

105TH CONGRESS  
2D SESSION

# H. R. 2233

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IN THE SENATE OF THE UNITED STATES

JANUARY 27, 1998

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To assist in the conservation of coral reefs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coral Reef Conserva-  
3 tion Act of 1997”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are the following:

6 (1) To preserve, sustain, and restore the health  
7 of coral reef ecosystems.

8 (2) To assist in the conservation and protection  
9 of coral reefs by supporting conservation programs.

10 (3) To provide financial resources for those pro-  
11 grams.

12 (4) To establish a formal mechanism for collect-  
13 ing and allocating monetary donations from the pri-  
14 vate sector to be used for coral reef conservation  
15 projects.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

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

20 (A) all species of the orders Antipatharia  
21 (black corals), Scleractinia (stony corals),  
22 Gorgonacea (horny corals), Stolonifera  
23 (organpipe corals and others), and  
24 Coenothecalia (blue coral), of the class  
25 Anthozoa; and

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

4 (2) CORAL REEF.—The term “coral reef”  
5 means any reef or shoal composed primarily of the  
6 skeletal material of species of the order Scleractinia  
7 (class Anthozoa).

8 (3) CORAL REEF ECOSYSTEM.—The term  
9 “coral reef ecosystem” means the complex of species  
10 associated with coral reefs and their environment  
11 that—

12 (A) functions as an ecological unit in na-  
13 ture; and

14 (B) is necessary for that function to con-  
15 tinue.

16 (4) CORALS AND CORAL PRODUCTS.—The term  
17 “corals and coral products” means any living or  
18 dead specimens, parts, or derivatives, or any product  
19 containing specimens, parts, or derivatives, of any  
20 species referred to in paragraph (1).

21 (5) CONSERVATION.—The term “conservation”  
22 means the use of methods and procedures necessary  
23 to preserve or sustain corals and species associated  
24 with coral reefs as diverse, viable, and self-perpet-  
25 uating coral reef ecosystems, including all activities

1 associated with resource management, such as con-  
2 servation, protection, restoration, and management  
3 of habitat; habitat monitoring; assistance in the de-  
4 velopment of management strategies for marine pro-  
5 tected areas and marine resources consistent with  
6 the National Marine Sanctuaries Act (16 U.S.C.  
7 1431 et seq.) and the Magnuson-Stevens Fishery  
8 Conservation and Management Act (16 U.S.C. 1801  
9 et seq.); law enforcement through community par-  
10 ticipation; conflict resolution initiatives; and commu-  
11 nity outreach and education.

12 (6) FUND.—The term “Fund” means the Coral  
13 Reef Conservation Fund established under section  
14 5(a).

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

17 **SEC. 4. CORAL REEF CONSERVATION ASSISTANCE.**

18 (a) IN GENERAL.—The Secretary, subject to the  
19 availability of funds, shall use amounts in the Fund to  
20 provide grants of financial assistance for projects for the  
21 conservation of coral reefs for which final project propos-  
22 als are approved by the Secretary in accordance with this  
23 section.

24 (b) PROJECT PROPOSAL.—Any relevant natural re-  
25 source management authority of a State or territory of

1 the United States or other government jurisdiction with  
2 coral reefs whose activities directly or indirectly affect  
3 coral reefs, or any nongovernmental organization or indi-  
4 vidual with demonstrated expertise in the conservation of  
5 coral reefs, may submit to the Secretary a project proposal  
6 under this section. Each proposal shall include the follow-  
7 ing:

8           (1) The name of the individual responsible for  
9       conducting the project.

10          (2) A succinct statement of the purposes of the  
11       project.

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

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

16          (5) Evidence of support of the project by appro-  
17       priate representatives of States or territories of the  
18       United States or other government jurisdictions in  
19       which the project will be conducted, if the Secretary  
20       determines that the support is required for the suc-  
21       cess of the project.

22          (6) Information regarding the source and  
23       amount of matching funding available to the appli-  
24       cant.

1           (7) Any other information the Secretary consid-  
2           ers to be necessary for evaluating the eligibility of  
3           the project for funding under this Act.

4           (c) PROJECT REVIEW AND APPROVAL.—

5           (1) IN GENERAL.—The Secretary shall review  
6           each final project proposal to determine if it meets  
7           the criteria set forth in subsection (d).

8           (2) CONSULTATION; APPROVAL OR DIS-  
9           APPROVAL.—Not later than 6 months after receiving  
10          a final project proposal, and subject to the availabil-  
11          ity of funds, the Secretary shall—

12                 (A) request written comments on the pro-  
13                 posal from each State or territory of the United  
14                 States or other government jurisdiction, includ-  
15                 ing the relevant regional fishery management  
16                 councils established under the Magnuson-Ste-  
17                 vens Fishery Conservation and Management  
18                 Act (16 U.S.C. 1801 et seq.), within which the  
19                 project is to be conducted;

20                 (B) provide for the merit-based peer review  
21                 of the proposal and require standardized docu-  
22                 mentation of that peer review;

23                 (C) after reviewing any written comments  
24                 and recommendations based on merit review,  
25                 approve or disapprove the proposal; and

1 (D) provide written notification of that ap-  
2 proval or disapproval to the person who submit-  
3 ted the proposal, and each of those States, ter-  
4 ritories, and other government jurisdictions.

5 (d) CRITERIA FOR APPROVAL.—The Secretary may  
6 approve a final project proposal under this section if the  
7 project will enhance programs for conservation of coral  
8 reefs by assisting efforts to—

9 (1) implement conservation programs;

10 (2) address the conflicts arising from the use of  
11 environments near coral reefs or from the use of cor-  
12 als, species associated with coral reefs, and coral  
13 products;

14 (3) enhance compliance with laws that prohibit  
15 or regulate the taking of corals, species associated  
16 with coral reefs, and coral products or regulate the  
17 use and management of coral reef ecosystems;

18 (4) develop sound scientific information on the  
19 condition of coral reef ecosystems or the threats to  
20 such ecosystems; or

21 (5) promote cooperative projects on coral reef  
22 conservation that involve foreign governments, af-  
23 fected local communities, nongovernmental organiza-  
24 tions, or others in the private sector.

1       (e) PROJECT SUSTAINABILITY.—In determining  
2 whether to approve project proposals under this section,  
3 the Secretary shall give priority to projects which promote  
4 sustainable development and ensure effective, long-term  
5 conservation of coral reefs.

6       (f) PROJECT REPORTING.—Each grantee under this  
7 section shall provide periodic reports, as the Secretary  
8 considers necessary, to the Secretary. Each report shall  
9 include all information required by the Secretary for evalu-  
10 ating the progress and success of the project.

11       (g) MATCHING FUNDS.—The Secretary may not ap-  
12 prove a project proposal under this section unless the Sec-  
13 retary determines that there are non-Federal matching  
14 funds available to pay at least 50 percent of the total cost  
15 of the project.

16 **SEC. 5. CORAL REEF CONSERVATION FUND.**

17       (a) ESTABLISHMENT.—There is established in the  
18 general fund of the Treasury a separate account, to be  
19 known as the “Coral Reef Conservation Fund”, which  
20 shall consist of amounts deposited into the Fund by the  
21 Secretary of the Treasury under subsection (b).

22       (b) DEPOSITS INTO THE FUND.—The Secretary of  
23 the Treasury shall deposit into the Fund—



1           (1) all amounts received by the Secretary in the  
2       form of monetary donations under subsection (d);  
3       and

4           (2) other amounts appropriated to the Fund.

5       (c) USE.—

6           (1) IN GENERAL.—Subject to paragraph (2),  
7       the Secretary may use amounts in the Fund without  
8       further appropriation to provide assistance under  
9       section 4.

10          (2) ADMINISTRATION.—Of amounts in the  
11       Fund available for each fiscal year, the Secretary  
12       may use not more than 3 percent to administer the  
13       Fund.

14       (d) ACCEPTANCE AND USE OF MONETARY DONA-  
15       TIONS.—The Secretary may accept and use monetary do-  
16       nations to provide assistance under section 4. Amounts re-  
17       ceived by the Secretary in the form of donations shall be  
18       transferred to the Secretary of the Treasury for deposit  
19       into the Fund.

20       **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21       There are authorized to be appropriated to the Fund  
22       \$1,000,000 for each of fiscal years 1998, 1999, 2000,

- 1 2001, and 2002 to carry out this Act, which may remain
- 2 available until expended.

Passed the House of Representatives November 13,  
1997.

Attest:

ROBIN H. CARLE,  
*Clerk.*