,000 for fiscal year 1999.’’.

19 SEC. 4. MANAGEMENT, RECOVERY, AND PRESERVATION
20 PLAN FOR U.S.S. MONITOR.
21 The Secretary of Commerce shall, within 12 months

22 after the date of the enactment of this Act, prepare and

23 submit to the Committee on Resources of the House of

24 Representatives and the Committee on Commerce,

25 Science, and Transportation of the Senate a long-range,
26 comprehensive plan for the management, stabilization,

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1 preservation, and recovery of artifacts and materials of the
2 United States Ship Monitor. In preparing and implement-

3 ing the plan, the Secretary shall to the extent feasible uti-4 lize the resources of other Federal and private entities

5 with expertise and capabilities that are helpful.
6 SEC. 5. PUBLICATION OF NOTICE OF CERTAIN ADVISORY
7 COUNCIL MEETINGS.
8 Section 315(e)(3) (16 U.S.C. 1445a(e)(3)) is amend-

9 ed by inserting before the period at the end the following:
10 ‘‘, except that in the case of a meeting of an Advisory

11 Council established to provide assistance regarding any in-
12 dividual national marine sanctuary the notice is not re-

13 quired to be published in the Federal Register’’.

14 SEC. 6. ENHANCING SUPPORT FOR NATIONAL MARINE

15 SANCTUARIES.

16 (a) INCORPORATION OF EXISTING PROVISION.—Sec-
17 tion 316 (16 U.S.C. 1445 note) is redesignated as section

18 317, section 2204 of the National Marine Sanctuaries 19 Program Amendments Act of 1992 (106 Stat. 5049) is
20 moved so as to appear in the National Marine Sanctuaries

21 Act following section 315, and that moved section is des-
22 ignated as section 316 of the National Marine Sanctuaries
23 Act.

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1 (b) AMENDMENT OF INCORPORATED SECTION.—Sec-
2 tion 316, as moved and designated by subsection (a) of

3 this section, is amended as follows:
4 (1) Subsections (a), (g), and (h) are struck, and
5 subsections (b), (c), (d), (e), and (f) are redesig-

6 nated as subsections (a), (b), (c), (d), and (e), re-
7 spectively.

8 (2) In subsection (a), as so redesignated, the
9 matter preceding paragraph (1) is struck and the

10 following is inserted:
11 ‘‘(a) AUTHORITY.—The Secretary may establish a
12 program consisting of—’’.

13 (3) In subsection (a)(5), as so redesignated—
14 (A) ‘‘establishment’’ is struck and ‘‘solici-
15 tation’’ is inserted; and

16 (B) ‘‘fees’’ is struck and ‘‘monetary or in-
17 kind contributions’’ is inserted.

18 (4) In subsection (a)(6), as so redesignated—
19 (A) ‘‘fees’’ is struck and ‘‘monetary or in-
20 kind contributions’’ is inserted;

21 (B) ‘‘paragraph (5)’’ is struck and ‘‘para-
22 graphs (5) and (6)’’ is inserted;
23 (C) ‘‘assessed’’ is struck and ‘‘collected’’ is

24 inserted; and

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1 (D) ‘‘in an interest-bearing revolving fund’’
2 is struck.

3 (5) In subsection (a)(7), as so redesignated—
4 (A) ‘‘and use’’ is inserted after ‘‘expendi-
5 ture’’;

6 (B) ‘‘fees’’ is struck and ‘‘monetary and
7 in-kind contributions’’ is inserted; and

8 (C) ‘‘and any interest in the fund estab-
9 lished under paragraph (6)’’ is struck.
10 (6) In subsection (a), as so redesignated, para-

11 graphs (5), (6), and (7) are redesignated in order as
12 paragraphs (6), (7), and (8), and the following new

13 paragraph is inserted after paragraph (4):
14 ‘‘(5) the creation, marketing, and selling of

15 products to promote the national marine sanctuary
16 program, and entering into exclusive or nonexclusive
17 agreements authorizing entities to create, market or

18 sell on the Secretary’s behalf;’’.
19 (7) The following new sentence is added at the
20 end of subsection (a), as so redesignated:

21 ‘‘Monetary and in-kind contributions raised through the
22 sale, marketing, or use of symbols and products related

23 to an individual national marine sanctuary shall be used
24 to support that sanctuary.’’.
25 (8) In subsection (e), as so redesignated—

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1 (A) paragraph (2) is struck;
2 (B) in paragraph (1), ‘‘(1)’’ is struck, and

3 subparagraphs (A), (B), (C), and (D) are redes-
4 ignated as paragraphs (1), (2), (3), and (4);

5 and

6 (C) in paragraph (3), as so redesignated,
7 ‘‘fee’’ is struck and ‘‘monetary or in-kind con-
8 tribution’’ is inserted.

9 (9) In each of subsections (b), (c), and (d), as
10 so redesignated, by striking ‘‘subsection (b)’’ and in-

11 serting ‘‘subsection (a)’’.
12 SEC. 7. HAWAIIAN ISLANDS NATIONAL MARINE SANC-
13 TUARY.

14 (a) INCLUSION OF KAHOOLAWE ISLAND WATERS.—

15 Section 2305 of the Hawaiian Islands National Marine
16 Sanctuary Act (16 U.S.C. 1433 note) is amended—
17 (1) in subsection (a)—

18 (A) by striking ‘‘(A)’’ and inserting ‘‘(a)’’;

19 and

20 (B) by striking ‘‘the area described in sub-

21 section (b) is’’ and inserting ‘‘the area de-
22 scribed in subsection (b)(1) and any area in-

23 cluded under subsection (b)(2) are’’;
24 (2) by amending subsection (b)(2) to read as

25 follows:

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1 ‘‘(2)(A) Within 6 months after the date of receipt of
2 a request in writing from the Kahoolawe Island Reserve

3 Commission for inclusion within the Sanctuary of the area

4 of the marine environment within 3 nautical miles of the

5 mean high tide line of Kahoolawe Island (in this section

6 referred to as the ‘Kahoolawe Island waters’), the Sec-
7 retary shall determine whether those waters may be suit-

8 able for inclusion in the Sanctuary.
9 ‘‘(B) If the Secretary determines under subparagraph
10 (A) that the Kahoolawe Island waters may be suitable for

11 inclusion within the Sanctuary—
12 ‘‘(i) the Secretary shall provide notice of that

13 determination to the Governor of Hawaii; and
14 ‘‘(ii) the Secretary shall prepare a supplemental

15 environmental impact statement, management plan,
16 and implementing regulations for that inclusion in
17 accordance with this Act, the National Marine Sanc-

18 tuaries Act, and the National Environmental Policy
19 Act of 1969.’’; and
20 (3) by amending subsection (c) to read as fol-

21 lows:
22 ‘‘(c) EFFECT OF OBJECTION BY GOVERNOR.—(1)(A)

23 If, within 45 days after the date of issuance of the com-24 prehensive management plan and implementing regula-
25 tions under section 2306, the Governor of Hawaii certifies

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1 to the Secretary that the management plan, the imple-
2 menting regulations, or any term of the plan or regula-

3 tions is unacceptable, the management plan, regulation, 4 or term, respectively, shall not take effect in the area of
5 the Sanctuary lying within the seaward boundary of the

6 State of Hawaii.
7 ‘‘(B) If the Secretary considers that an action under

8 subparagraph (A) will affect the Sanctuary in such a man-9 ner that the policy or purposes of this title cannot be ful-
10 filled, the Secretary may terminate the designation under

11 subsection (a). At least 30 days before that termination,
12 the Secretary shall submit written notice of the termi-
13 nation to the Committee on Resources of the House of

14 Representatives and the Committee on Commerce,
15 Science, and Transportation of the Senate.

16 ‘‘(2)(A) If, within 45 days after the Secretary issues
17 the documents required under subsection (b)(2)(B)(ii), the

18 Governor of Hawaii certifies to the Secretary that the in-19 clusion of the Kahoolawe Island waters in the Sanctuary

20 or any term of that inclusion is unacceptable—
21 ‘‘(i) the inclusion or the term shall not take ef-
22 fect; and

23 ‘‘(ii) subsection (b)(2) shall not apply during
24 the 3-year period beginning on the date of that cer-

25 tification.

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1 ‘‘(B) If the Secretary considers that an action under
2 subparagraph (A) regarding a term of the inclusion of the
3 Kahoolawe Island waters will affect the inclusion or the

4 administration of the Kahoolawe Island waters as part of
5 the Sanctuary in such a manner that the policy or pur-

6 poses of this title cannot be fulfilled, the Secretary may
7 terminate that inclusion.’’.
8 (b) LIMITATION ON USER FEES.—The Hawaiian Is-

9 lands National Marine Sanctuary Act (16 U.S.C. 1433
10 note) is further amended by redesignating section 2307

11 as section 2308, and by inserting after section 2306 the
12 following new section:
13 ‘‘SEC. 2307. LIMITATION ON USER FEES.

14 ‘‘(a) LIMITATION.—The Secretary shall not institute
15 any user fee under this Act or the National Marine Sanc-

16 tuaries Act for any activity within the Hawaiian Islands
17 National Marine Sanctuary or any use of the Sanctuary
18 or its resources.

19 ‘‘(b) USER FEE DEFINED.—In this section, the term

20 ‘user fee’ does not include—
21 ‘‘(1) any fee authorized by section 310 of the
22 National Marine Sanctuaries Act;

23 ‘‘(2) any gift or donation received under section
24 311 of that Act; and

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1 ‘‘(3) any monetary or in-kind contributions
2 under section 316 of that Act.’’.
3 SEC. 8. FLOWER GARDEN BANKS BOUNDARY MODIFICA-
4 TION.

5 (a) MODIFICATION.—Notwithstanding section 304 of

6 the National Marine Sanctuaries Act (16 U.S.C. 1434),
7 the boundaries of the Flower Garden Banks National Ma-

8 rine Sanctuary, as designated by Public Law 102–251, are 9 amended to include the area described in subsection (d), 10 popularly known as Stetson Bank. This area shall be part

11 of the Flower Garden Banks National Marine Sanctuary
12 and shall be managed and regulated as though it had been

13 designated by the Secretary of Commerce under the Na-

14 tional Marine Sanctuaries Act.

15 (b) DEPICTION OF SANCTUARY BOUNDARIES.—The

16 Secretary of Commerce shall—
17 (1) prepare a chart depicting the boundaries of
18 the Flower Garden Banks National Marine Sanc-

19 tuary, as modified by this section; and
20 (2) submit copies of this chart to the Commit-

21 tee on Resources of the House of Representatives
22 and the Committee on Commerce, Science, and

23 Transportation of the Senate.
24 (c) APPLICATION OF REGULATIONS.—Regulations is-
25 sued by the Secretary of Commerce to implement the des-

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1 ignation of the Flower Garden Banks National Marine
2 Sanctuary shall apply to the area described in subsection

3 (d), unless modified by the Secretary. This subsection 4 shall take effect 45 days after the date of enactment of

5 this Act.

6 (d) AREA DESCRIBED.—
7 (1) IN GENERAL.—Except as provided in para-

8 graph (2), the area referred to in subsections (a),
9 (b), and (c) is the area that is—
10 (A) generally depicted on the Department

11 of the Interior, Minerals Management Service
12 map titled ‘‘Western Gulf of Mexico, Lease Sale

13 143, September 1993, Biologically Sensitive
14 Areas, Map 3 of 3, Final’’;
15 (B) labeled ‘‘Stetson’’ on the High Island

16 Area South Addition diagram on that map; and
17 (C) within the 52 meter isobath.
18 (2) MINOR BOUNDARY ADJUSTMENTS.—The

19 Secretary of Commerce may make minor adjust-

20 ments to the boundaries of the area described in

21 paragraph (1) as necessary to protect living coral re-
22 sources or to simplify administration of the Flower

23 Garden Banks National Marine Sanctuary and to
24 establish precisely the geographic boundaries of
25 Stetson Bank. The adjustments shall not signifi-

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1 cantly enlarge or otherwise alter the size of the area
2 described in paragraph (1), and shall not result in

3 the restriction of oil and gas activities otherwise per-
4 mitted outside of the ‘‘no activity’’ zone designated
5 for Stetson Bank as that zone is depicted on the

6 Minerals Management Service map entitled ‘‘Final
7 Notice of Sale 161, Western Gulf Mexico, Biological

8 Stipulation Map Package’’.
9 (e) PUBLICATION OF NOTICE.—
10 (1) IN GENERAL.—The Secretary of Commerce

11 shall, as soon as practicable after the date of the en-
12 actment of this Act, publish in the Federal Register

13 a notice describing—
14 (A) the boundaries of the Flower Garden
15 Banks National Marine Sanctuary, as modified

16 by this section, and
17 (B) any modification of regulations appli-

18 cable to that Sanctuary that are necessary to
19 implement that modification of the boundaries
20 of the Sanctuary.

21 (2) TREATMENT AS NOTICE REQUIRED UNDER
22 NATIONAL MARINE SANCTUARIES ACT.—A notice

23 published under paragraph (1) shall be considered to
24 be the notice required to be published under section

13

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1 304(b)(1) of the National Marine Sanctuaries Act
2 (16 U.S.C. 1434(b)(1)).
3 (f) AUTHORIZATION OF APPROPRIATIONS.—Amounts

4 may be appropriated to carry out this section under the

5 authority provided in section 313 of the National Marine
6 Sanctuaries Act, as amended by this Act.
7 SEC. 9. MISCELLANEOUS TECHNICAL CORRECTIONS.
8 (a) Section 301(b)(2) of the National Marine Sanc-

9 tuaries Act (16 U.S.C. 1431(b)(2)) is amended by striking

10 the period at the end and inserting a semicolon.
11 (b) Section 302 of the National Marine Sanctuaries
12 Act (16 U.S.C. 1432) is amended—

13 (1) in paragraph (6) by striking ‘‘, and’’ at the
14 end of subparagraph (C) and inserting a semicolon;

15 and

16 (2) in paragraph (7) by striking ‘‘and’’ after
17 the semicolon at the end.
18 (c) Section 307(e)(1)(A) of the National Marine

19 Sanctuaries Act (16 U.S.C. 1437(e)(1)(A)) is amended by
20 inserting ‘‘of 1980’’ before the period at the end.

21 (d) Section 2109 of the National Marine Sanctuaries
22 Program Amendments Act of 1992 (106 Stat. 5045) is

23 amended by striking the open quotation marks before

24 ‘‘Section 311’’.

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1 (e) Section 2110(d) of the National Marine Sanc-
2 tuaries Program Amendments Act of 1992 (106 Stat.
3 5046) is deemed to have amended section 312(b)(1) of the

4 Marine Protection, Research, and Sanctuaries Act of 1972
5 (16 U.S.C. 1443(b)(1)) by inserting ‘‘or authorize’’ after

6 ‘‘undertake’’.
7 (f) The material added to the Marine Protection, Re-

8 search, and Sanctuaries Act of 1972 by section 2112 of 9 the National Marine Sanctuaries Program Amendments
10 Act of 1992 (106 Stat. 5046)—

11 (1) is deemed to have been added by that sec-
12 tion at the end of title III of the Marine Protection,

13 Research, and Sanctuaries Act of 1972; and
14 (2) shall not be considered to have been added

15 by that section to the end of the Marine Protection,
16 Research, and Sanctuaries Act of 1972.
17 (g) Section 2202(e) of the National Marine Sanc-

18 tuaries Program Amendments Act of 1992 (16 U.S.C. 19 1433 note) is amended by striking ‘‘section 304(e)’’ and
20 inserting ‘‘304(d)’’.

21 (h) Section 304(b)(3) of the National Marine Sanc-
22 tuaries Act (16 U.S.C. 1434(b)(3)) is amended—

23 (1) by striking subparagraphs (B) and (C);

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1 (2) by moving the text of subparagraph (A) so
2 as to begin at the end of the line on appears the

3 heading for paragraph (3);
4 (3) by moving clauses (i) and (ii) of subpara-
5 graph (A) 2 ems to the left, so that the left margins

6 of clauses (i) and (ii) are aligned with the left mar-
7 gin of paragraph (3);

8 (4) by striking ‘‘(A) In’’ and inserting ‘‘In’’;
9 (5) by striking ‘‘(i)’’ and inserting ‘‘(A)’’; and
10 (6) by striking ‘‘(ii)’’ and inserting ‘‘(B)’’.

11 SEC. 10. NORTHWEST STRAITS.
12 (a) NORTHWEST STRAITS MARINE RESOURCES PRO-
13 TECTION ADVISORY COMMITTEE.—(1) There shall be es-

14 tablished, within 120 days after the date of enactment of
15 this subsection, the Northwest Straits Marine Resources

16 Protection Advisory Committee, consisting of 11 members
17 appointed by the Secretary of Commerce, at least 8 of

18 whom are appointed in accordance with paragraph (2) and
19 at least 1 of whom is appointed from each of the following
20 counties in western Washington: Jefferson, San Juan, Is-

21 land, Whatcom, Skagit, Snohomish, and Clallam. This Ad-
22 visory Committee shall be exempt from the Federal Advi-

23 sory Committee Act.
24 (2) The Secretary of Commerce shall appoint mem-
25 bers of the Advisory Committee from a list of individuals

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1 submitted by each county specified in paragraph (1), in
2 accordance with the following requirements:

3 (A) A county may not submit the names of
4 individuals to the Secretary for appointment

5 unless the county has determined that each in-
6 dividual, by reason of his or her occupational or
7 other experience, scientific expertise, or train-

8 ing, is knowledgeable regarding the conserva-
9 tion and management, or the commercial or

10 recreational harvest or use, of the marine re-
11 sources of the Northwest Straits.
12 (B) Each list shall include the names and

13 pertinent biographical data of not less than 3
14 individuals for each applicable vacancy and

15 shall be accompanied by a statement by the
16 county explaining how each individual meets the
17 requirements under paragraph (1).

18 (C) The Secretary shall review each list
19 submitted by a county to ascertain if the indi-

20 viduals on the list are qualified for the vacancy
21 on the basis of the requirements under subpara-
22 graph (A). If the Secretary determines that no

23 individual on a county’s list is qualified, the
24 Secretary shall notify the county in writing of

25 that determination, and provide the county an

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1 explanation of that determination. The county
2 shall then submit a revised list or resubmit the

3 original list with an additional explanation of
4 the qualifications of the individuals in question.
5 (b) ADVISORY COMMITTEE REPORT.—Within 1 year

6 of the enactment of this Act, the Advisory Committee es-
7 tablished under subsection (a) shall report to the Sec-

8 retary of Commerce on the adequacy of existing marine 9 resources protection under local, State, and Federal laws
10 in the Northwest Straits. This report shall recommend

11 whether a special resources management area is necessary
12 to protect the marine resources of the Northwest Straits.

13 If the Advisory Committee recommends that a special re-14 sources management area is necessary, then the report

15 shall specify whether that area should constitute a non-
16 Federal management area, a national marine sanctuary,
17 or some other form. The Secretary shall make available

18 to the Advisory Committee any staff, information, admin-19 istrative services, or other assistance reasonably required

20 to carry out its functions.
21 (c) SUBMISSION OF NORTHWEST STRAITS DRAFT
22 ENVIRONMENTAL IMPACT STATEMENT.—The Secretary

23 of Commerce shall not issue a draft Environmental Impact 24 Statement under the National Environmental Policy Act

25 of 1969 on a national marine sanctuary in the Northwest

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1 Straits until receipt of the report required under sub-
2 section (b). If the Secretary issues a draft Environmental

3 Impact Statement, it shall include the Advisory Commit-

4 tee’s recommendation as an alternative.

5 (d) SUBMISSION OF DOCUMENTS.—In the case of a

6 national marine sanctuary in the Northwest Straits, on
7 the same day the notice required by section 304(a)(1)(A)

8 of the National Marine Sanctuaries Act is issued, the Sec-9 retary of Commerce shall submit the documents required
10 by section 304(a)(1)(C) of the National Marine Sanc-

11 tuaries Act to the Advisory Committee established under
12 subsection (a) and shall publish notice of that submission

13 in the Federal Register. The Advisory Committee shall 14 then within 60 days review those documents and make rec-
15 ommendations to the Secretary regarding designation.

16 Upon receipt of the recommendations of the Advisory
17 Committee, the Secretary shall submit the documents re-

18 quired by section 304(a)(1)(A) of the National Marine 19 Sanctuaries Act along with recommendations of the Advi-
20 sory Committee to the Committee on Resources of the

21 House of Representatives and the Committee on Com-
22 merce, Science, and Transportation of the Senate.
23 (e) CONGRESSIONAL AUTHORIZATION OF DESIGNA-

24 TION REQUIRE.—No designation of an area in the North-
25 west Straits as a national marine sanctuary under the Na-

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1 tional Marine Sanctuaries Act shall take effect unless that
2 designation is specifically authorized by a law enacted

3 after the date of publication of the notice of submission 4 required under subsection (d).
5 (f) DEFINITIONS.—

6 (1) NORTHWEST STRAITS.—In this section the
7 term ‘‘Northwest Straits’’ means the area generally

8 described as the Washington State Nearshore area
9 in the notice published by the Secretary of Com-

10 merce in the Federal Register on August 4, 1983.
11 (2) COUNTY.—In subsection (a)(2), the term
12 ‘‘county’’ means each local elected legislative body

13 that represents a county specified in subsection
14 (a)(1).

15 SEC. 11. DESIGNATION OF GERRY E. STUDDS STELLWAGEN

16 BANK NATIONAL MARINE SANCTUARY.
17 The Stellwagen Bank National Marine Sanctuary

18 shall be known and designated as the ‘‘Gerry E. Studds 19 Stellwagen Bank National Marine Sanctuary’’. Any ref-

20 erence in a law, map, regulation, document, paper, or
21 other record of the United States to that national marine

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1 sanctuary shall be deemed to be a reference to the ‘‘Gerry
2 E. Studds Stellwagen Bank National Marine Sanctuary’’.

Passed the House of Representatives September 4,
1996.
Attest:

Clerk.