

Calendar No. 294

109TH CONGRESS }
1st Session }

SENATE

{ REPORT
109-182

CORAL REEF CONSERVATION ACT OF 2005

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1390



NOVEMBER 17, 2005.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

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CORAL REEF CONSERVATION ACT OF 2005

NOVEMBER 17, 2005.—Ordered to be printed

Mr. STEVENS, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 1390]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1390) to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 1390, the Coral Reef Conservation Amendments Act of 2005, as reported, is to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes. The bill would authorize appropriations to the National Oceanic and Atmospheric Administration (NOAA) for Fiscal Years (FY) 2006 through 2012, strengthen and expand NOAA's Coral Reef Conservation Program, authorize NOAA to prevent and mitigate vessel impacts to coral reefs, and streamline reporting requirements.

BACKGROUND AND NEEDS

Covering less than one percent of the Earth's surface, coral reefs provide resources and services worth billions of dollars each year to the United States economy and economies worldwide in the form of food, jobs, natural products, pharmaceuticals, and shoreline protection. NOAA's 2005 Report to Congress, *Implementation of the National Coral Reef Action Strategy*, notes that 10.5 million Americans live adjacent to a U.S. coral reef, and that coral reef fisheries provide the U.S. economy with more than \$137.1 million in ex-vessel landing value. However, more needs to be done to reduce

threats to coral reef ecosystems, such as pollution, coastal development, and other impacts.

In 2000, Congress recognized the need to preserve, sustain, and restore the condition of coral reef ecosystems by enacting CRCA, calling for the creation of a national strategy and program to address the threats to coral reef communities. CRCA called for NOAA to carry out a number of activities to promote the wise management and sustainable use of coral reef ecosystems, to develop sound scientific information on the condition of coral reef ecosystems, and to assist in the preservation of coral reefs by supporting external conservation programs. CRCA created a Coral Reef Conservation grant program at NOAA, as well as a Coral Reef Conservation Fund to support public-private matching funds and partnerships to further the purposes of CRCA.

Funding for NOAA's CRCA activities have exceeded amounts authorized under CRCA, rising to \$26.32 million in FY 2004 before dropping slightly in FY 2005 to \$24.64 million. The President's FY 2006 budget proposes \$25.96 million for CRCA activities, and specifically calls for funding of multi-year "local action strategies" developed under the CRCA National Coral Action Strategy. Much of NOAA's increased coral reef funding has been associated with CRCA and other NOAA activities in the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (NWHI-CRER), which, at 1200 nautical miles long and 100 nautical miles wide, is the largest coral conservation project in the nation, if not the world. The NWHI-CRER, now undergoing designation as a National Marine Sanctuary, has provided a laboratory for the study of coral reefs and conservation techniques.

This research, assessment, and conservation work has provided substantial new knowledge about coral reef systems in U.S. waters since enactment of CRCA. NOAA's 2005 Report highlights this progress, and describes actions taken to implement the National Coral Reef Action Strategy developed pursuant to CRCA. The Report notes that a comprehensive program led by NOAA has now mapped 66 percent of all U.S. shallow (<30 meters) coral reefs, marking good progress toward the goal of producing comprehensive digital maps of all U.S. shallow coral reefs by 2009. The Report tracks the expansion of coral reef monitoring and research, and highlights areas in need of more funding and management focus at the local, State, and Federal levels, including coastal uses like ship groundings, pollution, and fishing impacts.

On June 15, 2005, the National Ocean Policy Study held a hearing entitled *Invasive Species Ballast Water Management and Threats to Coral Reefs*. At this hearing, Mr. Timothy Keeney, Deputy Assistant Secretary of Commerce for Oceans and Atmosphere and co-chair of the U.S. Coral Reef Task Force, testified on the need to reauthorize CRCA to continue NOAA's progress, in coordination with other Federal, State, and territorial governments, in understanding and conserving coral reef ecosystems. He noted vessel impacts as a high priority for legislative attention, explaining that NOAA has the authority to address coral reef damage from groundings in designated protected areas such as National Marine Sanctuaries, but has no such authority outside of these designated areas.

Also at this hearing, Ms. Kim Hum, Coastal Marine Program Director at The Nature Conservancy of Hawaii, testified about the effectiveness of the coral reef mapping and conservation efforts in that State, and of the need for greater authority for NOAA to respond to coral reef groundings outside of designated National Marine Sanctuaries. She also recommended greater use of community-based solutions to coral reef management that rely on traditional or island-based management concepts, such as those being developed in Hawaii and the Western Pacific.

The Committee believes that Federal agencies should have the authority to respond swiftly to coral reef vessel groundings in shallow U.S. waters, since rapid response can often allow stabilization of the coral reef, lessening both the extent of damage to the reef and the costs of recovery. The Committee also believes that a Community-Based Grants Program that enhances existing investment in coral reef activities could offer more cost-effective and long-lasting coral reef conservation results at the local level. The one-time program authorization included in the bill is designed to test the effectiveness of this approach, which the Committee will evaluate during the next reauthorization cycle. The Committee also recognizes that authorization levels in CRCA needed to be increased to conform to funding priorities and needs.

The Committee notes that the expanded authorities, programs, lists, and reports in this bill extend only to coral reefs or coral reef ecosystems. These terms are defined in the CRCA. The Committee uses these terms to describe large coral formations and their associated ecosystems, respectively, in shallow, warm waters, including corals in the waters of Hawaii and the Western Pacific. The expanded authorities, programs, lists, and reports in this bill do not extend to corals or coral formations existing in cold and/or deep waters, even where such corals or coral formations occur in a density or abundance similar to the shallow water structures the Committee refers to as coral reefs. Similarly, the terms “vessel impacts” and “anthropogenic impacts” as used in this bill refer only to impacts on coral reefs (in shallow water) and do not refer to impacts, whether actual or potential, from fishing gear deployed in cold or deep waters beyond the States and island territories currently participating in CRCA.

SUMMARY OF PROVISIONS

S. 1390, the Coral Reef Conservation Amendments Act of 2005, reauthorizes and amends CRCA to respond to the needs identified at the Committee hearing held on June 15, 2005. These changes include increased authorizations for both the national and coral reef grant programs, expanded funding and authority for NOAA to prevent and respond to vessel groundings on coral reefs, and the creation of a community-based planning grant program to develop and implement local plans using watershed principles and traditional or island-based management techniques.

Section 1 contains the short title of the bill, the “Coral Reef Conservation Amendments Act of 2005”.

Section 2 amends section 204(d) of CRCA to expand and refocus the Coral Reef Conservation Grants Program on emerging threats to coral reefs, including minimizing vessel impacts and promoting community-based planning and management initiatives.

Section 3 amends section 206 of CRCA to expand NOAA's emergency response authorities to prevent or mitigate imminent coral reef destruction from vessel impacts or other physical damage to coral reefs, and directs NOAA to work in coordination with other Federal agencies and seek existing funding sources when possible.

Section 4 amends section 207(b) of CRCA to expand the focus of the National Coral Reef Conservation Program to include prevention activities to minimize physical damage to coral reefs, such as vessel impacts.

Section 5 amends section 208 of CRCA to streamline and focus NOAA's reporting requirements.

Section 6 amends section 205 of CRCA to allow funding for emergency response and mitigation activities under section 206 from the Coral Reef Conservation Fund. Section 6 also amends CRCA by adding a new section 209, Community-Based Planning Grants, and adds a new section 210 authorizing NOAA to maintain a vessel grounding inventory, identify at-risk reefs, and develop a list of recommendations for preventative measures. Finally, section 6 directs Federal, State, and territorial coordination to implement the U.S. Coral Reef Action Strategy developed under CRCA.

Section 7 provides annual program authorizations of \$30 million in FY 2006, up to \$35 million annually by FYs 2009 through 2012, and sets aside 30 percent of these funds for the grants program. It authorizes an additional \$8 million, available from FY 2007 through FY 2012, for a Community-Based Planning Grants program. The bill also increases the cap on administrative costs from \$1 million to \$2 million. Finally, this section allocates up to 10 percent of the Coral Reef Conservation Fund to mitigation and response activities authorized under section 206.

LEGISLATIVE HISTORY

S. 1390 was introduced in the Senate on July 13, 2005, by Senator Inouye and co-sponsored by Senator Sununu, and referred to the Committee on Commerce, Science, and Transportation. On July 21, 2005, the Committee considered the bill in an open executive session. Senator Inouye offered a technical amendment making several minor grammatical corrections, and Senator Bill Nelson offered an amendment regarding the grant allocation formula in section 2 of the bill. The Committee, without objection, ordered S. 1390 reported with amendments.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

AUGUST 8, 2005.

Hon. TED STEVENS,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1390, the Coral Reef Conservation Amendments Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure.

S. 1390—Coral Reef Conservation Amendments Act of 2005

Summary: S. 1390 would authorize the appropriation of \$284 million through fiscal year 2012 to the National Oceanic and Atmospheric Administration (NOAA) for the coral reef conservation program. Assuming appropriation of the authorized amounts, CBO estimates that carrying out this program would cost \$20 million in 2006 and \$172 million over the 2006–2010 period. We estimate that another \$112 million of the authorized amounts would be spent after 2010, including \$43 million authorized to be appropriated for each of fiscal years 2011 and 2012. Enacting S. 1390 would have no effect on revenues or direct spending.

This bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to State, local, or tribal governments would result from complying with conditions of federal assistance.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1390 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—					
	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending for the Coral Reef Conservation Program Under Current Law:						
Budget Authority ¹	26	0	0	0	0	0
Estimated Outlays	26	9	7	1	0	0
Proposed Changes:						
Authorization Level ²	0	30	40	42	43	43
Estimated Outlays	0	20	30	37	42	43
Spending for the Coral Reef Conservation Program Under S. 1390:						
Authorization Level ¹	26	30	40	42	43	43
Estimated Outlays	26	29	37	38	42	43

¹The 2005 level is the amount appropriated for that year for the Coral Reef Conservation Program.

²The bill would also authorize funding of \$43 million a year for 2011 and 2012.

Basis of estimate: For this estimate, CBO assumes that S. 1390 will be enacted near the start of fiscal year 2006 and that the authorized amounts will be appropriated for each year. The authorization levels are those stated in the bill for each year. They include between \$30 million and \$35 million annually for Federal activities and grants, and \$8 million annually (beginning in 2007) for new community planning grants. Estimated outlays are based on historical spending patterns for this program.

Intergovernmental and private-sector impact: S. 1390 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.

Estimate prepared by: Federal Costs: Deborah Reis. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Alicia Hardy.

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

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 1390 as reported by the Committee would authorize appropriations to continue and expand existing NOAA programs and make a number of changes to current law. The bill would have little, if any, regulatory impact.

ECONOMIC IMPACT

The bill, as reported, provides authorization levels of \$30 million for FY 2006, \$32 million for FY 2007, \$34 million for FY 2008, and \$35 million for FY 2009 through FY 2012 for NOAA to carry out the purposes of the bill. The bill also provided a one-time authorization of \$8 million for the Community-Based Planning Grants program, to be available until FY 2012. These funding levels are not expected to have an inflationary impact on the Nation's economy.

PRIVACY

The reported bill would have little, if any, impact on the personal privacy of U.S. citizens.

PAPERWORK

The reported bill would not increase paperwork requirements for the private sector. Those State, local, and non-governmental partners that volunteer to participate in the Coral Reef Grant program or Community-Based Planning Grants Program would likely increase their written communications, data management, and technical expertise capacity related to coral reef management.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states that the Act may be cited as the "Coral Reef Conservation Amendments Act of 2005".

Section 2. Expansion of the Coral Reef Conservation Grant Program

The bill amends section 204(d) of CRCA to make changes to the uses and allocation of grant funds to reflect emerging needs and increased overall authorization levels. The program provides grants to seven U.S. coral reef jurisdictions: four in the Pacific (Hawaii, Guam, American Samoa and the Commonwealth of the Northern Marianas Islands) and three in the Atlantic/Caribbean (Florida, the U.S. Virgin Islands and Puerto Rico).

The law allocates 40 percent each to the Pacific and Atlantic/Caribbean, and the remaining monies may be used for a broad new range of projects in either region. This section expands priority areas to include prevention of vessel impacts and development of community-based planning and management initiatives.

Section 3. Expansion of emergency response authority

The bill amends section 206 of CRCA to expand NOAA's emergency response authorities to include the ability to prevent or mitigate imminent coral reef destruction from vessel impacts or other physical damage to coral reefs, and allows public-private funding for such response actions through the Coral Reef Conservation Fund established under section 205. Currently under section 206, NOAA is only able to administer grants in support of such activities, not direct the activities themselves. This new language would allow NOAA to remove abandoned vessels from coral reef areas and mitigate damage from storms. The bill directs NOAA to work in coordination with other Federal agencies and to seek existing funding sources when possible. This section responds to the Ocean Commission recommendation for increasing Federal authority to address vessel groundings and other impacts to coral reefs.

Section 4. Expansion of national program

The bill would amend section 207(b) of CRCA to expand the focus of the National Coral Reef Conservation Program to include prevention activities to minimize vessel impacts or other physical damage to coral reefs.

Section 5. Streamlining reporting requirement

This provision revises section 208 of CRCA to allow NOAA to prepare and submit only one report to Congress every 3 years, and eliminates the one-time grants report required under CRCA. The reporting requirements are also expanded to include information on vessel groundings and a description of Federal disaster response actions. The first report would be required in March 2007.

Section 6. Coral fund; grants; grounding inventory; and coordination.

This section contains a number of provisions including:

- **EMERGENCY RESPONSE FUNDING.**—This section amends section 205(a) of CRCA, which establishes the Coral Reef Conservation Fund, to allow the fund to be used to pay for emergency response and mitigation activities. It also encourages the non-profit organization that administers the fund to solicit monies from private and non-governmental organizations to support these activities.
- **COMMUNITY BASED PLANNING GRANTS.**—This section creates a new section 209 that would authorize NOAA to award grants to entities that have already received general Coral Reef Conservation Grants to allow them to develop and implement community based coral protection plans, in coordination with appropriate Federal and State authorities. These plans, based on watershed approaches and incorporating traditional or island-based resource management concepts, should encourage comprehensive planning programs and provide for more ef-

fective conservation of coral reefs. The section also provides that the non-Federal matching requirement is reduced from 50 percent to 25 percent in recognition of the limited resources available to many smaller communities.

- **VESSEL GROUNDING INVENTORY AND LIST OF AT-RISK CORAL AREAS.**—This section creates a new section 210 of CRCA to authorize NOAA to create and maintain an inventory of all vessel grounding incidents involving coral reef resources. For each incident the inventory will contain information related to: (1) grounding impacts; (2) vessel identity; (3) incident response; and (4) recommendations for preventing similar incidents. NOAA is also directed to identify coral reef areas outside of National Marine Sanctuaries that have a high incidence of vessel impacts and to identify potential measures to prevent or mitigate these impacts.

- **REGIONAL COORDINATION.**—The section creates a new section 211 of CRCA directing the Secretary of Commerce to, in coordination with other Federal, State, and U.S. territorial governments, implement the U.S. National Coral Action Strategy, including regional and local strategies to address multiple threats to coral reefs.

Section 7. Authorization of appropriations

The bill authorizes appropriations for CRCA of \$30 million in FY 2006, \$32 million in FY 2007, \$34 million in FY 2008, and \$35 million per year for FYs 2009 through 2012. This level of authorized appropriations would allow NOAA to undertake an increased level of coordination required by the proposed amendments and allow for funding of local action strategies.

Of the authorized funds, the bill directs at least 30 percent to the general grants program. The 30-percent minimum for grants would ensure that grant funding for the existing program is predictable and at levels higher than in FY 2005. The bill authorizes a total of \$8 million for the Community Based Planning Grants to provide long-term funding for implementation of community-based plans, to be available until expended from FY 2007 through FY 2012.

The bill sets aside up to 10 percent of appropriations for the Coral Reef Conservation Fund established in section 205 of CRCA, in order to ensure that there is funding available for emergency response and prevention activities, which can be increased through non-Federal contributions.

This section of the bill also raises the cap on funding administrative activities from \$1 million to \$2 million. This would help ensure that NOAA has dedicated and predictable funding to administer the Coral Reef Conservation Program.

As under existing law, funds not set aside for grants or the Fund will be used by the National Program, which should emphasize prevention as well as assessment, conservation, and research.

The removal/replacement of sections 209(c) and (d) removes existing confusion over how to allocate funding among the major programs authorized under CRCA.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, 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 material is printed in italic, existing law in which no change is proposed is shown in roman):

CORAL REEF CONSERVATION ACT OF 2000

SEC. 204. CORAL REEF CONSERVATION PROGRAM.

[16 U.S.C. 6403]

(a) **GRANTS.**—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs (hereafter in this title referred to as “coral conservation projects”), for proposals approved by the Administrator in accordance with this section.

(b) **MATCHING REQUIREMENTS.**—

(1) **FIFTY PERCENT.**—Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) **WAIVER.**—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(c) **ELIGIBILITY.**—Any natural resource management authority of a State or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal under subsection (e).

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

(1) No less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States.

(2) No less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea within the maritime

areas and zones subject to the jurisdiction or control of the United States.

【(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, research, pollution reduction, education, and technical support.*

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

(1) The name of the individual or entity responsible for conducting the project.

(2) A description of the qualifications of the individuals who will conduct the project.

(3) A succinct statement of the purposes of the project.

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

(5) Evidence of support for the project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) A description of how the project meets one or more of the criteria in subsection (g).

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this title.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Administrator shall review each coral conservation project proposal to determine if it meets the criteria set forth in subsection (g).

(2) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 6 months after receiving a project proposal under this section, the Administrator shall—

(A) request and consider written comments on the proposal from each Federal agency, State government, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States and other government jurisdictions that provided comments under subparagraph (A).

(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) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reefs;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems, including factors that cause coral disease;

(5) promoting and assisting to implement cooperative coral reef conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long term conservation;

(7) mapping the location and distribution of coral reefs;

(8) developing and implementing techniques to monitor and assess the status and condition of coral reefs;

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

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

(10) promoting activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those activities described in section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs; or

(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.

(h) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success of the project.

(i) CORAL REEF TASK FORCE.—The Administrator may consult with the Coral Reef Task Force to obtain guidance in establishing coral conservation project priorities under this section.

(j) IMPLEMENTATION GUIDELINES.—Within 180 days after the date of the enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with State, regional, and local entities involved in setting priorities for conservation of coral reefs and provide for appropriate public notice and opportunity for comment.

* * * * *

SEC. 205. CORAL REEF CONSERVATION FUND.

[16 U.S.C. 6404]

(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.

(d) ADMINISTRATION.—Under an agreement entered into pursuant to subsection (a), the Administrator may transfer funds appropriated to carry out this title to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the organization by private persons and State and local government agencies.

[SEC. 206. EMERGENCY ASSISTANCE.

[16 U.S.C. 6405]

[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 may undertake or authorize action 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 FEDERAL AGENCIES.—When possible, action by the Administrator under this section should—

(1) be conducted in partnership with other Federal agencies, including the United States Coast Guard, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, and the Department of the Interior; and

(2) leverage resources of such other agencies, including funding or assistance authorized under other Federal laws, such as the Oil Pollution Act of 1990, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Federal Water Pollution Control Act.

SEC. 207. NATIONAL PROGRAM.

[16 U.S.C. 6406]

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may conduct activities to conserve coral reefs and coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972.

(b) AUTHORIZED ACTIVITIES.—Activities authorized under subsection (a) include—

(1) mapping, monitoring, assessment, restoration, and scientific research that benefit the understanding, sustainable use, and long-term conservation of coral reefs and coral reef ecosystems;

(2) enhancing public awareness, education, understanding, and appreciation of coral reefs and coral reef ecosystems;

*(3) providing assistance to States in removing abandoned fishing gear, marine debris, and abandoned vessels from coral reefs to conserve living marine resources; **[and]***

*(4) cooperative conservation and management of coral reefs and coral reef ecosystems with local, regional, or international programs and **[partners.] partners; and***

(5) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those activities identified in section 210(b).

[SEC. 208. EFFECTIVENESS REPORTS.

[16 U.S.C. 6407]

[(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. REPORT TO CONGRESS.

Not later than March 1, 2007, and every 3 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 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 Interior, Department of Agriculture, the Environmental Protection Agency, and the United States Army Corps of Engineers;

(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;”

(4) 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

(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs.

SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

(a) IN GENERAL.—The Administrator may make grants to entities who have received grants under section 204(c) to provide additional funds to such entities 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 scientific experts 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; and*
- (5) build upon local approaches or models, including traditional or island-based resource management concepts.*

(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, ‘25 percent 75 percent’ shall be substituted for ‘50 percent’.

“SEC. 210. VESSEL GROUNDING INVENTORY.

(a) IN GENERAL.—The Administrator may maintain an inventory of all vessel grounding incidents involving coral reef resources, including a description of—

- (1) the impacts to such resources;*
- (2) vessel and ownership information, if available;*
- (3) the estimated cost of removal, mitigation, or restoration;*
- (4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;*
- (5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and*
- (6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.*

(b) IDENTIFICATION OF AT-RISK REEFS.—The Administrator may—

- (1) use information from any inventory maintained under subsection (a) or any other available information source to identify coral reef areas outside designated National Marine Sanctuaries that have a high incidence of vessel impacts, including groundings and anchor damage; and*
- (2) identify appropriate measures, including action by other agencies, to reduce the likelihood of such impacts.*

“SEC. 211. REGIONAL COORDINATION.

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.

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

[16 U.S.C. 6408]

(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,] \$30,000,000 for fiscal year 2006, \$32,000,000 for fiscal year 2007, \$34,000,000 for fiscal year 2008, and \$35,000,000 for each of fiscal years 2009 through 2012,

of which no less than 30 percent per year (for each of fiscal years 2006 through 2012) shall be used for the grant program under section 204 and up to 10 percent per year shall be used for the Fund established under section 205, which may remain available until expended.

(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.】

(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 2007 through 2012, such sum to remain available until expended.

【(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.】

SEC. [210.] 213. DEFINITIONS.

[16 U.S.C. 6409]

In this title

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CONSERVATION.—The term “conservation” means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

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

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), and Coenothecalia (blue coral), of the class Anthozoa; and

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

(4) CORAL REEF.—The term “coral reef” means any reefs or shoals composed primarily of corals.

(5) CORAL REEF ECOSYSTEM.—The term “coral reef ecosystem” means coral and other species of reef organisms (including reef plants) associated with coral reefs, and the non-living environmental factors that directly affect coral reefs, that together function as an ecological unit in nature.

(6) CORAL PRODUCTS.—The term “coral products” means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

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

(8) STATE.—The term “State” means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

