

106TH CONGRESS  
1ST SESSION

# S. 1420

To establish a fund for the restoration and protection of ocean and coastal resources, to amend and reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 1999

Mr. KERRY (for himself, Mr. HOLLINGS, Mr. BREAUX, Mr. INOUE, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To establish a fund for the restoration and protection of ocean and coastal resources, to amend and reauthorize the Coastal Zone Management Act of 1972, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Coastal Stewardship Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—OCEAN AND COAST CONSERVATION FUND

Sec. 101. Establishment of Ocean and Coast Conservation Fund.

Sec. 102. Budgetary treatment of receipts and disbursements.

TITLE II—COOPERATIVE COASTAL STEWARDSHIP

Subtitle A—Coastal Zone Management

Sec. 201. Short title.

Sec. 202. Amendment of Coastal Zone Management Act.

Sec. 203. Findings.

Sec. 204. Policy.

Sec. 205. Definitions.

Sec. 206. Reauthorization of management program development grants.

Sec. 207. Administrative grants.

Sec. 208. Coastal resource improvement program.

Sec. 209. Coastal zone management fund.

Sec. 210. Coastal zone enhancement grants.

Sec. 211. Community-based planning and management.

Sec. 212. Technical assistance and research.

Sec. 213. Review of performance.

Sec. 214. Walter B. Jones Coastal Zone Management Awards.

Sec. 215. National estuarine research reserve system.

Sec. 216. Coastal zone management reports.

Sec. 217. Authorization of appropriations.

Subtitle B—Coastal Habitat Restoration and Preservation

Sec. 251. Findings.

Sec. 252. Purposes.

Sec. 253. Definitions.

Sec. 254. Restoration and protection projects.

Sec. 255. Review, revision, and approval of plans.

Sec. 256. Allocation and disbursal of funds.

Sec. 257. Database; report to Congress.

Sec. 258. Guidelines.

Sec. 259. Cooperative agreements; memoranda of understanding.

Sec. 260. Authorization of appropriations.

TITLE III—COOPERATIVE OCEAN STEWARDSHIP

Subtitle A—National Marine Sanctuaries

Sec. 301. Short title.

Sec. 302. Amendment of National Marine Sanctuaries Act.

Sec. 303. Changes in findings, purposes, and policies.

Sec. 304. Changes in definitions.

Sec. 305. Changes in sanctuary designation standards.

Sec. 306. Changes in procedures for designation and implementation.

Sec. 307. Changes in international cooperation provisions.

Sec. 308. Changes in activities prohibited.

Sec. 309. Changes in enforcement provisions.

Sec. 310. Additional regulations authority added.

Sec. 311. Changes in research, monitoring, and education provisions.

Sec. 312. Changes in special use permit provisions.

Sec. 313. Changes in cooperative agreements provisions.

Sec. 314. Changes in provisions concerning destruction, loss, or injury.

Sec. 315. Changes in U.S.S. Monitor provisions.

Sec. 316. Changes in advisory council provisions.

Sec. 317. Changes in the support enhancement provisions.

Sec. 318. Correction of references to House Committee of jurisdiction.

Sec. 319. Authorization of appropriations.

Subtitle B—Coral Reef Protection

Sec. 351. Short title.

Sec. 352. Findings.

Sec. 353. Policy.

Sec. 354. Purposes.

Sec. 355. Definitions.

Sec. 356. Coral reef restoration and conservation program.

Sec. 357. National program.

Sec. 358. Documentation of certain vessels.

Sec. 359. Certain grounded vessels.

Sec. 360. Regulations; Coral Reef Conservation Fund.

Sec. 361. Authorization of appropriations.

TITLE IV—COOPERATIVE RESEARCH AND ENFORCEMENT

Sec. 401. Amendment of Interjurisdictional Fisheries Act.

Sec. 402. Information Management System.

Sec. 403. Cooperative enforcement.

Sec. 404. Exception to Interjurisdictional Fisheries Act apportionment.

Sec. 405. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 The Congress finds:

3 (1) The oceans and coasts play a critical role in  
 4 maintaining global biodiversity, contribute more  
 5 than 30 percent of the Gross Domestic Product, pro-  
 6 vide an important source of food and a wealth of  
 7 other natural products, are critical to national secu-  
 8 rity, and are of considerable importance for recre-  
 9 ation and commerce.

10 (2) One half of the Nation's population lives  
 11 within 50 miles of the coast and if population trends  
 12 continue as expected, pressure on and conflicting de-  
 13 mands for ocean and coastal resources will increase,  
 14 as will vulnerability to coastal hazards.

15 (3) There is a national interest in the effective  
 16 management, beneficial use and protection of ocean

1 and coastal resources. In particular, oil and gas re-  
2 sources are a nonrenewable national capital asset  
3 that produce revenue for the Nation, a portion of  
4 which should be reinvested in the stewardship of the  
5 marine and coastal environment.

6 (4) The Federal Government has a responsi-  
7 bility to States and coastal communities to improve  
8 coordination, strengthen partnerships and provide  
9 fiscal resources to develop coherent plans, policies,  
10 standards, methods, and programs for using, man-  
11 aging, and protecting ocean and coastal resources.

## 12 **TITLE I—OCEAN AND COAST** 13 **CONSERVATION FUND**

### 14 **SEC. 101. ESTABLISHMENT OF OCEAN AND COAST CON-** 15 **SERVATION FUND.**

16 (a) IN GENERAL.—There is established in the Treas-  
17 ury of the United States a fund, which shall be known  
18 as the Ocean and Coast Conservation Fund, into which  
19 the Secretary of the Treasury shall transfer amounts  
20 equivalent to 10 percent or \$250,000,000, whichever is  
21 greater, of the revenues received in each fiscal year begin-  
22 ning after fiscal year 1999 by the Treasury that are de-  
23 scribed in subsection (b). The Secretary of the Treasury  
24 shall invest monies in the Ocean and Coast Conservation  
25 Fund that are excess to expenditures at the written re-

1 quest of the Secretary of Commerce in public debt securi-  
2 ties with maturities suitable to the needs of the Ocean and  
3 Coast Conservation Fund.

4 (b) REVENUES.—The revenues to which reference is  
5 made in subsection (a) are all amounts received by the  
6 United States as rents, royalties, net profit share pay-  
7 ments, and related late-payment interest from natural gas  
8 and oil leases issued pursuant to the Outer Continental  
9 Shelf Lands Act from each leased tract or portion of a  
10 leased tract lying seaward of the zone defined and gov-  
11 erned by section 8(g) of the Outer Continental Shelf  
12 Lands Act (43 U.S.C. 1337(g)), or lying within such zone  
13 but to which section 8(g) does not apply, the geographic  
14 center of which lies within a distance of 200 miles from  
15 any part of the coastline of any coastal state (as defined  
16 in section 304(4) of the Coastal Zone Management Act  
17 of 1972 (16 U.S.C. 1453(4))).

18 (c) EXCLUSION.—Any amount received by the United  
19 States as a bonus bid, rent, royalty (including payment  
20 for a royalty taken-in-kind and sold), net profit share pay-  
21 ment, or related late-payment interest from any lease tract  
22 or portion of a lease tract for which no oil or gas produc-  
23 tion has occurred before January 1, 1999, shall be ex-  
24 cluded from any revenues under subsection (b).

1 (d) PAYMENT.—Notwithstanding section 9 of the  
2 Outer Continental Shelf Lands Act (43 U.S.C. 1338), the  
3 Secretary shall, without further appropriation, make pay-  
4 ments in each fiscal year from the Ocean and Coastal Con-  
5 servation Fund as specified in sections 217, 260, 319,  
6 361, and 405 of this Act.

7 **SEC. 102. BUDGETARY TREATMENT OF RECEIPTS AND DIS-**  
8 **BURSEMENTS.**

9 Notwithstanding any other provision of law, the re-  
10 ceipts and disbursements of funds under this Act—

11 (1) shall not be counted as new budget author-  
12 ity, outlays, receipts, or deficit or surplus for pur-  
13 poses of—

14 (A) the budget of the United States Gov-  
15 ernment as submitted by the President;

16 (B) the Congressional budget (including al-  
17 locations of budget authority and outlays pro-  
18 vided therein); or

19 (C) the Balanced Budget and Emergency  
20 Deficit Control Act of 1985; and

21 (2) shall be exempt from any general budget  
22 limitation imposed by statute on expenditures and  
23 net lending (budget outlays) of the United States  
24 Government.

1           **TITLE II—COOPERATIVE**  
2           **COASTAL STEWARDSHIP**  
3           **Subtitle A—Coastal Zone**  
4           **Management**

5   **SEC. 201. SHORT TITLE.**

6           This subtitle may be cited as the “Coastal Zone Man-  
7   agement Amendments Act of 1999”.

8   **SEC. 202. AMENDMENT OF COASTAL ZONE MANAGEMENT**  
9           **ACT.**

10          Except as otherwise expressly provided, whenever in  
11   this subtitle an amendment or repeal is expressed in terms  
12   of an amendment to, or repeal of, a section or other provi-  
13   sion, the reference shall be considered to be made to a  
14   section or other provision of the Coastal Zone Manage-  
15   ment Act of 1972 (16 U.S.C. 1451 et seq.).

16   **SEC. 203. FINDINGS.**

17          Section 302 (16 U.S.C. 1451) is amended—

18               (1) by redesignating paragraphs (a) through  
19               (m) as paragraphs (1) through (13);

20               (2) by inserting “ports,” in paragraph (3), as  
21               redesignated, after “fossil fuels,”;

22               (3) by inserting “including coastal water and  
23               wetlands,” in paragraph (4), as redesignated, after  
24               “zone,”;

1           (4) by striking “therein,” in paragraph (4), as  
2           redesignated, and inserting “dependent on that habi-  
3           tat,”;

4           (5) by striking “well-being” in paragraph (5),  
5           as redesignated, and inserting “quality of life”;

6           (6) by striking paragraph (11), as redesignated,  
7           and inserting the following:

8           “(11) Land and water uses in the coastal zone  
9           and coastal watersheds may significantly affect the  
10          quality of coastal waters and habitats, and efforts to  
11          control coastal water pollution from activities in  
12          these areas must be improved.”; and

13          (7) by adding at the end thereof the following:

14          “(14) There is a need to enhance cooperation  
15          and coordination among States and local commu-  
16          nities, to encourage local community-based environ-  
17          mentally-protective solutions that address the im-  
18          pacts and pressures on coastal resources and on  
19          public facilities and public service caused by contin-  
20          ued coastal population growth, and to increase State  
21          and local capacity to identify public infrastructure  
22          and open space needs and develop and implement  
23          plans which provide for sustainable growth, resource  
24          protection and community revitalization, while dis-  
25          couraging development in underdeveloped areas.”.

1 **SEC. 204. POLICY.**

2 Section 303 (16 U.S.C. 1452) is amended—

3 (1) by striking “waters,” each place it appears  
4 in paragraph (2)(C) and inserting “waters and habi-  
5 tats,”;

6 (2) by striking “the states” in paragraph (2)  
7 and inserting “State and local governments and  
8 Federally-recognized American Indian tribes”.

9 (3) by inserting after “new” in paragraph  
10 (2)(D) “coastal-dependent”;

11 (4) by striking “and” at the end of paragraph  
12 (5);

13 (5) by striking “zone.” in paragraph (6) and in-  
14 serting “zone; and”;

15 (6) by adding at the end thereof the following:

16 “(7) to create and use a national system of es-  
17 tuarine research reserves in Federal, State, and  
18 community partnerships to support and enhance  
19 coastal management and stewardship; and

20 “(8) to encourage the development, application,  
21 and transfer of innovative coastal and estuarine en-  
22 vironmental technologies and techniques for the  
23 long-term conservation of coastal ecosystems.”.

24 **SEC. 205. DEFINITIONS.**

25 Section 304 (16 U.S.C. 1453) is amended—

1 (1) by striking “and the Trust Territories of  
2 the Pacific Islands,” in paragraph (4);

3 (2) by striking paragraph (8) and inserting the  
4 following:

5 “(8) The term ‘estuarine research reserve’  
6 means a coastal protected area which may include  
7 any part or all of an estuary and any island, transi-  
8 tional area, and upland in, adjoining, or adjacent to  
9 the estuary, and which constitutes to the extent fea-  
10 sible a natural unit, established to provide long-term  
11 opportunities for conducting scientific studies and  
12 educational and training programs that improve the  
13 understanding, stewardship, and management of es-  
14 tuaries;” and

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

16 “(19) The term ‘coastal nonpoint pollution con-  
17 trol program’ means a program submitted by a  
18 coastal State to the Secretary and approved by the  
19 Secretary under section 6217 of the Omnibus Rec-  
20 onciliation Act of 1990 (16 U.S.C. 1455b).”.

21 **SEC. 206. REAUTHORIZATION OF MANAGEMENT PROGRAM**

22 **DEVELOPMENT GRANTS.**

23 Section 305(a) (16 U.S.C. 1454(a)) is amended by  
24 striking “1997, 1998, and 1999,” and inserting “2000,  
25 2001, 2002, 2003, and 2004,”.

1 **SEC. 207. ADMINISTRATIVE GRANTS.**

2 Section 306(a) (16 U.S.C. 1455(a)) is amended by  
3 inserting “including developing and implementing a coast-  
4 al nonpoint pollution control program components,” after  
5 “program”.

6 **SEC. 208. COASTAL RESOURCE IMPROVEMENT PROGRAM.**

7 (a) Section 306A(b) (16 U.S.C. 1455a(b)) is  
8 amended—

9 (1) by inserting a comma and “or other impor-  
10 tant coastal habitats,” in paragraph (1) after “sec-  
11 tion 306(d)(9)”;

12 (2) by adding at the end thereof the following:

13 “(5) The provision of assistance to communities  
14 in assessing and managing growth, public infrastruc-  
15 ture, and open space needs in order to support com-  
16 munity revitalization while protecting environ-  
17 mentally sensitive areas and conserving, restoring,  
18 and enhancing natural resources.

19 “(6) The coordination and implementation of  
20 approved coastal nonpoint pollution control pro-  
21 grams.”.

22 (b) Section 306A(d) (16 U.S.C. 1455a(d)) is  
23 amended—

24 (1) by striking the subsection caption and in-  
25 serting the following:

1 “(d) SOURCE OF FEDERAL GRANTS; STATE MATCH-  
2 ING CONTRIBUTIONS.—”;

3 (2) by striking paragraph (1) and inserting the  
4 following:

5 “(1) If a coastal state chooses to fund a project  
6 under this section, then—

7 “(A) it shall submit to the Secretary a  
8 combined application for grants under this sec-  
9 tion and section 306;

10 “(B) it shall match the combined amount  
11 of such grants in the ratio required by section  
12 306(a) for grants under that section; and

13 “(C) the Federal funding for the project  
14 shall be a portion of that State’s annual alloca-  
15 tion under section 306(a).”; and

16 (3) by striking paragraph (3).

17 **SEC. 209. COASTAL ZONE MANAGEMENT FUND.**

18 Section 308 (16 U.S.C. 1456a) is amended—

19 (1) by striking “1997, 1998, and 1999,” in  
20 subsection (a)(2)(A) and inserting “2000, 2001,  
21 2002, 2003, and 2004,”;

22 (2) by striking subsection (b)(2) and inserting  
23 the following:

24 “(2) Subject to amounts provided in Appropria-  
25 tions Act, at least \$4,000,000 of the amounts in the

1 Fund each year shall be available to the Secretary  
2 for grants to States and for technical assistance for  
3 the purposes and projects described in section  
4 310A.”.

5 **SEC. 210. COASTAL ZONE ENHANCEMENT GRANTS.**

6 Section 309 (16 U.S.C. 1456b) is amended—

7 (1) by striking subsection (a)(1) and inserting  
8 the following:

9 “(1) Protection, restoration, or creation of  
10 coastal habitats, including wetlands, coral reefs, es-  
11 sential fish habitat, marshes, barrier islands, and  
12 other important coastal habitats.”;

13 (2) by inserting “and removal” after “entry” in  
14 subsection (a)(4);

15 (3) by striking subsection (a)(5) and inserting  
16 the following:

17 “(5) Development and adoption of procedures  
18 to assess, consider, and control cumulative and sec-  
19 ondary impacts of coastal land use, growth, and de-  
20 velopment on coastal waters, habitats, and resources,  
21 including the collective effects of various individual  
22 uses and activities.”;

23 (4) by adding at the end of subsection (a) the  
24 following:

1           “(10) Adoption of plans, strategies, policies, or  
2           procedures to enhance cooperation and coordination  
3           among States and local communities, to encourage  
4           local community-based and environmentally-protective  
5           solutions that address the impacts and pressures  
6           on coastal resources and on public facilities and public  
7           service caused by continued coastal population  
8           growth, and to increase State and local capacity to  
9           identify public infrastructure and open space needs,  
10          provide for sustainable growth, protect coastal re-  
11          sources and undeveloped areas, and revitalize com-  
12          munities.

13           “(11) Development and enhancement of State  
14          efforts to control coastal polluted runoff, including  
15          the satisfaction of conditions placed on the polluted  
16          runoff control programs as part of the Secretary’s  
17          approval of the programs.

18           “(12) Significant emerging coastal issues iden-  
19          tified as high priorities by eligible coastal states in  
20          consultation with the Secretary.”;

21           (5) by striking “proposals, taking into account  
22          the criteria established by the Secretary under sub-  
23          section (d)” in subsection (c) and inserting “pro-  
24          posals”;

1           (6) by striking subsection (d) and redesignating  
2           subsections (e), (f), and (g) as subsections (d), (e),  
3           and (f), respectively; and

4           (7) by striking “section, up to a maximum of  
5           \$10,000,000 annually.” in subsection (e), as redesign-  
6           nated, and inserting “section.”.

7 **SEC. 211. COMMUNITY-BASED PLANNING AND MANAGE-**  
8           **MENT.**

9           Section 310 (16 U.S.C. 1456c) is amended to read  
10 as follows:

11 **“SEC. 310. COMMUNITY-BASED PLANNING AND MANAGE-**  
12           **MENT.**

13           “(a) IN GENERAL.—The Secretary may enter into co-  
14 operative agreements with State coastal management  
15 programs—

16           “(1) to provide, coordinate, or facilitate assist-  
17           ance to local and tribal governments and local com-  
18           munities for planning, development, and implemen-  
19           tation of local, community-based initiatives to ad-  
20           dress the impacts and pressures caused by increas-  
21           ing coastal populations on the coastal environment  
22           and resources, public facilities and public services,  
23           and open spaces; and

24           “(2) to strengthen resource protection and res-  
25           toration while providing for community revitalization

1 and comprehensive growth management strategies  
2 consistent with the purposes of this Act.

3 “(b) PROJECT REQUIREMENTS.—Coastal states shall  
4 demonstrate that projects have the support of affected  
5 local and tribal governments and maximize environmental  
6 benefits while supporting coastal dependent communities  
7 consistent with the purposes of this Act. In developing the  
8 program and selecting projects, coastal states shall provide  
9 assistance to improve the capacity of local communities—

10 “(1) to plan for and manage land use and  
11 growth patterns, and to protect critical coastal habi-  
12 tat;

13 “(2) to minimize adverse environmental effects  
14 of new public facilities and public services, housing,  
15 and commercial and residential development; to revi-  
16 talize and restore coastal waterfront communities  
17 and sustainable water uses; to mitigate impacts of  
18 coastal hazards; and to preserve open space areas  
19 for recreation, habitat and scenic views;

20 “(3) to enhance public awareness of and par-  
21 ticipation in planning and managing growth and  
22 conservation in coastal communities; and

23 “(4) to develop and implement standardized ap-  
24 proaches to information management and for shar-  
25 ing information across local and State boundaries.

1       “(c) GUIDELINES.—The Secretary shall develop  
2 guidelines for distribution of funds and project eligibility  
3 and selection under this section.

4       “(d) FUNDING.—Funding shall be distributed to the  
5 States pursuant to the formula established under section  
6 306(e) (16 U.S.C. 1455(e)), except that a state, tribe, or  
7 other grant recipient shall not be required to contribute  
8 any portion of the cost of any proposal for funds awarded  
9 under this section.”.

10 **SEC. 212. TECHNICAL ASSISTANCE AND RESEARCH.**

11       Title III (16 U.S.C. 1451 et seq.) is amended by in-  
12 serting after section 310 the following:

13 **“SEC. 310A. TECHNICAL ASSISTANCE AND RESEARCH.**

14       “(a) IN GENERAL.—The Secretary, in consultation  
15 and cooperation with coastal states and estuarine research  
16 reserves, shall undertake a program of shared technical  
17 assistance, development and implementation of innovative  
18 environmental technologies and methodologies, and train-  
19 ing and management-oriented research that draws upon  
20 available sources of expertise and supports—

21               “(1) State coastal management programs, im-  
22 plementation and use of estuarine research reserves,  
23 community-based solutions for growth management  
24 and resource protection, and State efforts to control  
25 polluted runoff;

1           “(2) international cooperative efforts in coastal  
2           and ocean resource management; and

3           “(3) projects with a high potential for improv-  
4           ing coastal management, including regional and  
5           interstate projects, demonstration projects, and  
6           emergency grants to state coastal management pro-  
7           grams to address unforeseen or disaster-related cir-  
8           cumstances.

9           “(b) CONTRACT AUTHORITY.—In carrying out this  
10          section, the Secretary may enter into contracts or other  
11          arrangements with qualified persons, including other Fed-  
12          eral departments and agencies, but shall, to the extent  
13          practicable, coordinate with and use State coastal manage-  
14          ment programs and estuarine research reserves.

15          “(c) REPORT.—On or before January 1, 2001, the  
16          Secretary shall prepare and submit a report to the Senate  
17          Committee on Commerce, Science, and Transportation  
18          and the House Committee on Resources evaluating the  
19          agency’s effectiveness in carrying out this section and  
20          make recommendations to improve such effectiveness. In  
21          preparing the report, the Secretary shall provide for the  
22          participation of coastal state Governors and managers of  
23          estuarine research reserves.”.

1 **SEC. 213. REVIEW OF PERFORMANCE.**

2 Section 312(a) (16 U.S.C. 1458(a)) is amended by  
3 inserting “coordinated with estuarine research reserves in  
4 the State,” after “section 303(2) (A) through (K),”.

5 **SEC. 214. WALTER B. JONES COASTAL ZONE MANAGEMENT**  
6 **AWARDS.**

7 (a) Section 314(a) (16 U.S.C. 1460(a)) is amended—

8 (1) by striking “shall” and inserting “may”;

9 (2) by inserting “available under this Act,”  
10 after “using sums”;

11 (3) by striking “in the Coastal Zone Manage-  
12 ment Fund established under section 308”;

13 (4) by inserting at the end thereof the fol-  
14 lowing: “These awards, to be known as the ‘Walter  
15 B. Jones Awards,’ may include—

16 “(1) cash awards in an amount not to exceed  
17 \$5,000 each;

18 “(2) research grants; and

19 “(3) public ceremonies to acknowledge such  
20 awards.”.

21 (b) Section 314(b) (16 U.S.C. 1460(b)) is amended—

22 (1) by striking “shall” and inserting “may”;  
23 and

24 (2) by inserting “if funds are available under  
25 subsection (a)” after “annually”.

1 (c) Section 314 (16 U.S.C. 1460) is amended by  
2 striking subsection (e).

3 **SEC. 215. NATIONAL ESTUARINE RESEARCH RESERVE SYS-**  
4 **TEM.**

5 (a) Section 315(a) (16 U.S.C. 1461(a)) is amended  
6 by inserting “is a network of areas protected by Federal,  
7 State, and community partnerships which promote in-  
8 formed management of the Nation’s estuaries and coasts  
9 through interconnected programs in resource stewardship,  
10 education and training, and scientific understanding and”  
11 after “ ‘System’ ) that”.

12 (b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C))  
13 is amended by striking “public education and interpreta-  
14 tion; and” and inserting “education, interpretation, train-  
15 ing, and demonstration projects; and”.

16 (c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

17 (1) by striking “RESEARCH” in the subsection  
18 caption and inserting “RESEARCH, EDUCATION, AND  
19 RESOURCE”;

20 (2) by striking “conduct of research” and in-  
21 serting “conduct of research, education, and re-  
22 source stewardship”;

23 (3) by striking “coordinated research” in para-  
24 graph (1)) and inserting “coordinated research, edu-  
25 cation, and resource stewardship”;

1           (4) by striking “research” before “principles”  
2           in paragraph (2);

3           (5) by striking “research programs” in para-  
4           graph (2) and inserting “research, education, and  
5           resource stewardship programs”;

6           (6) by striking “research” before “methodolo-  
7           gies” in paragraph (3);

8           (7) by striking “data” in paragraph (3) and in-  
9           serting “information”;

10          (8) by striking “research” before “results” in  
11          paragraph (3);

12          (9) by striking “research purposes;” in para-  
13          graph (3) and inserting “research, education, and  
14          resource stewardship purposes;”;

15          (10) by striking “research efforts” in para-  
16          graph (4) and inserting “research, education, and  
17          resource stewardship efforts”;

18          (11) by striking “research” in paragraph (5)  
19          and inserting “research, education, and resource  
20          stewardship”; and

21          (12) by striking “research” in the last sentence.

22          (d) Section 315(d) (16 U.S.C. 1461(d)) is  
23          amended—

24                 (1) by striking “ESTUARINE RESEARCH.—” in  
25                 the subsection caption and inserting “ESTUARINE

1 RESEARCH, EDUCATION, AND RESOURCE STEWARD-  
2 SHIP.—”;

3 (2) by striking “research purposes” and insert-  
4 ing “research, education, and resource stewardship  
5 purposes”;

6 (3) by striking paragraph (1) and inserting the  
7 following:

8 “(1) requiring that the Secretary, in conducting  
9 or supporting activities relating to estuaries, give  
10 reasonable priority to research, education, and stew-  
11 ardship activities that use the System; and”;

12 (4) by striking “research.” in paragraph (2)  
13 and inserting “research, education, and resource  
14 stewardship activities.”; and

15 (5) by adding a new paragraph (3) as follows:

16 “(3) establishing partnerships with other Fed-  
17 eral and State estuary management programs to co-  
18 ordinate and collaborate on estuarine research.”.

19 (e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

20 (1) by striking “reserve,” in paragraph  
21 (1)(A)(i) and inserting “reserve; and”;

22 (2) by inserting “including resource stewardship  
23 activities” in paragraph (1)(A)(ii) after “estuarine  
24 reserve”;

1           (3) by striking “appropriate reserve facilities,  
2 or” in paragraph (1)(A)(ii) and inserting “reserve  
3 facilities.”;

4           (4) by striking paragraph (1)(B) and inserting  
5 the following:

6           “(B) to any coastal state or public or private  
7 person for purposes of—

8           “(i) supporting research and monitoring  
9 associated with a national estuarine reserve  
10 that are consistent with the research guidelines  
11 developed under subsection (c); or

12           “(ii) conducting educational, interpretive,  
13 or training activities for a national estuarine re-  
14 serve that are consistent with the education  
15 guidelines developed under subsection (c).”;

16           (5) by striking “therein or \$5,000,000, which-  
17 ever amount is less.” in paragraph (3)(A) and in-  
18 serting “therein. Non-Federal costs associated with  
19 the purchase of any lands and waters, or interests  
20 therein, which are incorporated into the boundaries  
21 of a reserve up to 5 years after the costs are in-  
22 curred, may be used to match the Federal share.”;

23           (6) by striking “and (iii)” in paragraph (3)(B);

24           (7) by striking “paragraph (1)(A)(iii)” in para-  
25 graph (3)(B) and inserting “paragraph (1)(A)”;

1 (8) by striking “entire System.” in paragraph  
2 (3)(B) and inserting “System as a whole.”; and

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

4 “(4) The Secretary may—

5 “(A) enter into cooperative agreements, fi-  
6 nancial agreements, grants, contracts, or other  
7 agreements with any nonprofit organization au-  
8 thorizing the organization to solicit donations to  
9 carry out the purposes and policies of this sec-  
10 tion, other than general administration of re-  
11 serves or the System, which are consistent with  
12 the purposes and policies of this section; and

13 “(B) accept donations of funds and serv-  
14 ices for use in carrying out the purposes and  
15 policies of this section, other than general ad-  
16 ministration of reserves or the System, which  
17 are consistent with the purposes and policies of  
18 this section, and any such donation shall be  
19 considered as a gift or bequest to or for the use  
20 of the United States for the purpose of carrying  
21 out this section.”.

22 (f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is  
23 amended by inserting “including coordination with other  
24 coastal programs,” after “reserve,”.

1 **SEC. 216. COASTAL ZONE MANAGEMENT REPORTS.**

2 Section 316 (16 U.S.C. 1462) is amended—

3 (1) by striking “to the President for trans-  
4 mittal” in subsection (a);

5 (2) by striking “(10) a description of the eco-  
6 nomic, environmental, and social consequences of en-  
7 ergy activity affecting the coastal zone and an eval-  
8 uation of the effectiveness of financial assistance  
9 under section 308 in dealing with such con-  
10 sequences;” in subsection (a);

11 (3) by redesignating the provisions designated  
12 as (11), (12), and (13) in subsection (a) as (10),  
13 (11), and (12), respectively;

14 (4) by striking “Secretary” in the first sentence  
15 of subsection (c)(1) and inserting “Secretary, in con-  
16 sultation with coastal states, and with the participa-  
17 tion of affected Federal agencies,”;

18 (5) by striking the second sentence of sub-  
19 section (c)(1) and inserting the following: “The Sec-  
20 retary, in conducting such a review, shall coordinate  
21 with, and obtain the views of, applicable Federal  
22 agencies.”;

23 (6) by striking “shall promptly” in subsection  
24 (c)(2) and inserting “shall, with 4 years after the  
25 date of enactment of the Coastal Stewardship Act,”;  
26 and

1           (7) by adding at the end of subsection (c)(2)  
2           the following: “If sufficient funds and resources are  
3           not available to conduct such a review, the Secretary  
4           shall so notify the Congress.”.

5 **SEC. 217. AUTHORIZATION OF APPROPRIATIONS.**

6           Section 318 (16 U.S.C. 1464) is amended to read as  
7 follows:

8 **“SEC. 318. AUTHORIZATION OF APPROPRIATIONS.**

9           “(a) FISCAL YEARS 2000 THROUGH 2004.—There  
10 are authorized to be appropriated to carry out the pur-  
11 poses of this Act for fiscal years 2000, 2001, 2002, 2003,  
12 and 2004 the following amounts:

13           “(1) For grants under sections 306, 306A, and  
14           309, \$140,700,000 (\$73,000,000 of which may be  
15           derived from the Ocean and Coast Conservation  
16           Fund) of which—

17           “(A) \$98,700,000 shall be available for use  
18           under sections 306, 306A, and 309; and

19           “(B) \$42,000,000 shall be made available  
20           specifically to develop, enhance, and implement  
21           elements of coastal nonpoint pollution control  
22           programs in addition to funds provided for  
23           these programs in this subsection.

1           “(2) For grants under section 315,  
2           \$12,000,000 (\$5,000,000 of which may be derived  
3           from the Ocean and Coast Conservation Fund).

4           “(3) For implementation of section 310,  
5           \$30,000,000, which may be derived from the Ocean  
6           and Conservation Fund, in addition to amounts au-  
7           thorized by paragraph (4).

8           “(4) For costs associated with administering  
9           this Act, \$9,500,000.

10           “(5) For grants to fund construction projects at  
11           reserves established under section 315, \$12,000,000.

12           “(b) MATCHING WITH OTHER FEDERAL FUNDS  
13           PROHIBITED.—Federal funds received from other sources  
14           may not be used to pay a coastal state’s share of costs  
15           under section 306.

16           “(c) REVERSION OF UNOBLIGATED FUNDS.—The  
17           amount of any grant or portion of a grant made to a State  
18           under any section of this Act which is not obligated by  
19           such State within 3 years from when it was first author-  
20           ized to be obligated by such State shall revert to the Sec-  
21           retary. The Secretary shall add such reverted amount to  
22           the funds available for grants to States under this Act.

23           “(d) PURCHASE OF FEDERAL PRODUCTS AND SERV-  
24           ICES.—Federal funds allocated under this title may be

1 used by grantees to purchase Federal products and serv-  
2 ices not otherwise available.

3 “(e) EXCEPTION.—Funds authorized for appropria-  
4 tion from the Ocean and Coast Conservation Fund in sub-  
5 section (a) are only authorized for appropriation if not less  
6 than \$75,000,000 is appropriated from general revenues  
7 for purposes of this Act.”.

## 8 **Subtitle B—Coastal Habitat** 9 **Restoration and Preservation**

### 10 **SEC. 251. FINDINGS.**

11 The Congress finds:

12 (1) The economy and the quality of life of many  
13 communities depend on the natural abundance and  
14 health of coastal habitat.

15 (2) Despite the many values of coastal habitat,  
16 these resources are gravely threatened by habitat al-  
17 teration and loss.

18 (3) The accumulated loss of coastal habitat is  
19 reaching over 90 percent in some regions of the na-  
20 tion, threatens the ecological and economic bounty of  
21 regions experiencing the loss, and can be reversed  
22 only by action to restore lost and degraded coastal  
23 habitat.

24 (4) The demands on Federal, State, and local  
25 funding for coastal habitat restoration and preserva-

1       tion activities exceed available resources and prompt  
2       serious concerns about the ability of the United  
3       States to restore this habitat.

4           (5) To succeed in restoring coastal habitat, it is  
5       important to link habitat restoration and preserva-  
6       tion projects to broader ecosystem planning in order  
7       to establish restoration and preservation programs  
8       that are effective in the long term.

9           (6) Efficient leveraging of scarce public re-  
10      sources and new and innovative incentive-based  
11      funding coastal habitat restoration and preservation  
12      projects would generate returns on investments for  
13      communities through improvement of the vibrancy  
14      and health of coastal habitat.

15          (7) Such new partnerships would help ensure  
16      the ecological and economic vibrancy of coastal habi-  
17      tat for the benefit of future generations.

18 **SEC. 252. PURPOSES.**

19      The purposes of this subtitle are—

20          (1) to identify, create, and implement projects  
21      that will restore and preserve ocean and coastal  
22      habitat, including voluntary, community-based  
23      projects and regional habitat restoration projects;

24          (2) to enhance coordination and leveraging of  
25      Federal, State, and community coastal habitat res-

1        toration and preservation projects, programs, plans,  
2        studies, and activities;

3            (3) to establish effective coastal habitat restora-  
4        tion and preservation partnerships among public  
5        agencies at all levels of government and between the  
6        public and private sectors;

7            (4) to develop and enhance monitoring and  
8        maintenance capabilities designed to ensure that res-  
9        toration and preservation projects build on the suc-  
10       cesses of past and current efforts and scientific un-  
11       derstanding;

12           (5) to provide permanent financial assistance to  
13        the States, private citizens, and nongovernmental  
14        entities for these purposes; and

15           (6) to promote watershed or ecosystem ap-  
16        proaches to restoring the Nation's estuaries and  
17        other living marine reserve habitats.

18 **SEC. 253. DEFINITIONS.**

19        In this subtitle:

20            (1) OCEAN AND COASTAL HABITAT.—The term  
21        “ocean and coastal habitat” means the complex of  
22        physical and hydrologic features and living orga-  
23        nisms within estuaries, coastal and marine waters,  
24        and associated ecosystems, including estuarine  
25        zones, coastal wetlands and marshes, flood plains,

1 mangroves, tidal flats, sea grass meadows and beds,  
2 shoreline areas, coral reefs, shellfish beds, and kelp  
3 beds.

4 (2) COASTAL STATE.—The term “coastal state”  
5 has the meaning given to that term by section  
6 304(4) of the Coastal Zone Management Act of  
7 1972 (16 U.S.C. 1453).

8 (3) SECRETARY.—The term “Secretary” means  
9 the Secretary of Commerce.

10 (4) FUND.—The term “Fund” means the  
11 Ocean and Coast Conservation Fund established by  
12 section 101 of this Act.

13 (5) COASTAL POPULATION.—The term “coastal  
14 population” means the population subdivisions, as  
15 determined by the most recent official data of the  
16 Census Bureau, contained in whole or in part within  
17 the designated coastal boundary of a State as de-  
18 fined in a State’s coastal zone management program  
19 under the Coastal Zone Management Act (16 U.S.C.  
20 1455).

21 **SEC. 254. RESTORATION AND PRESERVATION PROJECTS.**

22 (a) IN GENERAL.—In order to receive funds made  
23 available under this subtitle, each coastal State shall de-  
24 velop projects that will restore and protect ocean and  
25 coastal habitat, including activities that will—

1           (1) restore and preserve physical features, bio-  
2           logical functions, or hydrologic functions;

3           (2) address or restore degraded areas, including  
4           the provision of technical assistance to avoid the po-  
5           tential degradation of coastal habitat from other  
6           projects;

7           (3) implement or build upon existing regional or  
8           watershed-based restoration plans;

9           (4) control non-native and invasive species;

10          (5) purchase land and land rights; or

11          (6) reintroduce native or ecologically beneficial  
12          species through planting or natural succession.

13          (b) COOPERATIVE PROJECTS.—Restoration and pres-  
14          ervation projects shall—

15               (1) encourage enhanced coordination and  
16               leveraging of Federal, State, and community restora-  
17               tion and preservation programs, plans, and studies;  
18               and

19               (2) encourage partnerships among public agen-  
20               cies at all levels of government and between the pub-  
21               lic and private sectors.

22          (c) EXCLUSIONS.—A coastal state may not receive  
23          funds made available under this subtitle for a project, pro-  
24          gram, plan, study, or activity that includes—

1           (1) an activity that constitutes mitigation for  
2 the adverse effects of an activity regulated or other-  
3 wise governed by Federal or State law;

4           (2) an activity that constitutes satisfaction of li-  
5 ability for natural resource damages or other envi-  
6 ronmental liability under any Federal or State law;  
7 or

8           (3) the acquisition of land or land rights from  
9 an unwilling seller.

10 **SEC. 255. REVIEW, REVISION, AND APPROVAL OF**  
11 **PROJECTS.**

12       (a) SUBMISSION OF PROJECTS FOR REVIEW.—The  
13 Governor of a coastal state shall submit a plan for each  
14 project developed by that State under section 254(a) to  
15 the Secretary. Each such plan shall include—

16           (1) a description of the project;

17           (2) an evaluation of whether the project will  
18 meet one or more of the purposes in section 252;

19           (3) an estimate of the duration of the project;

20           (4) a budget that includes the annual and total  
21 cost of the project; and

22           (5) a list of all government and non-government  
23 agencies charged with administering funds allocated  
24 to the project pursuant to section 256(c) of this Act.

25       (b) REVIEW BY THE SECRETARY.—

1           (1) IN GENERAL.—The Secretary shall review  
2 each plan submitted under subsection (a) to deter-  
3 mine whether the project meets the requirements of  
4 this subtitle and notify the Governor of that deter-  
5 mination within 60 days after the plan is submitted.

6           (2) PAST PERFORMANCE.—In determining  
7 whether a project or a revised project submitted by  
8 a coastal state under this section meets the require-  
9 ments of this subtitle, the Secretary shall take into  
10 account that State’s past performance in achieving  
11 the purposes of this subtitle, including its progress  
12 in implementing and completing projects.

13           (3) FEDERALLY-APPROVED PROJECTS, PLANS,  
14 STUDIES, AND ACTIVITIES.—The Secretary shall ap-  
15 prove any restoration and preservation project, plan,  
16 study, or activity submitted by a coastal state under  
17 section 255 that—

18                   (A) has been approved by any Federal  
19 agency;

20                   (B) has not been fully funded;

21                   (C) meets one or more of the purposes of  
22 section 252; and

23                   (D) meets the requirements of the guide-  
24 lines and criteria established under section 258.

25           (c) PROJECTS NOT APPROVED.—

1           (1) REVISION ASSISTANCE.—If the Secretary  
2 determines that a State project does not meet the  
3 requirements of this subtitle, the Secretary shall  
4 provide technical assistance to the Governor of that  
5 State in revising the project plan. The Governor  
6 shall, as soon as possible after being notified of the  
7 Secretary’s determination—

8                   (A) notify the Secretary that the State will  
9 not resubmit its project plan for funding for the  
10 calendar year; or

11                   (B) revise the project, with or without the  
12 assistance provided by the Secretary, and sub-  
13 mit the revised plan for the project for review  
14 by the Secretary.

15           (2) SECOND REVIEW.—The Secretary shall  
16 promptly review any revised project plan submitted  
17 in a timely manner (as determined by the Secretary)  
18 and determine whether the revised project meets the  
19 requirements of this subtitle and notify the Governor  
20 of that determination within 30 days of submission.  
21 If the Secretary determines that the revised project  
22 meets the requirements of this subtitle, the Sec-  
23 retary shall allocate funds to the State in accordance  
24 with this subtitle.

1           (3) DISAPPROVED OR WITHDRAWN PLANS.—If  
2           the Secretary determines that the revised project  
3           does not meet the requirements of this subtitle, or  
4           if the Governor does not submit a revised project  
5           plan for review within the time frame established by  
6           the Secretary, then no funds available under this  
7           subtitle may be allocated from the Ocean and Coast  
8           Conservation Fund for that project.

9           (d) APPROVED PROJECTS.—If the Secretary deter-  
10          mines that a State project meets the requirements of this  
11          subtitle, including the guidelines and criteria established  
12          under section 258, the Secretary shall allocate funds to  
13          that State in accordance with this subtitle for developing  
14          and implementing such projects.

15       **SEC. 256. ALLOCATION AND DISBURSAL OF FUNDS.**

16          (a) FORMULA FOR ALLOCATION.—

17               (1) IN GENERAL.—The Secretary shall allocate  
18               the amounts available for distribution under this  
19               subtitle from the Fund for any calendar year among  
20               the several coastal states in accordance with the fol-  
21               lowing formula:

22                       (A) 30 percent shall be available for dis-  
23                       tribution on the basis of the ratio which the  
24                       coastline of each coastal state bears to the total  
25                       coastline of all coastal states; and

1           (B) 70 percent shall be available for dis-  
2           tribution on the basis of the ratio which the  
3           coastal population of each coastal state bears to  
4           the total coastal population of all coastal states.

5           (2) FINALITY.—The allocation of funds by the  
6           Secretary under paragraph (1) is final.

7           (b) NOTIFICATION.—As soon as the Secretary knows,  
8           or can reasonably estimate, the amount that will be avail-  
9           able for distribution under this subtitle from the Fund for  
10          a calendar year, the Secretary shall notify the Governor  
11          of each coastal state of the amount available for allocation  
12          to that State under subsection (a) for that calendar year  
13          under this subtitle.

14          (c) PAYMENT.—The Secretary shall grant funds for  
15          approved projects from amounts available for allocation to  
16          a coastal state under subsection (a) within 90 days after  
17          notifying the Governor of that State that a project has  
18          been approved. The Secretary may make payments in in-  
19          stallments or in any manner authorized by title 31, United  
20          States Code, and shall make such payments beginning not  
21          later than December 31. The first payments under this  
22          subtitle may not be made before the date that is 1 year  
23          after the date of enactment of this Act.

24          (d) SUBALLOCATION TO POLITICAL SUBDIVISIONS  
25          AND NONPROFIT ENTITIES.—A State that receives funds

1 under subsection (c) may allocate a portion of those  
2 funds—

3           (1) to any local government, area-wide agency  
4           designated under section 204 of the Demonstration  
5           Cities and Metropolitan Development Act of 1966  
6           (42 U.S.C. 3334), regional agency, or interstate  
7           agency; or

8           (2) to any nonprofit organization with expertise  
9           in coastal or marine issues,

10 for the purpose of carrying out a coastal habitat restora-  
11 tion and protection project approved under section 255.

12       (e) REAPPORTIONMENT OF UNOBLIGATED  
13 AMOUNTS.—Except as provided in subsection (f), if any  
14 funds available for allocation to a coastal state for a cal-  
15 endar year are not obligated by the Secretary, the Sec-  
16 retary shall make those funds available to that State for  
17 each of the next 2 calendar years. If funds available for  
18 allocation to a coastal state remain unobligated for 3 cal-  
19 endar years, then the unobligated funds shall be added  
20 to the funds available for allocation to all coastal states  
21 under subsection (a) for the fourth calendar year after the  
22 calendar year for which they were first allocated to that  
23 State.

24       (f) FUNDS NOT PAID TO THE COASTAL STATES.—  
25 Any amount in the Fund available for allocation to a

1 coastal State but not paid or obligated because that State  
2 did not have a plan approved under section 255 of the  
3 calendar year, or because the amount allocated to that  
4 State for the calendar year exceeded the amount obligated  
5 or expended under its plan, shall be retained by the Fund  
6 and disposed of according to the law otherwise applicable  
7 to revenues from leases on the Outer Continental Shelf.

8 **SEC. 257. DATABASE; REPORT TO CONGRESS.**

9 (a) DATABASE OF RESTORATION AND PROTECTION  
10 PROJECT INFORMATION.—The Secretary shall maintain a  
11 database of information concerning coastal habitat res-  
12 toration and preservation projects funded under this sub-  
13 title, including information on project techniques, project  
14 completion, monitoring data, and other relevant informa-  
15 tion.

16 (b) REPORT.—The Secretary shall annually submit  
17 a report to the Committee on Commerce, Science, and  
18 Transportation of the United States Senate and the Com-  
19 mittee on Resources of the United States House of Rep-  
20 resentatives on the results of activities carried out under  
21 this subtitle. The report shall include—

22 (1) a review and evaluation of each coastal  
23 state's restoration and preservation projects;

1           (2) a review of all funds allocated to coastal  
2 states and to the Department of Commerce under  
3 this subtitle;

4           (3) quantitative data on coastal habitats re-  
5 stored and protected under this subtitle, including  
6 the scope and number of projects approved and com-  
7 pleted;

8           (4) an estimate of the long-term success of  
9 varying restoration and protection techniques used  
10 in carrying out projects under this subtitle; and

11           (5) a review of the extent to which information  
12 described in paragraph (4) will be or has been incor-  
13 porated in the selection and implementation of coast-  
14 al habitat restoration and protection projects.

15 **SEC. 258. GUIDELINES.**

16       The Secretary shall publish guidelines and criteria for  
17 the review, revision, and approval of projects under section  
18 255, including Federally-approved projects under section  
19 255(b)(3), in the Federal Register within 90 days after  
20 the date of enactment of this Act. After a 60-day period  
21 for public comment, the Secretary shall publish the guide-  
22 lines in final form.

23 **SEC. 259. COOPERATIVE AGREEMENTS; MEMORANDA OF**  
24 **UNDERSTANDING.**

25       In carrying out this subtitle, the Secretary may—

1           (1) enter into cooperative agreements, financial  
 2           agreements, grant agreements, contractual agree-  
 3           ments, or other agreements with Federal, State, and  
 4           local government agencies and other persons and en-  
 5           tities to carry out this title; and

6           (2) execute such memoranda of understanding  
 7           as are necessary to reflect any such agreement.

8 **SEC. 260. AUTHORIZATION OF APPROPRIATIONS.**

9           (a) **AUTHORIZATION OF APPROPRIATIONS.**—There  
 10          are authorized to be appropriated to the Secretary to carry  
 11          out this subtitle any amounts in the Fund not authorized  
 12          to be appropriated under the other titles of this Act.

13          (b) **ADMINISTRATIVE EXPENSES AND STAFFING.**—  
 14          There are authorized to be appropriated to the Secretary  
 15          to administer the activities in this subtitle \$7,500,000 for  
 16          fiscal year 2000 and for each year there after.

17 **TITLE III—COOPERATIVE OCEAN**  
 18 **STEWARDSHIP**

19 **Subtitle A—National Marine**  
 20 **Sanctuaries**

21 **SEC. 301. SHORT TITLE.**

22          This subtitle may be cited as the “National Marine  
 23          Sanctuaries Amendments Act of 1999”.

1 **SEC. 302. AMENDMENT OF NATIONAL MARINE SANC-**  
2 **TUARIES ACT.**

3 Except as otherwise expressly provided, whenever in  
4 this subtitle 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 (46 U.S.C. 1431 et seq.).

9 **SEC. 303. CHANGES IN FINDINGS, PURPOSES, AND POLI-**  
10 **CIES.**

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

13 (1) by striking “educational, or aesthetic” in  
14 paragraph (2) and inserting “monitoring, edu-  
15 cational, cultural, archaeological, or aesthetic”;

16 (2) by striking “a coordinated and comprehen-  
17 sive approach to the” in paragraph (3) and inserting  
18 “coordinated and comprehensive ecosystem”;

19 (3) by striking “such a Federal program” in  
20 paragraph (5) and inserting “a Federal program for  
21 protected marine areas”;

22 (4) by striking “wise use” in paragraph (5) and  
23 inserting “sustainable use”;

24 (5) by striking “and” after the semicolon in  
25 paragraph (5);

1           (6) by redesignating paragraph (6) as para-  
2           graph (7), and inserting after paragraph (5) the fol-  
3           lowing:

4           “(6) an integrated network of protected marine  
5           areas, to be known as the National Marine Sanc-  
6           tuary System, will provide added value to the Nation  
7           beyond their individual boundaries by applying inno-  
8           vative management techniques across the entire na-  
9           tional system; and”;

10          (7) by striking “protection of these special  
11          areas” in paragraph (7), as redesignated, and insert-  
12          ing “protecting the biodiversity, habitats, and quali-  
13          ties of such special areas through precautionary and  
14          preventative management actions”; and

15          (8) by inserting “and the values and ecological  
16          services they provide” in paragraph (7), as redesign-  
17          ated, after “living resources”.

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

20          (1) by striking paragraph (3) and inserting the  
21          following:

22          “(3) to maintain natural biodiversity and bio-  
23          logical communities, and to protect, and where ap-  
24          propriate, restore, and enhance natural habitats,  
25          populations, and ecological processes;”;

1           (2) by striking “understanding, appreciation,  
2           and wise use of the marine environment;” in para-  
3           graph (4) and inserting “understanding, and appre-  
4           ciation of the marine environment and the natural,  
5           historical, cultural, and archaeological resources of  
6           national marine sanctuaries in order to ensure their  
7           conservation and sustainable use for future genera-  
8           tions;”

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

12                 “(5) to support, promote, and coordinate appro-  
13                 priate scientific research on, and long-term moni-  
14                 toring of, the resources of protected marine areas;”;

15           (4) by striking “facilitate” in paragraph (6), as  
16          redesignated, and inserting “allow;”;

17           (5) by striking “areas;” in paragraph (8), as re-  
18          designated, and inserting “areas, including the ap-  
19          plication of innovative management techniques such  
20          as marine zoning; and”; and

21           (6) by striking paragraph (10), as redesignated.

22 **SEC. 304. CHANGES IN DEFINITIONS.**

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

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

1           (2) by striking subparagraph (A) of paragraph  
2           (6) and inserting the following:

3                   “(A) compensation for the cost of restoring  
4                   or rehabilitating an injured sanctuary resource  
5                   and its services to its baseline condition; and

6                   “(B)(i) the cost of replacing or acquiring  
7                   resources and services of equivalent value to the  
8                   sanctuary resources and services lost until the  
9                   sanctuary resource has recovered its baseline  
10                  condition; or

11                  “(ii) the lost value of the sanctuary re-  
12                  sources and services from the date the injury  
13                  occurred until the sanctuary resource has recov-  
14                  ered its baseline condition;”;

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

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

19           (5) by inserting after paragraph (6)(C) the fol-  
20           lowing:

21                   “(D) the cost of curation and conservation  
22                   of archaeological, historical, and cultural sanc-  
23                   tuary resources;”;

24           (6) by inserting “including enforcement activi-  
25           ties” after “injury” in paragraph (7);

1           (7) by striking “historical, research, edu-  
2           cational, or ” in paragraph (8) and inserting “his-  
3           torical, educational, cultural, archaeological,”;

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

6           (9) by striking “Act.” in paragraph (9) and in-  
7           serting “Act;”; and

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

9           “(10) ‘to injure’ means to change a marine  
10          sanctuary resource adversely, including, but not lim-  
11          ited to—

12                 “(A) adversely changing chemical, biologi-  
13                 cal, or physical attribute of a marine sanctuary  
14                 resource;

15                 “(B) impairing a marine sanctuary re-  
16                 source service;

17                 “(C) direct, indirect, or cumulative adverse  
18                 changes, regardless of their duration; and

19                 “(D) loss, loss of use, or destruction of a  
20                 marine sanctuary resource;

21                 “(11) ‘service’ means a function performed by  
22                 a marine sanctuary resource for the benefit of an-  
23                 other marine sanctuary resource, other natural re-  
24                 source, or the public;

1           “(12) ‘person’, in addition to its meaning under  
2           section 1 of title 1, United States Code, includes a  
3           department, agency, or instrumentality of the gov-  
4           ernment of the United States, a State, or a foreign  
5           Nation; and

6           “(13) ‘baseline’ means the condition of a ma-  
7           rine sanctuary resource or service that would have  
8           existed if the injury had not occurred.”.

9   **SEC. 305. CHANGES IN SANCTUARY DESIGNATION STAND-**  
10                                   **ARDS.**

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

12           (1) by striking “its resource or human-use val-  
13           ues;” in subsection (a)(2)(A) and inserting “its bio-  
14           diversity, ecological importance, or human-use val-  
15           ues;”;

16           (2) by striking “are inadequate or” in sub-  
17           section (a)(2)(B); and

18           (3) by striking so much of subsection (b) as  
19           precedes paragraph (2) and inserting the following:  
20           “(b) **FACTORS AND CONSULTATIONS.**—

21           “(1) **FACTORS.**—In determining whether an  
22           area of the marine environment meets the standards  
23           established by subsection (a), the Secretary shall  
24           consider the following factors:

1           “(A) The natural resource and ecological  
2 qualities of the area, including its biodiversity,  
3 biological communities, ecological significance,  
4 bio-geographic representation, contribution to  
5 local and regional biological productivity, eco-  
6 system structure and function, and the mainte-  
7 nance of ecologically or economically important  
8 habitats and species, including threatened and  
9 endangered species.

10           “(B) The historical, cultural, archae-  
11 ological, or paleontological significance of the  
12 area.

13           “(C) The present and potential human  
14 uses of the area that depend on maintenance of  
15 a healthy and functional natural ecosystem.

16           “(D) The present and potential activities  
17 that may threaten or otherwise adversely affect  
18 the factors described in subparagraphs (A),  
19 (B), and (C).

20           “(E) The area’s scientific value as a pro-  
21 tected area.

22           “(F) The existing State and Federal regu-  
23 latory and management authorities applicable  
24 to the area and the adequacy of those authori-

1           ties to fulfill the purposes and policies of this  
2           title.

3           “(G) The manageability of the area, in-  
4           cluding such factors as its size, its location, its  
5           vulnerability to significant ecological disturb-  
6           ance, its ability to be identified as a discrete ec-  
7           ological unit with definable boundaries, its ac-  
8           cessibility, and its suitability for scientific moni-  
9           toring and enforcement activities.

10          “(H) The feasibility, where appropriate, of  
11          employing innovative management approaches  
12          such as marine zoning to protect sanctuary re-  
13          sources or to manage compatible uses.

14          “(I) The value of the site as part of an in-  
15          tegrated network of protected marine areas,  
16          both within the National Marine Sanctuary  
17          System, and in the broader context of protected  
18          marine areas throughout the United States and  
19          internationally.

20          “(J) The public benefits to be derived from  
21          sanctuary status, with emphasis on the benefits  
22          of long-term protection of nationally significant  
23          resources, qualities, and vital habitats.

24          “(K) The negative impacts produced by  
25          management restrictions on income-generating

1 activities such as living and nonliving resources  
2 development.

3 “(L) The socioeconomic effects of designa-  
4 tion as a national marine sanctuary.”.

5 **SEC. 306. CHANGES IN PROCEDURES FOR DESIGNATION**  
6 **AND IMPLEMENTATION.**

7 (a) CHANGES IN NOTICE REQUIREMENTS.—Section  
8 304(a) (16 U.S.C. 1434(a)) is amended—

9 (1) by striking “Senate documents, including  
10 an executive summary consisting of—” and all that  
11 follows in paragraph (1)(C) and inserting the fol-  
12 lowing:

13 “Senate—

14 “(i) the draft environmental impact  
15 statement prepared under paragraph (3);

16 “(ii) the draft management plan pre-  
17 pared under paragraph (2);

18 “(iii) the basis for the findings made  
19 under section 303(a) for the area;

20 “(iv) an assessment of the factors re-  
21 quired to be considered under section  
22 303(b)(1);

23 “(v) an estimate of the annual cost of  
24 the proposed designation, including the  
25 costs of personnel, equipment and facili-

1                   ties, enforcement, research, and public  
2                   education; and

3                   “(vi) the proposed regulations referred  
4                   to in subsection (a)(1)(A).”.

5           (b) MANAGEMENT PLAN REQUIREMENT.—Section  
6 304(a) (16 U.S.C. 1434(a)) is amended—

7           (1) by redesignating paragraphs (2) through  
8           (6) as (3) through (7), respectively; and

9           (2) by inserting after paragraph (1) the fol-  
10          lowing:

11           “(2) MANAGEMENT PLAN.—The Secretary shall  
12          prepare, and make available to the public, a manage-  
13          ment plan for the proposed sanctuary that  
14          includes—

15           “(A) the terms of the proposed designa-  
16          tion;

17           “(B) proposed mechanisms to coordinate  
18          existing regulatory and management authorities  
19          within the area;

20           “(C) the proposed goals and objectives,  
21          management responsibilities, resource studies,  
22          and appropriate strategies for managing sanc-  
23          tuary resources, interpretation and education,  
24          research, monitoring and assessment, resource

1 protection, restoration, and enforcement, includ-  
2 ing surveillance activities for the area;

3 “(D) an evaluation of the advantages of  
4 cooperative State and Federal management if  
5 all or part of a proposed marine sanctuary is  
6 within the territorial limits of a State, or is  
7 superjacent to the subsoil and seabed within the  
8 seaward boundary of a State (as established  
9 under the Submerged Lands Act (43 U.S.C.  
10 1301 et seq.); and

11 “(E) the proposed regulations prepared  
12 under section 304(a)(1)(A).”.

13 (c) OTHER NOTICE-RELATED CHANGES.—Section  
14 304(a) (16 U.S.C. 1434(a)) is further amended—

15 (1) by striking “research, educational,” in para-  
16 graph (4), as redesignated, and inserting “edu-  
17 cational, cultural, archaeological,”;

18 (2) by striking “only by the same procedures by  
19 which the original designation is made.” in para-  
20 graph (4), as redesignated, and inserting “by fol-  
21 lowing the applicable procedures of the National En-  
22 vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
23 seq.) and chapter 5 of title 5, United States Code.”;  
24 and

1           (3) by inserting “this Act and” after “objectives  
2           of” in the second sentence of paragraph (6), as re-  
3           designated.

4           (d) OTHER CHANGES.—Section 304 (16 U.S.C.  
5 1434) is amended—

6           (1) by striking “natural” and inserting “na-  
7           tional” in subsection (b)(1);

8           (2) by adding at the end of subsection (b)(1)  
9           the following: “For purposes of the preceding sen-  
10          tence, any proposed change in a term of designation  
11          of such a national marine sanctuary shall be treated  
12          as a designation.”;

13          (3) by inserting “or the national system” in  
14          subsection (b)(2) after “sanctuary”;

15          (4) by striking “are likely to destroy,” in sub-  
16          section (d)(1)(A) and inserting “may destroy,”;

17          (5) by striking the last sentence of subsection  
18          (d)(3);

19          (6) by adding at the end of subsection (d) the  
20          following:

21                 “(4) CONSEQUENCES OF REJECTING ALTER-  
22                 NATIVES.—If the head of an agency does not follow  
23                 the Secretary’s recommendations under paragraph  
24                 (2), the head of that agency shall explain in writing  
25                 to the Secretary the reasons for not following those

1 recommendations. If the action of a Federal agency  
2 results in a threat of destruction, destruction, or loss  
3 of, or injury to, a national marine sanctuary re-  
4 source (including toxic spills and vessel groundings),  
5 the agency head shall promptly coordinate with the  
6 Secretary and take action to prevent, or to respond  
7 to and mitigate, the harm and, if possible, to re-  
8 store, replace, or provide the equivalent of any sanc-  
9 tuary resource destroyed, lost, or injured by the  
10 agency action.”; and

11 (7) by striking “management techniques,” in  
12 subsection (e) and inserting “management tech-  
13 niques and strategies,”.

14 **SEC. 307. CHANGES IN INTERNATIONAL COOPERATION**  
15 **PROVISIONS.**

16 Section 305(c) (16 U.S.C. 1435(c)) is amended by  
17 striking “governments and international organizations”  
18 and inserting “governments, international organizations,  
19 and other persons”.

20 **SEC. 308. CHANGES IN ACTIVITIES PROHIBITED.**

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

22 (1) by striking “sell,” in paragraph (2) and in-  
23 serting “offer for sale, sell, purchase, import, ex-  
24 port,”; and

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

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

5                   “(A) refusing to permit any authorized of-  
6 ficer to board a vessel for the purpose of con-  
7 ducting a search or inspection in connection  
8 with the enforcement of this title;

9                   “(B) assaulting, resisting, opposing, im-  
10 peding, intimidating, or interfering with any au-  
11 thorized officer in the conduct of any search or  
12 inspection under this title;

13                   “(C) submitting false information to the  
14 Secretary or any authorized officer in connec-  
15 tion with any search or inspection under this  
16 title; or

17                   “(D) assaulting, resisting, opposing, im-  
18 peding, intimidating, harassing, bribing, or  
19 interfering with any person authorized by the  
20 Secretary to implement the provisions of this  
21 title; or”.

22 **SEC. 309. CHANGES IN ENFORCEMENT PROVISIONS.**

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

24           (1) by striking “and reasonable” in subsection  
25 (a);

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

5           “(1) arrest any other person, if that authorized  
6           person has reasonable cause to believe that the other  
7           person has committed an act prohibited by section  
8           306(3);”;

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

12          “(c) CRIMINAL OFFENSES.—

13                 “(1) IN GENERAL.—Violation of section 306(3)  
14                 is punishable by a fine of not more than \$100,000,  
15                 imprisonment for not more than 6 months, or both.

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

18                         “(A) uses a dangerous weapon;

19                         “(B) causes bodily injury to any person  
20                         authorized to enforce this title or to implement  
21                         its provisions; or

22                         “(C) causes such a person to fear immi-  
23                         nent bodily injury,

1 then the violation is punishable by a fine of not more  
2 than \$200,000, imprisonment for not more than 10  
3 years, or both.”;

4 (4) by striking “\$100,000” in paragraph (1) of  
5 subsection (d), as redesignated, and inserting  
6 “\$109,000”;

7 (5) by striking “forfeiture;” in paragraph  
8 (1)(C)(i) of subsection (f), as redesignated, and in-  
9 serting “forfeiture, with priority given to protecting  
10 and enhancing the sanctuary’s resources;”;

11 (6) by striking “sanctuary.” in paragraph  
12 (1)(C)(iii) of subsection (f), as redesignated, and in-  
13 serting “sanctuary, with priority given to protecting  
14 and enhancing the sanctuary’s resources, particu-  
15 larly degraded resources.”; and

16 (7) by inserting “electronic files,” after  
17 “books,” in subsection (h), as redesignated.

18 **SEC. 310. ADDITIONAL REGULATIONS AUTHORITY ADDED.**

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

21 **“SEC. 308. REGULATIONS AND SEVERABILITY.**

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

24 “(b) SEVERABILITY.—If any provision of this title,  
25 or the application thereof to any person or circumstance,

1 is held invalid, the validity of the remainder of this title  
2 and of the application of that provision to other persons  
3 and circumstances shall not be affected by that holding.”.

4 **SEC. 311. CHANGES IN RESEARCH, MONITORING, AND EDU-**  
5 **CATION PROVISIONS.**

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

8 **“SEC. 309. RESEARCH, MONITORING, AND EDUCATION PRO-**  
9 **GRAMS AND INTERPRETIVE FACILITIES.**

10 “(a) IN GENERAL.—The Secretary shall conduct,  
11 support, and coordinate research, monitoring, and edu-  
12 cation programs, consistent with subsections (b) and (c)  
13 and the purposes and policies of this title, focusing pri-  
14 marily on—

15 “(1) creating an understanding of the natural  
16 processes necessary to maintain biodiversity and via-  
17 ble ecosystems; and

18 “(2) reducing anthropogenic impacts on the  
19 long-term conservation of biodiversity and viable eco-  
20 systems.

21 “(b) RESEARCH AND MONITORING.—

22 “(1) IN GENERAL.—The Secretary may sup-  
23 port, promote, and coordinate appropriate scientific  
24 research on, and long-term monitoring of, the re-  
25 sources and human uses of marine sanctuaries, with

1 particular emphasis on maintaining or restoring di-  
2 versity of living marine resources, their habitats, ec-  
3 ological processes, and functions fundamental to the  
4 viability and conservation of these protected areas,  
5 through—

6 “(A) research, monitoring, exploration,  
7 mapping, and environmental and socio-economic  
8 assessment; and

9 “(B) restoration efforts to enhance the  
10 rate of recovery of degraded habitats or re-  
11 sources, and the development and testing of ap-  
12 propriate restoration methods.

13 “(2) AVAILABILITY OF RESULTS.—The Sec-  
14 retary shall make the results of activities undertaken  
15 by the Secretary under paragraph (1) available to  
16 the public.

17 “(c) EDUCATION AND INTERPRETIVE FACILITIES.—  
18 The Secretary may undertake, either solely or in partner-  
19 ship with other persons under section 311, efforts to en-  
20 hance public awareness, understanding, and appreciation  
21 of the marine environment, in order to ensure better un-  
22 derstanding of resources and natural processes and their  
23 conservation for future generations, including education  
24 aimed at the general public, teachers, students, sanctuary  
25 users, or environmental decision makers. Any effort un-

1   dertaken under this subsection shall emphasize the con-  
2   servation goals of national marine sanctuaries and, to the  
3   extent practicable, address specific threats to sanctuary  
4   resources stemming from human uses that affect the ma-  
5   rine environment.

6       “(d) INTERPRETIVE FACILITIES.—The Secretary  
7   may undertake, either solely or in partnership with other  
8   persons under section 311, to develop interpretive facilities  
9   across the nation focused on marine resource preservation  
10  that promote marine conservation by providing the public  
11  and specific user groups with innovative, focused, and ef-  
12  fective information about the nature, biological, ecological,  
13  and social functions and values of marine sanctuary eco-  
14  systems.”.

15 **SEC. 312. CHANGES IN SPECIAL USE PERMIT PROVISIONS.**

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

17           (1) by redesignating subsections (b) through (e)  
18       as subsections (e) through (f), respectively, and by  
19       inserting after subsection (a) the following:

20       “(b) PUBLIC NOTICE REQUIRED.—The Secretary  
21   shall provide appropriate public notice before identifying  
22   any activity subject to a special use permit under sub-  
23   section (a).”;

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

4           (3) by striking “the use of” in paragraph  
5 (2)(C) of subsection (d), as redesignated, and insert-  
6 ing “access to, and the use of,”;

7           (4) by redesignating paragraph (3) of sub-  
8 section (d), as redesignated, as paragraph (4), and  
9 by inserting after paragraph (2) thereof the fol-  
10 lowing:

11           “(3) WAIVER OR REDUCTION OF FEES; ACCEPT-  
12 ANCE OF IN-KIND SERVICES.—

13           “(A) NONPROFIT ACTIVITIES.—The Sec-  
14 retary may waive or reduce fees under para-  
15 graph (2) (A) or (B) for activities that do not  
16 derive profit from the access to and use of sanc-  
17 tuary resources.

18           “(B) COMPENSATION FOR FAIR MARKET  
19 VALUE.—The Secretary may waive or reduce  
20 fees, or accept in-kind services in lieu of fees,  
21 under paragraph (2)(C).”;

22           (5) by amending subsection (f), as redesignated,  
23 to read as follows:

24           “(f) FISHING PERMITS.—Nothing in this section au-  
25 thorizes the Secretary to require a person to obtain a per-

1 mit under this section to fish in a national marine sanc-  
2 tuary.”.

3 **SEC. 313. CHANGES IN COOPERATIVE AGREEMENTS PROVI-**  
4 **SIONS.**

5 Section 311 (16 U.S.C. 1442) is amended by redesi-  
6 gnating subsections (b), (c), and (d) as subsections (c), (d),  
7 and (e), respectively, and inserting after subsection (a) the  
8 following:

9 “(b) USE OF STATE AND FEDERAL AGENCY RE-  
10 SOURCES.—The Secretary may, whenever appropriate, use  
11 by agreement the personnel, services, or facilities of de-  
12 partments, agencies, and instrumentalities of the govern-  
13 ment of the United States or of any State or political sub-  
14 division thereof on a reimbursable or non-reimbursable  
15 basis to assist in carrying out this Act.”.

16 **SEC. 314. CHANGES IN PROVISIONS CONCERNING DE-**  
17 **STRUCTION, LOSS, OR INJURY.**

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

20 (1) by striking “sanctuary resource” in para-  
21 graph (1) and inserting “sanctuary resource, or cre-  
22 ates an imminent risk of destruction, loss of, or in-  
23 jury to any sanctuary resource,”;

1           (2) by striking “injury; and” in paragraph  
2 (1)(A) and inserting “injury, including damages re-  
3 sulting from response actions;”;

4           (3) by redesignating subparagraph (B) of para-  
5 graph (1) as subparagraph (C), and inserting after  
6 subparagraph (A) thereof the following:

7           “(B) any costs related to seizure, for-  
8 feiture, storage, or disposal arising from liabil-  
9 ity under this section; and”;

10          (4) by striking “response costs” in paragraph  
11 (2) and inserting “response, seizure, forfeiture, stor-  
12 age, and disposal costs;”;

13          (5) by inserting “(other than an employee or  
14 agent of the defendant, other than one whose act or  
15 omission occurs in connection with a contractual re-  
16 lationship existing directly or indirectly with the de-  
17 fendant),” after “third party” in paragraph 3(A).

18          (6) by inserting “or” after the semicolon in  
19 paragraph (3)(A);

20          (7) by striking “caused by an activity author-  
21 ized by Federal or State law; or” in paragraph  
22 (3)(B) and inserting “specifically authorized by Fed-  
23 eral or State law or permit (excluding recommenda-  
24 tions, instructions, or any other actions undertaken  
25 by the Secretary or any other person authorized to

1 enforce this title in responding to an incident cre-  
2 ating liability under this section).”;

3 (8) by striking subparagraph (C) of paragraph  
4 (3);

5 (9) by inserting “or vessel” after “person” in  
6 paragraph (4); and

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

8 “(5) JOINT AND SEVERAL LIABILITY.—Liability  
9 under paragraph (1) is joint and several.”.

10 (b) CIVIL ACTIONS.—Section 312(c) (16 U.S.C.  
11 1443(c)) is amended—

12 (1) by striking “vessel who” and inserting “ves-  
13 sel that”;

14 (2) by striking “response costs” and inserting  
15 “response, seizure, forfeiture, storage, and disposal  
16 costs”; and

17 (3) by striking “person may” and inserting  
18 “person or vessel may”.

19 (c) USE OF RECOVERED AMOUNTS.—Section 312 (16  
20 U.S.C. 1443) is amended by striking subsection (d) and  
21 inserting the following:

22 “(d) DEPOSIT AND USE OF RECOVERED  
23 AMOUNTS.—

24 “(1) DEPOSIT OF AMOUNTS RECOVERED UNDER  
25 THIS ACT.—The Secretary shall deposit any amount

1 recovered by the Secretary as response, seizure, for-  
2 feiture, storage, and disposal costs, or as damages  
3 recovered under this section into the National Oce-  
4 anic and Atmospheric Administration's Damage As-  
5 sessment and Restoration Revolving Fund, which  
6 shall be interest-bearing, or other interest-bearing  
7 accounts into which the Secretary may lawfully de-  
8 posit such amounts, and invested in interest-bearing  
9 obligations of the United States.

10 “(2) USE OF RECOVERED AMOUNTS.—Amounts  
11 recovered under this section shall be used by the  
12 Secretary, without further appropriation as follows:

13 “(A) RESPONSE COSTS AND DAMAGE AS-  
14 SESSMENTS.—Amounts recovered as reimburse-  
15 ment for past response, seizure, forfeiture, stor-  
16 age, or disposal costs, and damage assessment  
17 costs shall be used, as the Secretary deems ap-  
18 propriate, to reimburse the Secretary or other  
19 Federal or State agencies for those costs, and  
20 to fund future response actions and damage as-  
21 sessments.

22 “(B) RESTORATION, REPLACEMENT, AND  
23 PREVENTION.—All other amounts recovered  
24 under this section shall be used, in order of  
25 priority—

1           “(i) to restore, replace, or acquire the  
2           equivalent of the sanctuary resources  
3           which were the subject of the action, in-  
4           cluding the costs of monitoring and the  
5           cost of curation and conservation of ar-  
6           chaeological, historical, and cultural sanc-  
7           tuary resources;

8           “(ii) to prevent threats of destruction,  
9           loss of, or injury to sanctuary resources  
10          within the national marine sanctuary that  
11          was the subject of the action;

12          “(iii) to manage and improve the na-  
13          tional marine sanctuary that was the sub-  
14          ject of the action, with priority given to re-  
15          storing and protecting comparable re-  
16          sources and habitats; and

17          “(iv) to manage and improve any  
18          other national marine sanctuary, with pri-  
19          ority given to restoring or enhancing in-  
20          jured or degraded habitats or resources.

21          “(3) USE OF INTEREST.—Notwithstanding any  
22          other provision of law, interest earned on the invest-  
23          ment of amounts in the Fund under paragraph (1)  
24          shall be available, without further appropriation, for  
25          response, damage assessment, restoration, replace-

1       ment, equivalent acquisition, or injury prevention ac-  
2       tivities.

3       “(e) STATUTE OF LIMITATIONS.—An action for dam-  
4       ages under subsection (c) may not be brought more than  
5       3 years after the date of completion of the relevant dam-  
6       age assessment and restoration plan prepared by the Sec-  
7       retary.”.

8       **SEC. 315. CHANGES IN U.S.S. MONITOR PROVISIONS.**

9       Section 314 (16 U.S.C. 1445) is amended by striking  
10      subsection (b) and redesignating subsection (c) as sub-  
11      section (b).

12      **SEC. 316. CHANGES IN ADVISORY COUNCIL PROVISIONS.**

13      Section 315 (16 U.S.C. 1446) is amended—

14              (1) by striking “assistance” in subsection (a)  
15              and inserting “advice and recommendations”; and

16              (2) by striking “protection and multiple use  
17              management” in subsection (b)(3) and inserting  
18              “conservation”.

19      **SEC. 317. CHANGES IN THE SUPPORT ENHANCEMENT PRO-**  
20              **VISIONS.**

21      Section 316 (16 U.S.C. 1447) is amended—

22              (1) by striking “reproduction” in subsection  
23              (a)(6) and inserting “reproduction, sale,”;

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

4           “(c) COLLABORATIONS.—The Secretary may author-  
5           ize the use of the symbol described in subsection (a) by  
6           any person engaged in a collaborative effort with the Na-  
7           tional Marine Sanctuary Program to carry out this title.”;  
8           and

9           (3) striking “Secretary; and” in paragraph (3)  
10          of subsection (f), as redesignated, and inserting  
11          “Secretary, or without prior authorization under  
12          subsection (c); or”.

13 **SEC. 318. CORRECTION OF REFERENCES TO HOUSE COM-**  
14 **MITTEE OF JURISDICTION.**

15          The Act is amended—

16          (1) by striking “Committee on Merchant Ma-  
17          rine and Fisheries Resources” in section  
18          303(b)(2)(A) and inserting “Committee on Re-  
19          sources”;

20          (2) by striking “Committee on Merchant Ma-  
21          rine and Fisheries Resources” in section  
22          304(a)(1)(C) and inserting “Committee on Re-  
23          sources”; and

1           (3) by striking “Committee on Merchant Ma-  
2           rine and Fisheries Resources” in section 304(a)(7)  
3           and inserting “Committee on Resources”.

4 **SEC. 319. AUTHORIZATION OF APPROPRIATIONS.**

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

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

8           “There are authorized to be appropriated to carry out  
9 this title \$35,000,000 for fiscal years 2000, 2001, 2002,  
10 2003, and 2004, of which \$5,000,000 may be derived from  
11 the Ocean and Coast Conservation Fund;”.

12 **Subtitle B—Coral Reef Protection**

13 **SEC. 351. SHORT TITLE.**

14           This subtitle may be cited as the “Coral Reef Protec-  
15 tion Act of 1999”.

16 **SEC. 352. FINDINGS.**

17           The Congress finds the following:

18           (1) Coral reefs and coral reef ecosystems are  
19 considered the marine equivalent of tropical rain for-  
20 ests, containing some of the planet’s richest biologi-  
21 cal diversity, habitats, and systems and supporting  
22 thousands of fish, invertebrates, reef algae, plank-  
23 ton, sea grasses, and other species.

24           (2) Coral reefs and coral reef ecosystems have  
25 great commercial, recreational, cultural, and aes-

1       thetic value to human communities as shoreline pro-  
2       tection, areas of natural beauty, and sources of food,  
3       pharmaceuticals, jobs, and revenues through a wide  
4       variety of activities, including education, research,  
5       tourism, and fishing.

6           (3) Studies indicate that coral reefs in the  
7       United States and around the world are being de-  
8       graded and severely threatened by human and envi-  
9       ronmental impacts including land-based pollution,  
10      overfishing, destructive fishing practices, vessel  
11      groundings, and climate change.

12          (4) Since 1994, under the United States Coral  
13      Reef Initiative, Federal agencies, State, local, terri-  
14      torial, commonwealth, and local governments, non-  
15      governmental organizations, and commercial inter-  
16      ests have worked together to design and implement  
17      additional management, education, monitoring, re-  
18      search, and restoration efforts to conserve coral reef  
19      ecosystems.

20          (5) 1997 was recognized as the Year of the  
21      Reef to raise public awareness about the importance  
22      of conserving coral reefs and to facilitate actions to  
23      protect coral reef ecosystems.

24          (6) On October 21, 1997, the 105th Congress  
25      passed House Concurrent Resolution 8, a concurrent

1 resolution recognizing the significance of maintain-  
2 ing the health and stability of coral reef ecosystems  
3 by promoting comprehensive stewardship for coral  
4 reef ecosystems, discouraging unsustainable fisheries  
5 or other practices harmful to coral reefs, encour-  
6 aging research, monitoring, assessment of, and edu-  
7 cation on coral reef ecosystems, improving coordina-  
8 tion of coral reef efforts and activities of Federal  
9 agencies, academic institutions, nongovernmental or-  
10 ganizations, and industry, and promoting preserva-  
11 tion and sustainable use of coral reef resources  
12 worldwide.

13 (7) 1998 was declared to be the International  
14 Year of the Ocean to raise public awareness and in-  
15 crease actions to conserve and use in a sustainable  
16 manner the broader ocean environment, including  
17 coral reefs.

18 (8) On June 11, 1998, President William Jef-  
19 ferson Clinton signed Executive Order 13089 (64  
20 Fed. Reg. 323701) which recognizes the importance  
21 of conserving coral reef ecosystems, establishes the  
22 Coral Reef Task Force under the joint leadership of  
23 the Departments of Commerce and Interior, and di-  
24 rects Federal agencies whose actions may affect  
25 United States coral reef ecosystems to take steps to

1 protect, manage, research, and restore such eco-  
2 systems.

3 (9) The Nation benefits from—

4 (A) specific actions and programs involving  
5 coral reefs and coral reef ecosystems including  
6 National Marine Sanctuaries, National Wildlife  
7 Refuges, National Parks, and other marine pro-  
8 tected areas that conserve for future genera-  
9 tions vital marine resources, ecosystems, and  
10 habitats;

11 (B) the identification of coral habitats as  
12 essential fish habitat under the Magnuson-Ste-  
13 vens Fishery Conservation and Management  
14 Act, which requires aggressive efforts to mini-  
15 mize adverse effects on such habitat caused by  
16 fishing;

17 (C) identification of other actions to en-  
18 courage the conservation and enhancement of  
19 such habitat; and

20 (D) State and territorial coastal manage-  
21 ment programs for the protection, development,  
22 and where possible, restoration and enhance-  
23 ment of the resources of the Nation's coastal  
24 zone for this and succeeding generations under

1           the Coastal Zone Management Act and other  
2           related statutes.

3           (10) Legislation solely dedicated to the com-  
4           prehensive and coordinated conservation, manage-  
5           ment, protection, and restoration of coral reefs and  
6           coral reef ecosystems would supplement Executive  
7           Order 13089 and House Concurrent Resolution 8,  
8           and complement the management, protection, and  
9           conservation provided by such programs as those ad-  
10          ministered under the National Marine Sanctuaries  
11          Act, Coastal Zone Management Act, and Magnuson-  
12          Stevens Fishery Conservation and Management Act,  
13          as well as those administered by other Federal,  
14          State, and territorial agencies.

15 **SEC. 353. POLICY.**

16          It is the policy of the United States—

17               (1) to conserve and protect the ecological integ-  
18               rity of coral reef ecosystems;

19               (2) to maintain the health, natural conditions,  
20               and dynamics of those ecosystems;

21               (3) to reduce and remove human stresses af-  
22               fecting reefs;

23               (4) to restore coral reef ecosystems injured by  
24               human activities; and

1           (5) to promote the long-term sustainable use of  
2 coral reef ecosystems.

3 **SEC. 354. PURPOSES.**

4 The purposes of this subtitle are—

5           (1) to preserve, sustain, and restore the health  
6 of coral reef ecosystems;

7           (2) to assist in the conservation and protection  
8 of coral reefs by supporting conservation programs;

9           (3) to provide financial resources for those pro-  
10 grams; and

11           (4) to establish a formal mechanism for col-  
12 lecting and allocating monetary donations from the  
13 private sector to be used for coral reef conservation  
14 projects.

15 **SEC. 355. DEFINITIONS.**

16 In this subtitle:

17           (1) CORAL.—The term “coral” means species  
18 of the phylum Cnidaria, including—

19                 (A) all species of the orders Antipatharia  
20 (black corals), Scleractinia (stony corals),  
21 Aleyonacea (soft corals), Gorgonacea (horny  
22 corals), Stolonifera (organpipe corals and oth-  
23 ers), and Helioporacea (blue coral) of the class  
24 Anthozoa; and

1 (B) all species of the order Hydrocorallina  
2 (fire corals and hydrocorals) of the class  
3 Hydrozoa.

4 (2) CORAL REEF.—The term “coral reef”  
5 means any reef, shoal, or other natural feature com-  
6 posed primarily of the solid skeletal structures in  
7 which stony corals are major framework constitu-  
8 ents, within all maritime areas and zones subject to  
9 the jurisdiction or control of the United States (e.g.  
10 Federal, State, territorial, or commonwealth waters),  
11 including in the south Atlantic, Caribbean, Gulf of  
12 Mexico, and Pacific Ocean.

13 (3) CORAL REEF ECOSYSTEM.—The term  
14 “coral reef ecosystem” means the interacting com-  
15 plex of species (including reef plants of the phyla  
16 Chlorophyta, Phaeophyta, and Rhodophyta) and  
17 nonliving variables associated with coral reefs and  
18 their habitats which—

19 (A) function as an ecological unit in na-  
20 ture; and

21 (B) are mutually dependent on this func-  
22 tion to continue.

23 (4) CONSERVATION.—The term “conservation”  
24 means the use of methods and procedures necessary  
25 to preserve or sustain coral reefs and coral reef eco-

1 systems as diverse, viable, and self-perpetuating eco-  
2 systems, including—

3 (A) all activities associated with resource  
4 management, such as assessment, science, con-  
5 servation, protection, restoration, sustainable  
6 use, management of habitat, and water quality;

7 (B) habitat monitoring;

8 (C) assistance in the development of man-  
9 agement strategies for marine protected areas  
10 and marine resources consistent with the Na-  
11 tional Marine Sanctuaries Act (16 U.S.C. 1431  
12 et seq.) and the Magnuson-Stevens Fishery  
13 Conservation and Management Act (16 U.S.C.  
14 1801 et seq.) and other Federal, State, and ter-  
15 ritorial statutes;

16 (D) law enforcement;

17 (E) conflict resolution initiatives;

18 (F) community outreach and education;

19 and

20 (G) promotion of safe and ecologically  
21 sound navigation.

22 (5) PERSON.—The term “person” has the  
23 meaning given that term by section 1 of title 1,  
24 United States Code, but includes departments, agen-

1       cies, and instrumentalities of the United States Gov-  
2       ernment or any State or local government.

3           (6) FOUNDATION.—The term “foundation”  
4       means any qualified non-profit organization that  
5       specializes in natural resource conservation.

6           (7) SECRETARY.—The term “Secretary” means  
7       the Secretary of Commerce.

8           (8) STATE.—The term “State” means any  
9       coastal State of the United States that contains  
10      coral within its seaward boundaries, and American  
11      Samoa, Guam, the Northern Mariana Islands, Puer-  
12      to Rico, and the U.S. Virgin Islands, and any other  
13      commonwealth, territory, or possession of the United  
14      States that contains coral within its seaward bound-  
15      aries.

16 **SEC. 356. CORAL REEF RESTORATION AND CONSERVATION**  
17 **PROGRAM.**

18       (a) FINANCIAL ASSISTANCE.—The Secretary subject  
19      to the availability of funds, may provide financial assist-  
20      ance for projects that—

21           (1) provide for the restoration of degraded or  
22      injured coral reefs or coral reef ecosystems, includ-  
23      ing developing and implementing cost-effective meth-  
24      ods to restore or enhance degraded or injured coral  
25      reefs and coral reef ecosystems; or

1           (2) provide for the conservation of coral reefs or  
2 coral reef ecosystems through projects other than  
3 those under paragraph (1), that provide for the  
4 management, conservation, and protection of coral  
5 reefs and coral reef ecosystems, including mapping  
6 and assessment, management, protection (including  
7 enforcement), scientific research, and short-term and  
8 long-term monitoring that benefits the long-term  
9 conservation of coral reefs and coral reef ecosystems.

10 (b) MATCHING REQUIREMENTS.—

11           (1) 75-PERCENT FEDERAL FUNDING.—Except  
12 as provided in paragraph (2), Federal funds for any  
13 project under this section shall not exceed 75 per-  
14 cent of the total cost of such project. In calculating  
15 that percentage, the non-Federal share of project  
16 costs may be provided by in-kind contributions and  
17 other noncash support.

18           (2) EXCEPTIONS.—

19           (A) SMALL PROJECTS.—There are no  
20 matching requirements for grants under sub-  
21 section (a) for projects costing not more than  
22 \$25,000.

23           (B) HIGHER LEVEL OF SUPPORT RE-  
24 QUIRED.—If the Secretary determines that a  
25 proposed project merits support and cannot be

1           undertaken without a higher rate of Federal  
2           support, then the Secretary may approve grants  
3           under this section with a matching requirement  
4           other than that specified in paragraph (1).

5           (c) ELIGIBILITY.—Any relevant natural resource  
6 management authority of a State or territory of the  
7 United States or other government authority with jurisdic-  
8 tion over coral reefs or whose activities directly or indi-  
9 rectly affect coral reefs or coral reef ecosystems, or edu-  
10 cational or non-governmental institutions with dem-  
11 onstrated expertise in the conservation of coral reefs, may  
12 submit a coral reef restoration or conservation proposal  
13 to the Secretary under subsection (a).

14           (d) ALLOCATION.—The Secretary shall ensure that  
15 financial assistance provided under subsection (a) during  
16 a fiscal year is distributed so that—

17           (1) not less than 40 percent of the funds avail-  
18 able are awarded for coral reef restoration and con-  
19 servation projects in the Pacific Ocean;

20           (2) not less than 40 percent of the funds avail-  
21 able are awarded for coral reef restoration and con-  
22 servation projects in the Atlantic Ocean, the Gulf of  
23 Mexico, and the Caribbean Sea; and

24           (3) remaining funds are awarded for coral reef  
25 restoration and conservation projects that address

1 emerging priorities or threats identified by the Sec-  
2 retary in consultation with the Coral Reef Task  
3 Force under subsection (j).

4 (e) PROJECT PROPOSALS.—Each proposal for a  
5 grant under this section shall include the following:

6 (1) The name of the individual or entity respon-  
7 sible for conducting the project.

8 (2) A succinct statement of the purposes of the  
9 project.

10 (3) A description of the qualifications of the in-  
11 dividuals who will conduct the project.

12 (4) An estimate of the funds and time required  
13 to complete the project.

14 (5) Evidence of support of the project by appro-  
15 priate representatives of States or territories of the  
16 United States or other government jurisdictions in  
17 which the project will be conducted.

18 (6) Information regarding the source and  
19 amount of matching funding available to the appli-  
20 cant, as appropriate.

21 (7) A description of how the project meets one  
22 or more of the criteria in subsection (g) of this sec-  
23 tion.

1           (8) Any other information the Secretary con-  
2           siders to be necessary for evaluating the eligibility of  
3           the project for funding under this subtitle.

4           (f) PROJECT REVIEW AND APPROVAL.—

5           (1) IN GENERAL.—The Secretary shall review  
6           each final coral reef conservation project proposal to  
7           determine if it meets the criteria set forth in sub-  
8           section (g).

9           (2) REVIEW; APPROVAL OR DISAPPROVAL.—Not  
10          later than 3 months after receiving a final project  
11          proposal under this section, the Secretary shall—

12                 (A) request written comments on the pro-  
13                 posal from each Federal, State or territorial  
14                 agency of the United States and other govern-  
15                 ment jurisdictions, including the relevant re-  
16                 gional fishery management councils established  
17                 under the Magnuson-Stevens Fishery Conserva-  
18                 tion and Management Act (16 U.S.C. 1801 et  
19                 seq.), or any National Marine Sanctuary, with  
20                 jurisdiction or management authority over coral  
21                 reefs or coral reef ecosystems in the area where  
22                 the project is to be conducted, including the ex-  
23                 tent to which the project is consistent with lo-  
24                 cally-established priorities;

1 (B) for projects costing less than \$25,000,  
2 provide for expedited peer review of the pro-  
3 posal;

4 (C) for projects costing \$25,000 or great-  
5 er, provide for the regional, merit-based peer re-  
6 view of the proposal and require standardized  
7 documentation of that peer review;

8 (D) after considering any written com-  
9 ments and recommendations based on the re-  
10 views under subparagraphs (A) and (B), ap-  
11 prove or disapprove the proposal; and

12 (E) provide written notification of that ap-  
13 proval or disapproval to the person who sub-  
14 mitted the proposal, and each of those States,  
15 territories, and other government jurisdictions.

16 (g) CRITERIA FOR APPROVAL.—The Secretary may  
17 approve a final project proposal under this section based  
18 on the written comments received and the extent that the  
19 project will enhance the conservation of coral reefs by—

20 (1) implementing coral reef conservation pro-  
21 grams which promote sustainable development and  
22 ensure effective, long-term conservation of coral  
23 reefs;

24 (2) addressing, and to the extent practicable,  
25 resolving the conflicts arising from the use of envi-

1       ronments near coral reefs or from the use of any liv-  
2       ing or dead specimens, port, or derivatives, or any  
3       product containing specimens, ports, or derivatives,  
4       of any coral or coral reef ecosystem;

5           (3) enhancing compliance with laws that pro-  
6       hibit or regulate the taking of corals, species associ-  
7       ated with coral reefs, and coral products or regulate  
8       the use and management of coral reef ecosystems;

9           (4) developing sound scientific information on  
10      the condition of coral reef ecosystems or the threats  
11      to such ecosystems;

12          (5) promoting cooperative projects on coral reef  
13      conservation that involve affected local communities,  
14      non-governmental organizations, or others in the pri-  
15      vate sector; or

16          (6) increasing public knowledge and awareness  
17      of coral reef ecosystems and issues regarding their  
18      long term conservation.

19      (h) IMPLEMENTATION GUIDELINES.—Within 90 days  
20      after the date of enactment of this Act, the Secretary shall  
21      promulgate necessary guidelines for implementing this  
22      section. In developing those guidelines, the Secretary shall  
23      consult with regional and local entities, including States  
24      and territories, involved in setting priorities for conserva-  
25      tion of coral reefs.

1 (i) TECHNICAL ASSISTANCE.—The Secretary may  
2 provide technical assistance to any State or Federal agen-  
3 cy with jurisdiction over coral reefs and coral reef eco-  
4 systems to further the purposes of this subtitle.

5 (j) CORAL REEF TASK FORCE.—The Secretary shall  
6 consult with the Coral Reef Task Force established under  
7 Executive Order 13089 (64 Fed. Reg. 323701), to obtain  
8 guidance in establishing coral reef conservation project  
9 priorities under this section.

10 **SEC. 357. NATIONAL PROGRAM.**

11 (a) IN GENERAL.—The Secretary may conduct activi-  
12 ties that further the conservation of coral reefs or coral  
13 reef ecosystems on a regional, national, or international  
14 scale, or that further public awareness and education re-  
15 garding coral reefs and coral reef ecosystems on a re-  
16 gional, national, or international scale. The activities  
17 should, to the extent practicable, supplement and be con-  
18 sistent with the programs, policies, and statutes of af-  
19 fected States and territories, the National Marine Sanc-  
20 tuaries Act, the Coastal Zone Management Act, and the  
21 Magnuson-Stevens Fishery Conservation and Manage-  
22 ment Act, other applicable Federal statutes, and, at a min-  
23 imum, should include mapping and assessment, moni-  
24 toring, management, and scientific research that benefits

1 the long-term conservation of coral reefs and coral reef  
2 ecosystems.

3 (b) FINANCIAL ASSISTANCE.—The Secretary may  
4 enter into joint projects with any Federal, State, terri-  
5 torial, or local authority, or provide financial assistance  
6 to any person for projects consistent with subsection (a),  
7 including projects that—

8 (1) support, promote, and coordinate the as-  
9 sessment of, scientific research on, monitoring of, or  
10 restoration of coral reefs and coral reef ecosystems  
11 of the United States;

12 (2) cooperate with global and regional programs  
13 that conserve, manage, protect, and study coral reefs  
14 and coral reef ecosystems; or

15 (3) enhance public awareness, understanding,  
16 and appreciation of coral reefs and coral reef eco-  
17 systems.

18 **SEC. 358. DOCUMENTATION OF CERTAIN VESSELS.**

19 Section 12102 of title 46, United States Code, is  
20 amended by adding at the end thereof the following:

21 “(e) A vessel otherwise eligible to be documented  
22 under this section may not be documented as a vessel of  
23 the United States if—

1           “(1) the owner of the vessel has abandoned any  
2           vessel on a coral reef located in waters subject to the  
3           jurisdiction of the United States; and

4           “(2) the abandoned vessel remains on the coral  
5           reef or was removed from the coral reef under sec-  
6           tion 355 or 356 of the Coral Reef Protection Act of  
7           1999 (or any other provision of law in *pari materia*  
8           enacted after 1998),

9           unless the owner of the vessel has reimbursed the United  
10          States for environmental damage caused by the vessel and  
11          the funds expended to remove it.”.

12       **SEC. 359. CERTAIN GROUNDED VESSELS.**

13          (a) *IN GENERAL.*—The vessels described in sub-  
14          section (b), and the reefs upon which such vessels may  
15          be found, are hereby designated for purposes of section  
16          104 of the Comprehensive Environmental Response, Com-  
17          pensation, and Liability Act of 1980 (42 U.S.C. 9604) as  
18          a site at which there is a substantial threat of release of  
19          a hazardous substance into the environment. For purposes  
20          of that Act, the site shall not be considered to have re-  
21          sulted from an act of God.

22          (b) *DESCRIPTION OF SITE.*—The vessels to which  
23          subsection (a) applies are 9 fishing vessels driven by Ty-  
24          phoon Val in 1991 onto coral reefs inside Pago Pago har-  
25          bor near the villages of Leloaloa and Aua.

1 **SEC. 360. REGULATIONS; CORAL REEF CONSERVATION**  
2 **FUND.**

3 (a) **REGULATIONS.**—Within 90 days after the date of  
4 enactment of this Act, the Secretary shall promulgate nec-  
5 essary regulations for implementing this section. In devel-  
6 oping those regulations, the Secretary shall consult with  
7 regional and local entities, including States and territories,  
8 involved in setting priorities for conservation of coral reefs.

9 (b) **FUND.**—The Secretary may enter into an agree-  
10 ment with a foundation authorizing the foundation to re-  
11 ceive, hold, and administer funds received by the founda-  
12 tion pursuant to this section. The foundation shall invest,  
13 reinvest, and otherwise administer the funds and maintain  
14 such funds and any interest or revenues earned in a sepa-  
15 rate interest bearing account, hereafter referred to as the  
16 Fund, established by the foundation solely to support part-  
17 nerships between the public and private sectors that fur-  
18 ther the purposes of this subtitle.

19 (c) **AUTHORIZATION TO SOLICIT DONATIONS.**—Con-  
20 sistent with section 4 of the National Fish and Wildlife  
21 Foundation Establishment Act (16 U.S.C. 3703), and  
22 pursuant to the agreement entered into under subsection  
23 (b) of this section, a foundation may accept, receive, so-  
24 licit, hold, administer, and use any gift or donation to fur-  
25 ther the purposes of this subtitle. Such funds shall be de-

1 posited and maintained in the Fund established by a foun-  
 2 dation under subsection (b) of this section.

3 (d) REVIEW OF PERFORMANCE.—The Secretary shall  
 4 conduct a continuing review of the grant program admin-  
 5 istered by a foundation under this section. Each review  
 6 shall include a written assessment concerning the extent  
 7 to which that foundation has implemented the goals and  
 8 requirements of this section.

9 (e) ADMINISTRATION.—Under the agreement entered  
 10 into pursuant to subsection (b) of this section, the Sec-  
 11 retary may transfer funds appropriated under section  
 12 361(b)(1) to a foundation. Amounts received by a founda-  
 13 tion under this subsection may be used for matching, in  
 14 whole or in part, contributions (whether in currency, serv-  
 15 ices, or property) made to the foundation by private per-  
 16 sons and State and local government agencies.

17 **SEC. 361. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
 19 are authorized to be appropriated \$20,000,000 for each  
 20 of fiscal years 2000, 2001, 2002, 2003, and 2004,  
 21 \$10,000,000 of which may be derived from the Ocean and  
 22 Coast Conservation Fund, to carry out this subtitle, which  
 23 may remain available until expended.

24 (b) USE OF AMOUNTS APPROPRIATED.—

1           (1) RESTORATION AND CONSERVATION  
 2 PROJECTS.—Not more than \$15,000,000 of the  
 3 amounts appropriated under subsection (a) shall be  
 4 used by the Secretary to support coral reef restora-  
 5 tion and conservation projects under section 356(a),  
 6 of which not more than 20 percent shall be used for  
 7 technical assistance provided by the Secretary.

8           (2) NATIONAL PROGRAM.—Not more than  
 9 \$5,000,000 of the amounts appropriated under sub-  
 10 section (a) shall be used by the Secretary to support  
 11 coral reef conservation projects under section 357.

12           (3) ADMINISTRATION.—Not more than 1 per-  
 13 cent of the amounts appropriated under paragraph  
 14 (1) may be used by the Secretary for administration  
 15 of this subtitle.

16           **TITLE IV—COOPERATIVE**  
 17 **RESEARCH AND ENFORCEMENT**

18 **SEC. 401. AMENDMENT OF THE INTERJURISDICTIONAL**  
 19 **FISHERIES ACT.**

20           Except as otherwise expressly provided, whenever in  
 21 this title an amendment or repeal is expressed in terms  
 22 of an amendment to, or repeal of, a section or other provi-  
 23 sion, the reference shall be considered to be made to a  
 24 section or other provision of the Interjurisdictional Fish-  
 25 eries Act of 1986 (16 U.S.C. 4101 et seq.).

1 **SEC. 402. INFORMATION MANAGEMENT SYSTEM.**

2 Section 305 (16 U.S.C. 4104) is amended by adding  
3 at the end thereof the following:

4 “(d) IMPLEMENTATION OF SYSTEM.—

5 “(1) COOPERATIVE AGREEMENTS.—The Sec-  
6 retary may establish cooperative agreements on a  
7 side-source basis with any appropriate Marine Fish-  
8 eries Commission, State, regional, or tribal entities  
9 for the purposes of implementing the standardized  
10 fishing vessel registration and information manage-  
11 ment system transmitted under section 401(f) of the  
12 Magnuson-Stevens Fishery Conservation and Man-  
13 agement Act (16 U.S.C. 1881(f)).

14 “(2) GUIDELINES.—Within 90 days after the  
15 date of enactment of the Coastal Stewardship Act,  
16 the Secretary shall publish in the Federal Register  
17 for a 60-day public comment period, guidelines for  
18 establishing cooperative agreements with Marine  
19 Fisheries Commission, State, regional, or tribal enti-  
20 ties under paragraph (1). The Secretary shall ensure  
21 that the guidelines support the development and im-  
22 plementation of cooperative State-Federal informa-  
23 tion programs as provided for in section 401 of the  
24 Magnuson-Stevens Fishery Conservation and Man-  
25 agement Act (16 U.S.C. 1881).”.

1 **SEC. 403. COOPERATIVE ENFORCEMENT.**

2 Section 305 (16 U.S.C. 4104) is further amended by  
3 adding at the end thereof the following:

4 “(e) COOPERATIVE ENFORCEMENT.—

5 “(1)(A) IN GENERAL.—The Secretary shall,  
6 within 90 days after the date of enactment of the  
7 Coastal Stewardship Act, if requested by the Gov-  
8 ernor of a State represented on an Interstate Com-  
9 mission, enter into an agreement under section  
10 311(a) of the Magnuson-Stevens Fishery Conserva-  
11 tion and Management Act (16 U.S.C. 1861(a)) with  
12 such State, that authorizes the deputization of State  
13 law enforcement officers with marine law enforce-  
14 ment responsibilities to perform duties of the Sec-  
15 retary relating to enforcement of any provisions of  
16 this Act or any other marine resource law enforced  
17 by the Secretary. Following the execution of such an  
18 agreement, the Secretary shall, if requested by a  
19 State, enter into an agreement for a joint project as  
20 provided by the first section of Public Law 91–412  
21 (15 U.S.C. 1525).

22 “(B) ENFORCEMENT.—The joint project agree-  
23 ments referred to in the last sentence of the pre-  
24 ceding subparagraph will provide a framework for  
25 enforcement and prosecution of Federal and State  
26 living marine resource laws and regulations in the

1 Exclusive Economic Zone of the United States. Cen-  
2 tral to these joint projects shall be the prevention  
3 and detection of violations by federally deputized of-  
4 ficers. A key feature of these jointly administered  
5 programs shall include the overt presence by marine  
6 law enforcement officers which will improve commu-  
7 nity-oriented policing and result in higher levels of  
8 voluntary compliance.

9 “(2) EXPENDITURES.—

10 “(A) Upon execution of a joint project  
11 agreement referred to in the last sentence of  
12 paragraph (1)(A) and subject to the availability  
13 of appropriations, amounts available for fund-  
14 ing and joint project agreements shall not ex-  
15 ceed \$2,000,000 per year per State. These  
16 funds are intended to enhance enforcement ad  
17 prosecution of Federal and State marine re-  
18 source laws and are to be considered in addition  
19 to, not in line of, existing State funds for these  
20 services.

21 “(B) The Secretary shall withhold an  
22 amount not to exceed 10 percent to be utilized  
23 for the direct Federal oversight and coordina-  
24 tion of law enforcement and prosecutorial re-  
25 sponsibilities under joint project agreements re-

1           ferred to in the last sentence of paragraph  
 2           (1)(A). The Secretary may enter into a coopera-  
 3           tive agreement, as provided by the first section  
 4           of Public Law 91–412 (15 U.S.C. 1525), on a  
 5           sole-source basis with an appropriate marine  
 6           fisheries commission to assist in such oversight  
 7           and coordination.”.

8 **SEC. 404. EXCEPTION TO INTERJURISDICTIONAL FISH-**  
 9                                   **ERIES ACT APPORTIONMENT.**

10          Section 304 (16 U.S.C. 1403) is amended by adding  
 11          at the end thereof the following:

12          “(e) EXCEPTION.—The preceding subsections of this  
 13          section do not apply to the allocation of funds for joint  
 14          project agreements under the first section of Public Law  
 15          91–412 (15 U.S.C. 1525) executed by the Secretary under  
 16          section 305(e) of this Act.”.

17 **SEC. 405. AUTHORIZATION OF APPROPRIATIONS.**

18          Section 308 (16 U.S.C. 4107) is amended by adding  
 19          at the end thereof the following:

20          “(e) COOPERATIVE RESEARCH AND ENFORCE-  
 21          MENT.—

22                 “(1) COOPERATIVE AGREEMENTS.—There are  
 23          authorized to be appropriated from the Ocean and  
 24          Coast Conservation Fund to fund cooperative agree-

1       ments with States to carry out section 305(d) of this  
2       Act—

3               “(A) \$9,700,000 for fiscal year 2000;

4               “(B) \$24,970,000 for fiscal year 2001;

5               “(C) \$35,500,000 for fiscal year 2002;

6               “(D) \$47,200,000 for fiscal year 2003;

7               and

8               “(E) \$51,900,000 for fiscal year 2004.

9       The Secretary shall allocate amounts authorized to  
10       be appropriated under this paragraph in a manner  
11       that is consistent with any allocation provided for in  
12       a report entitled ‘Proposed Implementation of a  
13       Fishing Vessel Registration and Fisheries Informa-  
14       tion System’ submitted to the Committee on Re-  
15       sources of the House of Representatives and the  
16       Committee on Commerce, Science, and Transpor-  
17       tation of the Senate in January, 1999.

18               “(2) JOINT PROJECT AGREEMENTS.—There are  
19       authorized to be appropriated from the Ocean and  
20       Coast Conservation Fund to fund joint project  
21       agreements under the first section of Public Law  
22       91–412 (15 U.S.C. 1525) executed by the Secretary  
23       under section 305(e) of this Act \$20,000,000 for  
24       each of fiscal years 2000 through 2004.”.

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