

MARIANAS TRENCH MARINE NATIONAL MONUMENT
VISITOR FACILITY AUTHORIZATION ACT OF 2010

MAY 18, 2010.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3511]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3511) to authorize the Secretary of the Interior to establish and operate a visitor facility to fulfill the purposes of the Marianas Trench Marine National Monument, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Marianas Trench Marine National Monument Visitor Facility Authorization Act of 2010”.

SEC. 2. DEFINITIONS.

In this Act:

(1) The terms “Marine National Monument” or “monument” mean the Marianas Trench Marine National Monument established by the President by a proclamation dated January 6, 2009.

(2) The term “Secretary” means the Secretary of the Interior.

SEC. 3. MARIANAS TRENCH MARINE NATIONAL MONUMENT VISITOR FACILITY.

(a) VISITOR FACILITY AUTHORIZATION.—The Secretary is authorized to construct a multipurpose visitor facility in the Commonwealth of the Northern Mariana Islands for the interpretation and public education and enjoyment of the marine environment within the boundaries of the Marine National Monument.

(b) VISITOR FACILITY LOCATION AND DESCRIPTION.—

(1) IN GENERAL.—The Secretary shall locate the visitor facility authorized under subsection (a) in the Northern Mariana Islands at a location suitable to fulfill the purposes of this Act.

(2) COMPONENTS OF VISITOR FACILITY.—The facility authorized under subsection (a) shall include—

(A) adequate space for permanent and temporary exhibits depicting the biological, geological, archaeological, cultural, and recreational heritage of the monument;

(B) a venue for public education and interpretive programs relevant to the natural, cultural, and aesthetic resources of the monument, including formal classroom space to provide opportunities for research, training, and formal education regarding the monument;

(C) a location to highlight the importance of the marine environment and the resources of the monument to the people and culture of the Commonwealth of the Northern Mariana Islands and other indigenous people and cultures of the Western Pacific Ocean Basin;

(D) a location to provide information to the general public about natural resources, parks, museums, cultural resources, opportunities for wildlife-dependent outdoor recreation, and travel within the Commonwealth of the Northern Mariana Islands that provide opportunities for the visiting public to actively or passively experience the monument and to gain greater awareness and appreciation of the resources therein;

(E) sufficient visitor amenities including restrooms, public telephones, drinking water, and other basic facilities; and

(F) administrative office space sufficient to fulfill the management obligations and responsibilities of the Secretary and other Federal agencies as specified in the monument's enabling proclamation.

SEC. 4. DONATIONS.

For the purposes of the planning, construction, and operation of the visitor facility authorized under section 3 of this Act, the Secretary may accept, retain, and expend donations of funds, and use property or services donated from private persons and entities or from public entities.

PURPOSE OF THE BILL

The purpose of H.R. 3511, as ordered reported, is to authorize the Secretary of the Interior to establish and operate a visitor facility to fulfill the purposes of the Marianas Trench Marine National Monument, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

On January 6, 2009, in recognition of the unique biological, ecological, geological and cultural heritage of the lands, waters and submerged lands of the Mariana Ridge, President George W. Bush signed Presidential Proclamation 8335 to establish the Marianas Trench Marine National Monument. The creation of this monument, encompassing approximately 95,216 square miles, will ensure the protection of rare and scientifically significant marine resources including the biologically rich waters of the archipelago's northern islands, as well as the unique geological and volcanic phenomena of the Mariana Ridge, including the Challenger Deep, the deepest part of Earth's oceans.

The monument is composed of three units, the "Islands Unit" which includes the waters and submerged lands of the three northernmost Mariana Islands; the "Volcanic Unit," made up of the submerged lands within one nautical mile of 21 designated volcanic sites; and the "Trench Unit," which extends from the northern limit of the Exclusive Economic Zone of the United States in the Commonwealth of the Northern Mariana Islands to the southern limit of the Exclusive Economic Zone of the United States in Guam, following the geographical footprint of the Mariana Trench.

Under the terms of the proclamation the Secretary of the Interior has management responsibility for the monument, in consultation with the Secretary of Commerce, except with respect to fishery-re-

lated activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, over which the Secretary of Commerce will have primary management responsibility.¹ The proclamation calls for the Secretaries of Commerce and the Interior to permit scientific exploration and research within the monument, prohibit commercial fishing within the Islands Unit, and ensure that subsistence, recreational, and traditional indigenous fishing will be managed as a sustainable activity.

The Secretaries of the Interior and Commerce are also required to establish management plans for the monument to encourage public education and outreach, promote monument-related scientific exploration and research, tourism, and recreational and economic activities, and allow for traditional access to indigenous peoples for culturally significant subsistence, cultural, and religious uses.

In addition, the proclamation requires that the Commonwealth of the Northern Mariana Islands be treated as a cooperating agency in regard to long-term planning and the establishment of an advisory council.

COMMITTEE ACTION

H.R. 3511 was introduced on July 31, 2009 by Congressman Gregorio Sablan (D-MP). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Insular Affairs, Oceans and Wildlife. On February 25, 2010, the Subcommittee held a hearing on the bill. On May 5, 2010, the Subcommittee was discharged from the further consideration of H.R. 3511 and the full Natural Resources Committee met to consider the bill. Congressman Henry Brown (R-SC) offered an amendment striking Section 4 of the bill which authorized such sums as were necessary to fulfill the purposes of the Act. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “Marianas Trench Marine National Monument Visitor Facility Authorization Act of 2010.”

Section 2. Definitions

This section defines the term “Marine National Monument” as the Marianas Trench Marine National Monument established by Presidential proclamation on January 6, 2009, and provides that the term “Secretary” means the Secretary of the Interior.

¹Under Secretarial Order 3284, issued on January 16, 2009, the authority given to the Secretary of the Interior to manage the monument was delegated to the U.S. Fish and Wildlife Service (FWS). This order directed that the Trench and Volcanic Units be managed as units of the National Wildlife Refuge System, and the Island Unit be similarly managed by the Director of the FWS but not as a part of the National Wildlife Refuge System.

Section 3. Marianas Trench Marine National Monument Visitor Facility

This section authorizes the Secretary to construct a multipurpose visitor facility in the Commonwealth of the Northern Mariana Islands for interpretation, public education and enjoyment of the marine environment within the boundaries of the Marine National Monument.

Section 4. Donations

This section authorizes the Secretary to accept donations of funds, services and property for the planning, construction and operation of the visitor facility authorized to be constructed under this Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of the Interior to establish and operate a visitor facility to fulfill the purposes of the Marianas Trench Marine National Monument, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3511—Marianas Trench Marine National Monument Visitor Facility Authorization Act of 2009

Summary: H.R. 3511 would authorize the Secretary of the Interior to construct a visitor center at the Marianas Trench Marine National Monument. The bill also would allow the Secretary to collect and spend donations to support the construction and operation of the visitor center.

Based on information from the Fish and Wildlife Service (FWS) and assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost \$19 million over the 2011–2015 period. Enacting the legislation could increase offsetting receipts (from private donations) and associated direct spending; therefore, pay-as-you-go procedures would apply. However, CBO estimates that the net effects would be negligible for each year. Enacting the bill would not affect revenues.

H.R. 3511 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3511 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2011	2012	2013	2014	2015	2011–2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	18	*	*	*	*	19
Estimated Outlays	8	8	2	*	*	19

Note: * = less than \$500,000.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted late in fiscal year 2010 and that the necessary amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar activities.

H.R. 3511 would authorize the construction of a visitor center at the Marianas Trench Marine National Monument. Based on information from the FWS, CBO estimates that constructing the facility would cost about \$18 million and that operating costs for the visitor center would be less than \$500,000 annually. Assuming appropriation of the necessary amounts, we estimate that implementing the legislation would cost \$19 million over the 2011–2015 period.

Pay-as-you-go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget reporting and enforcement procedures for legislation affecting direct spending or revenues. H.R. 3511 could increase offsetting receipts (from private donations) and associated direct spending; therefore, pay-as-you-go procedures would apply. However, CBO estimates that any increase in offsetting receipts from donations would be less than \$500,000 a year and would be offset by similar increases in direct spending. The net budgetary changes that are subject to pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 3511, THE MARIANAS TRENCH MARINE NATIONAL MONUMENT VISITOR FACILITY AUTHORIZATION ACT OF 2009, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON MAY 5, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Intergovernmental and private-sector impact: H.R. 3511 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3511 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.