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HOUSE OF REPRESENTATIVES
REPORT
109–665

CORAL REEF CONSERVATION LEGACY ACT OF 2006

SEPTEMBER 19, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 5622]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 5622) to reauthorize the Coral Reef Conservation Act of 2000, 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 "Coral Reef Conservation Legacy Act of 2006".

SEC. 2. EXPANSION OF CORAL REEF CONSERVATION GRANTS PROGRAM.

(a) PROJECT DIVERSITY.—Section 204(d) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(d)) is amended by striking paragraph (3) and inserting the following:

"(3) Remaining funds shall be awarded for—

"(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

"(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.".

(b) APPROVAL CRITERIA.—Section 204(g) of that Act (16 U.S.C. 6403(g)) is amended—

(1) by striking "or" after the semicolon in paragraph (9);

(2) by redesignating paragraph (10) as paragraph (12); and

(3) by inserting after paragraph (9) the following:

"(10) activities designed to minimize the likelihood of damage to coral reefs, including the use of devices to minimize human impacts on coral reefs;

"(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support com-

munity-based planning and management initiatives for the protection of coral reef systems; or".

SEC. 3. EMERGENCY RESPONSE ACTIONS.

Section 206 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6404) is amended to read as follows:

"SEC. 206. EMERGENCY RESPONSE ACTIONS.

"(a) IN GENERAL.—The Administrator and the Secretary of the Interior may each undertake or authorize action within areas under their administrative jurisdiction as necessary to prevent or minimize the destruction or loss of, or injury to, coral reefs or coral reef ecosystems from vessel impacts or other physical damage to coral reefs, including damage from unforeseen or disaster-related circumstances.

"(b) ACTIONS AUTHORIZED.—Action authorized by subsection (a) includes vessel removal and emergency restabilization of the vessel and any impacted coral reef.

"(c) PARTNERING WITH OTHER AGENCIES.—When possible, actions under this section should—

"(1) be conducted in partnership with other government agencies, including—

"(A) the Coast Guard, the Federal Emergency Management Agency, and the Corps of Engineers; and

"(B) agencies of States and territories of the United States; and

"(2) leverage resources of such other agencies, including funding or assistance authorized under other Federal laws.".

SEC. 4. REPORT TO CONGRESS.

Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6407) is amended to read as follows:

"SEC. 208. REPORTS TO CONGRESS.

"(a) IMPLEMENTATION OF STRATEGY.—Not later than October 1, 2007, and every 3 years thereafter, the Administrator, in consultation with the United States Coral Reef Task Force, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

"(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each of the 3 fiscal years next preceding the fiscal year in which the report is submitted;

"(2) a description of Federal interagency and cooperative efforts with States and United States territories to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reefs, including projects undertaken with the Department of the Interior, Department of Agriculture, the Environmental Protection Agency, and the Army Corps of Engineers;

"(3) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

"(4) an assessment of accomplishments under this Act and the effectiveness of management actions to address threats to coral reefs.

"(b) CONDITION OF CORAL REEFS.—Not later than October 1, 2008, and every 3 years thereafter, the Administrator, in consultation with the United States Coral Reef Task Force, shall submit to the Committees referred to in subsection (a) an assessment of the condition of United States coral reefs.".

SEC. 5. FUND; GRANTS; COORDINATION; TASK FORCE.

The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by striking "organization solely" and all that follows in section 205(a) (16 U.S.C. 6404(a)) and inserting "organization—

"(1) to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef strategy under section 203; and

"(2) to address emergency response actions under section 206.";

(2) by adding at the end of section 205(b) (16 U.S.C. 6404(b)) the following: "The organization is encouraged to solicit funding and in-kind services from the private sector, including nongovernmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including activities described in section 210(b)(2).";

(3) by striking "the grant program" in section 205(c) (16 U.S.C. 6404(c)) and inserting "any grant program or emergency response action";

(4) by redesignating sections 209 and 210 as sections 212 and 213, respectively; and

(5) by inserting after section 208 the following:

"SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

"(a) IN GENERAL.—The Administrator may make a grant to any person that may submit a coral conservation proposal under section 204(e) to provide additional funds to such person to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and the best scientific information available as high priorities for focused attention. The plans shall—

"(1) support attainment of 1 or more of the criteria described in section 204(g);

"(2) be developed at the community level;

"(3) utilize watershed-based approaches;

"(4) provide for coordination with Federal and State experts and managers;

"(5) build upon local approaches or models, including traditional or island-based resource management concepts; and

"(6) complement local action strategies or other regional plans for coral reef conservation.

"(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, '75 percent' shall be substituted for '50 percent'.

"SEC. 210. REGIONAL COORDINATION.

"(a) IN GENERAL.—The Administrator shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the strategies developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, and overharvesting.

"(b) MULTIYEAR COOPERATIVE AGREEMENTS.—The Administrator may enter into multiyear cooperative agreements with other Federal agencies, States and local governments, academic institutions, and nongovernmental organizations to carry out the activities of the national coral reef action strategy.

"SEC. 211. UNITED STATES CORAL REEF TASK FORCE.

"(a) ESTABLISHMENT.—There is hereby established the United States Coral Reef Task Force.

"(b) GOAL.—The goal of the Task Force shall be to lead, coordinate, and strengthen Federal Government actions to better preserve and protect coral reef ecosystems.

"(c) DUTIES.—The duties of the Task Force shall be—

"(1) to coordinate, in cooperation with State, territory, commonwealth, and local government partners, and nongovernmental partners if appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, restoration of coral reefs and coral reef ecosystems;

"(2) work with the Secretary of State and the Administrator of the Agency for International Development, and in coordination with the other members of the Task Force, to—

"(A) assess the United States role in international trade and protection of coral reef species; and

"(B) implement appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide.

"(d) MEMBERSHIP, GENERALLY.—The Task Force shall be comprised of—

"(1) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, who shall be co-chairs of the Task Force;

"(2) the Administrator of the Agency of International Development;

"(3) the Secretary of Agriculture;

"(4) the Secretary of Defense;

"(5) the Secretary of the Army, acting through the Corps of Engineers;

"(6) the Secretary of Homeland Security;

"(7) the Attorney General;

"(8) the Secretary of State;

"(9) the Secretary of Transportation;

"(10) the Administrator of the Environmental Protection Agency;

"(11) the Administrator of the National Aeronautics and Space Administration;

"(12) the Director of the National Science Foundation;

"(13) the Governor, or a representative of the Governor, of the Commonwealth of the Northern Mariana Islands;

"(14) the Governor, or a representative of the Governor, of the Commonwealth of Puerto Rico;

"(15) the Governor, or a representative of the Governor, of the State of Florida;

"(16) the Governor, or a representative of the Governor, of the State of Hawaii;

"(17) the Governor, or a representative of the Governor, of the Territory of Guam;

"(18) the Governor, or a representative of the Governor, of the Territory of American Samoa; and

"(19) the Governor, or a representative of the Governor, of the Virgin Islands.

"(e) NON-VOTING MEMBERS.—The President, or a representative of the President, of each of the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau may appoint a non-voting member of the Task Force.

"(f) WORKING GROUPS.—

"(1) IN GENERAL.—The co-chairs of the Task Force may establish working groups as necessary to meet the goals and duties of this Act. The Task Force may request the co-chairs to establish such a working group.

"(2) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow a nongovernmental organization to participate in such a working group.

"(g) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Coral Reef Conservation Act of 2000 (formerly 16 U.S.C. 6408), as redesignated by section 6, is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this title—

"(A) to the Secretary of Commerce, $30,000,000 for fiscal year 2008, $32,000,000 for fiscal year 2009, and $34,000,000 for fiscal year 2010; and

"(B) to the Secretary of the Interior, $10,000,000 for each of fiscal years 2008 through 2010.

"(2) ALLOCATION.—Of the amount authorized by this subsection for each of fiscal years 2008 through 2010—

"(A) no less than 30 percent shall be used for the grant program under section 204;

"(B) up to 10 percent shall be used for the Fund established under section 205;

"(C) $500,000 may be used by the Secretary of the Interior to support operations of the United States Coral Reef Task Force; and

"(D) $250,000 may be used by the Secretary of Commerce to support such operations.";

(2) by striking "$1,000,000" in subsection (b) and inserting "$2,000,000"; and

(3) by striking subsection (c) and inserting the following:

"(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 209 the sum of $8,000,000 for fiscal years 2008 through 2010, such sum to remain available until expended."; and

(4) by striking subsection (d).

SEC. 7. FUNDING FOR MARINE SCIENCE LABORATORY, CORAL REEF RESEARCH, AND COASTAL ECOLOGY AND DEVELOPMENT.

(a) AMERICAN SAMOA COMMUNITY COLLEGE.—There is authorized to be appropriated $1,000,000 to the University of Hawaii Sea Grant College program to administer a marine science laboratory for coral reef research and protection, and coastal ecology and development, at the American Samoa Community College.

(b) UNIVERSITY OF GUAM.—There is authorized to be appropriated $1,000,000 to the University of Guam for coral reef research and protection at the University of Guam Marine Laboratory.

PURPOSE OF THE BILL

The purpose of H.R. 5622 is to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In 1998, President Clinton signed Executive Order 13089, which directed that all federal agencies whose activities may affect U.S. coral reef ecosystems must identify those actions, use their pro-

grams and authorities to protect and enhance the condition of coral reef ecosystems, and ensure that any activities they authorize or fund not degrade the condition of coral reef ecosystems. The Executive Order also created the U.S. Coral Reef Task Force.

The Coral Reef Conservation Act of 2000 (Public Law 106–562, codified at 16 U.S.C. 6401 et seq.) includes a number of provisions for the conservation of coral reef resources including: a requirement that the Administrator of the National Oceanic and Atmospheric Administration (NOAA) create a national coral reef action strategy; authorization for the Administrator to enter into agreements with nonprofit organizations to solicit and accept gifts and contributions for a Coral Reef Conservation Fund for coral reef conservation; authority for NOAA to conduct activities to conserve coral reefs and coral reef ecosystems; and the creation of a grant program for projects to conserve coral reefs. The grant program requires a 50 percent matching requirement.

The Coral Reef Conservation Act requires that no less than 40 percent of the funds be awarded for projects in the Pacific Ocean, no less than 40 percent of the funds for projects in the Atlantic Ocean, Gulf of Mexico or the Caribbean Ocean, and the remainder used for projects that address emerging priorities or threats, including those in other countries. The Administrator also has the authority to provide emergency assistance to State, local, or territorial governmental agencies to address unforeseen or disaster-related events that affect coral reef ecosystems. The Coral Reef Conservation Act authorized an appropriation of $16 million for each of four years until September 30, 2004, and caps the amount of money available for the administration of the Act at either 10 percent of the appropriated funds or $1 million, whichever is less.

H.R. 5622, the Coral Reef Conservation Legacy Act of 2006, amends the Coral Reef Conservation Act of 2000 to expand the existing grant program; amend the existing emergency response authorities to authorize actions to prevent or minimize the destruction of coral reefs; require the Administrator to consult with the Task Force; clarify the Coral Reef Conservation Fund to require organizations to support partnerships between the public and private sectors; authorize community-based planning grants; require the Administrator to work in coordination and collaboration with other federal and State agencies, and territories; codify the existing membership, goals, and duties of the U.S. Coral Reef Task Force; and authorize appropriations for the Departments of Commerce and the Interior.

COMMITTEE ACTION

H.R. 5622 was introduced on June 15, 2006, by Committee on Resources Chairman Richard Pombo (R–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On June 21, 2006, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries and Oceans was discharged from further consideration of the bill by unanimous consent. Congressman Eni Faleomavaega (D–AS) offered an amendment to authorize appropriations of $1 million for University of Hawaii Sea Grant College Program to administer a marine science laboratory in America Samoa and $1 million for the University of Guam for coral reef research and protec-

tion. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be cited as the "Coral Reef Conservation Legacy Act of 2006."

Section 2. Expansion of Coral Reef Conservation Grants Program

This section amends section 204 of the Coral Reef Conservation Act to allow the Administrator to award grants to address emerging priorities or threats (with priority to community-based local action strategy projects) or other projects, as determined by the Administrator, for monitoring and assessment, research, pollution reduction and technical support.

This section also adds two new criteria for the approval of grants. These new criteria for grants are for activities that are designed to minimize the likelihood of damage to coral reefs including the use of devices to minimize human impacts on coral reefs; and those that promote and assist entities to work with local communities and all appropriate governmental and non-governmental organizations to support community-based planning and management initiatives for the protection of coral reefs.

Section 3. Emergency response actions

This section amends the existing emergency response authorities under section 206 of the Coral Reef Conservation Act to allow the Secretary of the Interior and the Administrator to authorize actions as necessary to prevent or minimize the destruction of coral reefs from vessels or other physical damage, including damage from unforeseen or disaster-related circumstances. This authority can include vessel removal and emergency stabilization of a vessel that is impacting coral reefs. This authority, if possible, should be undertaken in partnership with other government agencies, State and territorial agencies so that other resources can be leveraged through other authorities.

Section 4. Report to Congress

This section requires the Administrator, in consultation with the Task Force, to submit two reports to Congress. The first, due no later than October 2007, and every three years thereafter, describes all activities undertaken to implement the coral reef strategy including: a description of the funds obligated by each federal agency to advance coral reef conservation; a description of cooperative efforts to prevent or address overharvesting, coastal runoff, and other anthropogenic impacts on coral reefs; a description of federal disaster response actions taken pursuant to the National Response Plan; and an assessment of accomplishments under the Coral Reef Conservation Act and the effectiveness of management actions to address threats to coral reefs. The second report is due October 2008, and every three years thereafter, to assess the condition of the United States coral reefs.

Section 5. Fund; grants; coordination; task force

This section makes changes to the Coral Reef Conservation Fund to clarify that the organization which the Administrator enters into an agreement with to promote coral reef conservation shall support partnerships between the public and private sectors to further the purposes of the Coral Reef Conservation Act, which are consistent with the national coral reef strategy and is able to address emergency response actions. This section allows the organization to solicit funds to address emergency response actions.

This section also authorizes community-based planning grants. This program allows the Administrator to make grants for projects which involve local communities for the increased protection of coral reef areas identified by the community using the best available scientific information available as high priorities for focused attention. These projects must: support at least one of the criteria for the Coral Reef Conservation Program; be developed at the community level; utilize watershed-based approaches; provide for coordination with federal and State experts and managers; build upon local approaches; and compliment local action strategies or other regional coral reef conservation plans.

This section raises the amount of federal match that can be offered from 50 percent of the project costs to 75 percent.

This section also requires the Administrator to work in coordination and collaboration with other federal agencies, States, and territorial governments to implement the strategies under the existing National Coral Reef Action Strategy. This new section also authorizes the Administrator to enter into multi-year cooperative agreements with other federal agencies, States and local governments, academic institutions, and non-governmental organizations to carry out activities of the National Coral Reef Action Strategy.

This section also codifies the existing membership, goals, and duties of the U.S. Coral Reef Task Force which was establish by Executive Order. In addition, this section allows the co- chairs of the Task Force to establish working groups as necessary to meet the goals and duties of the Coral Reef Conservation Act. The Task Force may request that the co-chairs create such working groups. The co-chairs, when establishing a working group, may allow the participation of non-governmental organizations.

Section 6. Authorization of appropriations

This section authorizes appropriations to carry out the Coral Reef Conservation Act for Fiscal Years 2008 through 2010. This section also increases the cap on administrative costs from $1 million to $2 million.

Section 7. Funding for marine science laboratory, coral reef research, and coastal ecology and development

This section authorizes appropriations for the University of Hawaii Sea Grant College Program to administer a marine science laboratory in America Samoa. It also authorizes funds for the University of Guam for coral reef research and protection.

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 Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 5622 codifies an advisory committee established by Executive Order. The functions of this advisory committee are not being performed by one or more agencies, another advisory committee already in existence or by enlarging the mandate of another existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, clause 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 reauthorize the Coral Reef Conservation Act of 2000, 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. 5622—Coral Reef Conservation Legacy Act of 2006

Summary: H.R. 5622 would authorize the appropriation of $152 million over the 2008–2010 period for the National Oceanic and Atmospheric Administration (NOAA), the Department of the Interior (DOI), and grants to two universities to implement coral reef conservation programs and research. Assuming appropriation of the authorized amounts, CBO estimates that carrying out these programs would cost $32 million in 2008 and $141 million over the 2008–2011 period. Enacting H.R. 5622 would not affect direct spending or revenues.

This bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA);

the bill would benefit state, local, or tribal governments, and any costs would be incurred voluntarily.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5622 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—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
NOAA Coral Reef Conservation Program:					
Authorization Level	0	38	40	42	0
Estimated Outlays	0	22	32	39	17
DOI Coral Reef Conservation Program:					
Authorization Level	0	10	10	10	0
Estimated Outlays	0	8	9	10	2
Coral Reef Research:					
Authorization Level	0	2	0	0	0
Estimated Outlays	0	2	0	0	0
Total Changes:					
Authorization Level	0	50	50	52	0
Estimated Outlays	0	32	41	49	19

Basis of estimate: For this estimate, CBO assumes that the authorized amounts will be appropriated for each year. Estimated outlays are based on historical spending patterns for conservation programs.

H.R. 5622 would specifically authorize the appropriation of $152 million over the 2008–2010 period for coral reef conservation activities and grants, including between $30 million and $34 million annually for NOAA's current programs and an additional $8 million annually for new community planning grants, and $10 million annually for DOI conservation programs. (By comparison, NOAA received an appropriation of $25 million in 2006 for the coral reef conservation program.) CBO assumes that the one-time authorization of $2 million for coral reef research at two universities would be appropriated in 2008. Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost $32 million in 2008 and $141 million over the 2008–2011 period.

Intergovernmental and private-sector impact: H.R. 5622 contains no intergovernmental or private-sector mandates as defined in UMRA. Enacting this bill would benefit state, local, and tribal governments receiving grant funding for conservation projects; any costs that they might incur would result from complying with conditions of federal assistance.

Previous CBO estimate: On August 5, 2005, CBO transmitted a cost estimate for S. 1390, the Coral Reef Conservation Amendments Act of 2005, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on July 21, 2005. S. 1390 would authorize appropriations for NOAA's coral reef conservation program over the 2006–2012 period. In contrast, H.R. 5622 would authorize appropriations for NOAA, DOI, and grants to two universities for coral reef conservation over the 2008–2010 period. The CBO estimates for these bills reflect the different authorization periods and the additional programs addressed by H.R. 5622.

Estimate prepared by: Federal Costs: Julie Middleton and Leigh Angres. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Patrice Gordon and Carla-Marie Ulerie.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CORAL REEF CONSERVATION ACT OF 2000

TITLE II—CORAL REEF CONSERVATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Coral Reef Conservation Act of 2000".

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SEC. 204. CORAL REEF CONSERVATION PROGRAM.

(a) * * *

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(d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) during a fiscal year are distributed in the following manner:

(1) * * *

* * * * * * *

[(3) Remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator. When identifying emerging threats or priorities, the Administrator may consult with the Coral Reef Task Force.]

(3) Remaining funds shall be awarded for—

(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, re-

search, pollution reduction, education, and technical support.

* * * * * * *

(g) CRITERIA FOR APPROVAL.—The Administrator may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reefs by—

(1) * * *

* * * * * * *

(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems; [or]

(10) activities designed to minimize the likelihood of damage to coral reefs, including the use of devices to minimize human impacts on coral reefs;

(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef systems; or

[(10)] *(12)* promoting ecologically sound navigation and anchorages near coral reefs.

* * * * * * *

SEC. 205. CORAL REEF CONSERVATION FUND.

(a) FUND.—The Administrator may enter into an agreement with a nonprofit organization that promotes coral reef conservation authorizing such organization to receive, hold, and administer funds received pursuant to this section. The organization shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such [organization solely to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef action strategy under section 203.] *organization—*

(1) to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef strategy under section 203; and

(2) to address emergency response actions under section 206.

(b) AUTHORIZATION TO SOLICIT DONATIONS.—Pursuant to an agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold, administer, and use any gift to further the purposes of this title. Any moneys received as a gift shall be deposited and maintained in the Fund established by the organization under subsection (a). *The organization is encouraged to solicit funding and in-kind services from the private sector, including nongovernmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including activities described in section 210(b)(2).*

(c) REVIEW OF PERFORMANCE.—The Administrator shall conduct a continuing review of [the grant program] *any grant program or emergency response action* administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the

goals and requirements of this section and the national coral reef action strategy under section 203.

* * * * * * *

[SEC. 206. EMERGENCY ASSISTANCE.

[The Administrator may make grants to any State, local, or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster-related circumstance pertaining to coral reefs or coral reef ecosystems.**]**

SEC. 206. EMERGENCY RESPONSE ACTIONS.

(a) IN GENERAL.—The Administrator and the Secretary of the Interior may each undertake or authorize action within areas under their administrative jurisdiction as necessary to prevent or minimize the destruction or loss of, or injury to, coral reefs or coral reef ecosystems from vessel impacts or other physical damage to coral reefs, including damage from unforeseen or disaster-related circumstances.

(b) ACTIONS AUTHORIZED.—Action authorized by subsection (a) includes vessel removal and emergency restabilization of the vessel and any impacted coral reef.

(c) PARTNERING WITH OTHER AGENCIES.—When possible, actions under this section should—

(1) be conducted in partnership with other government agencies, including—

(A) the Coast Guard, the Federal Emergency Management Agency, and the Corps of Engineers; and

(B) agencies of States and territories of the United States; and

(2) leverage resources of such other agencies, including funding or assistance authorized under other Federal laws.

* * * * * * *

[SEC. 208. EFFECTIVENESS REPORTS.

[(a) GRANT PROGRAM.—Not later than 3 years after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that documents the effectiveness of the grant program under section 204 in meeting the purposes of this title. The report shall include a State-by-State summary of Federal and non-Federal contributions toward the costs of each project.

[(b) NATIONAL PROGRAM.—Not later than 2 years after the date on which the Administrator publishes the national coral reef strategy under section 203 and every 2 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement that strategy, under section 203, including a description of the funds obligated each fiscal year to advance coral reef conservation.**]**

SEC. 208. REPORTS TO CONGRESS.

(a) IMPLEMENTATION OF STRATEGY.—Not later than October 1, 2007, and every 3 years thereafter, the Administrator, in consultation with the United States Coral Reef Task Force, shall submit to

the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each of the 3 fiscal years next preceding the fiscal year in which the report is submitted;

(2) a description of Federal interagency and cooperative efforts with States and United States territories to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reefs, including projects undertaken with the Department of the Interior, Department of Agriculture, the Environmental Protection Agency, and the Army Corps of Engineers;

(3) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

(4) an assessment of accomplishments under this Act and the effectiveness of management actions to address threats to coral reefs.

(b) CONDITION OF CORAL REEFS.—Not later than October 1, 2008, and every 3 years thereafter, the Administrator, in consultation with the United States Coral Reef Task Force, shall submit to the Committees referred to in subsection (a) an assessment of the condition of United States coral reefs.

SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

(a) IN GENERAL.—The Administrator may make a grant to any person that may submit a coral conservation proposal under section 204(e) to provide additional funds to such person to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and the best scientific information available as high priorities for focused attention. The plans shall—

(1) support attainment of 1 or more of the criteria described in section 204(g);

(2) be developed at the community level;

(3) utilize watershed-based approaches;

(4) provide for coordination with Federal and State experts and managers;

(5) build upon local approaches or models, including traditional or island-based resource management concepts; and

(6) compliment local action strategies or other regional plans for coral reef conservation.

(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, "75 percent" shall be substituted for "50 percent".

SEC. 210. REGIONAL COORDINATION.

(a) IN GENERAL.—The Administrator shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the strategies developed under section 203, including regional and local strategies, to ad-

dress multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, and overharvesting.

(b) MULTIYEAR COOPERATIVE AGREEMENTS.—The Administrator may enter into multiyear cooperative agreements with other Federal agencies, States and local governments, academic institutions, and nongovernmental organizations to carry out the activities of the national coral reef action strategy.

SEC. 211. UNITED STATES CORAL REEF TASK FORCE.

(a) ESTABLISHMENT.—There is hereby established the United States Coral Reef Task Force.

(b) GOAL.—The goal of the Task Force shall be to lead, coordinate, and strengthen Federal Government actions to better preserve and protect coral reef ecosystems.

(c) DUTIES.—The duties of the Task Force shall be—

(1) to coordinate, in cooperation with State, territory, commonwealth, and local government partners, and nongovernmental partners if appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, restoration of coral reefs and coral reef ecosystems;

(2) work with the Secretary of State and the Administrator of the Agency for International Development, and in coordination with the other members of the Task Force, to—

(A) assess the United States role in international trade and protection of coral reef species; and

(B) implement appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide.

(d) MEMBERSHIP, GENERALLY.—The Task Force shall be comprised of—

(1) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, who shall be co-chairs of the Task Force;

(2) the Administrator of the Agency of International Development;

(3) the Secretary of Agriculture;

(4) the Secretary of Defense;

(5) the Secretary of the Army, acting through the Corps of Engineers;

(6) the Secretary of Homeland Security;

(7) the Attorney General;

(8) the Secretary of State;

(9) the Secretary of Transportation;

(10) the Administrator of the Environmental Protection Agency;

(11) the Administrator of the National Aeronautics and Space Administration;

(12) the Director of the National Science Foundation;

(13) the Governor, or a representative of the Governor, of the Commonwealth of the Northern Mariana Islands;

(14) the Governor, or a representative of the Governor, of the Commonwealth of Puerto Rico;

(15) the Governor, or a representative of the Governor, of the State of Florida;

(16) the Governor, or a representative of the Governor, of the State of Hawaii;

(17) the Governor, or a representative of the Governor, of the Territory of Guam;

(18) the Governor, or a representative of the Governor, of the Territory of American Samoa; and

(19) the Governor, or a representative of the Governor, of the Virgin Islands.

(e) NON-VOTING MEMBERS.—The President, or a representative of the President, of each of the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau may appoint a non-voting member of the Task Force.

(f) WORKING GROUPS.—

(1) IN GENERAL.—The co-chairs of the Task Force may establish working groups as necessary to meet the goals and duties of this Act. The Task Force may request the co-chairs to establish such a working group.

(2) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow a nongovernmental organization to participate in such a working group.

(g) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. [209] *212*. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title $16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, which may remain available until expended.**]**

(a) IN GENERAL.—

(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this title—

(A) to the Secretary of Commerce, $30,000,000 for fiscal year 2008, $32,000,000 for fiscal year 2009, and $34,000,000 for fiscal year 2010; and

(B) to the Secretary of the Interior, $10,000,000 for each of fiscal years 2008 through 2010.

(2) ALLOCATION.—Of the amount authorized by this subsection for each of fiscal years 2008 through 2010—

(A) no less than 30 percent shall be used for the grant program under section 204;

(B) up to 10 percent shall be used for the Fund established under section 205;

(C) $500,000 may be used by the Secretary of the Interior to support operations of the United States Coral Reef Task Force; and

(D) $250,000 may be used by the Secretary of Commerce to support such operations.

(b) ADMINISTRATION.—Of the amounts appropriated under subsection (a), not more than the lesser of **[**$1,000,000**]** *$2,000,000* or 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

[(c) CORAL REEF CONSERVATION PROGRAM.—From the amounts appropriated under subsection (a), there shall be made available to

the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for coral reef conservation activities under section 204.

[(d) NATIONAL CORAL REEF ACTIVITIES.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for activities under section 207.]

(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 209 the sum of $8,000,000 for fiscal years 2008 through 2010, such sum to remain available until expended.

SEC. [210] *213*. DEFINITIONS.

In this title:

(1) * * *

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U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE
SUITE 2320 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6301
(202) 225-6371
TTY: (202) 226-4410
http://www.house.gov/science/welcome.htm

September 18, 2006

The Honorable Richard Pombo
Chairman
Committee on Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter dated September 12, 2006. I am writing regarding the jurisdictional interest of the Science Committee in H.R. 5622, the Coral Reef Conservation Legacy Act of 2006, as amended by your Committee. Delegate Eni F.H. Faleomavaega offered an amendment during committee consideration of the bill which was included in section 7 ("Funding for Marine Science Laboratory, Coral Reef Research, and Coastal Ecology and Development") of the bill as amended. The amendment authorized funding for a university Sea Grant program to administer a marine science laboratory and funding for coral reef research and protection at a university marine laboratory.

I appreciate your willingness to work to address my concerns by agreeing to offer an amendment on the House floor to strike section 7 of the bill as amended. The Science Committee recognizes the importance of H.R. 5622 and the need for the legislation to move expeditiously. Therefore, pursuant to our agreement to amend H.R. 5622 on the floor, I will not request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and your September 12 letter will be included in the Committee report and in the *Congressional Record* when the bill is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT
Chairman

RICHARD W. POMBO, CA
Chairman
DON YOUNG, AK
JIM SAXTON, NJ
ELTON GALLEGLY, CA
JOHN J. DUNCAN, JR., TN
WAYNE T. GILCHREST, MD
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THOMAS G. TANCREDO, CO
J.D. HAYWORTH, AZ
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STEVAN PEARCE, NM
HENRY BROWN, JR., SC
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DENNIS CARDOZA, CA
STEPHANIE HERSETH, SD

JAMES H. ZOIA
Democratic Staff Director

12 September 2006

The Honorable Sherwood Boehlert
Chairman
Committee on Science
2320 Rayburn HOB
Washington, D.C. 20515

Dear Mr. Chairman:

On June 21, 2006, the Committee on Resources ordered favorably reported with amendments H.R. 5622, the Coral Reef Conservation Legacy Act of 2006. The bill was referred solely to the Committee on Resources. Delegate Eni F.H. Faleomavaega offered an amendment during committee consideration which authorized funding for a marine science laboratory, coral reef research and coastal ecology and development. This amendment was included as section 7 of the bill. Based on discussions with the Parliamentarian, I believe the Committee on Science has a jurisdictional interest in section 7.

Because it is my hope to schedule H.R. 5622 for consideration by the House of Representatives before we adjourn at the end of the month, I ask that you not request a sequential referral of the bill based on the inclusion of this provision. If you so agree, I will offer an amendment on the House Floor which will strike it from the bill. This agreement in no way affects your jurisdiction over the subject matter and it will not serve as precedent for future referrals. In addition, I would be pleased to include this letter and any response you might have in the report on the bill to be filed this week

Thank you for your consideration of my request, and I look forward to enacting H.R. 5622 soon.

Sincerely,

Richard Pombo

RICHARD W. POMBO

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