

106TH CONGRESS  
1ST SESSION

# H. R. 3133

To authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide financial assistance for coral reef conservation projects, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1999

Mr. FALEOMAVAEGA (for himself, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Mr. DEUTSCH, Mr. ROMERO-BARCELO, and Mr. UNDERWOOD) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide financial assistance for coral reef conservation projects, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coral Reef Protection  
5 Act of 1999”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Coral reefs and coral reef ecosystems are  
4 considered the marine equivalent of tropical rain for-  
5 ests, containing some of the planet's richest biologi-  
6 cal diversity, habitats, and systems and supporting  
7 thousands of fish, invertebrates, reef algae, plank-  
8 ton, sea grasses, and other species.

9 (2) Coral reefs and coral reef ecosystems have  
10 great commercial, recreational, cultural, and esthetic  
11 value to human communities as shoreline protection,  
12 areas of natural beauty, and sources of food, phar-  
13 maceuticals, jobs, and revenues through a wide vari-  
14 ety of activities, including education, research, tour-  
15 ism, and fishing.

16 (3) Studies indicate that coral reefs in the  
17 United States and around the world are being de-  
18 graded and severely threatened by human and envi-  
19 ronmental impacts including land-based pollution,  
20 overfishing, destructive fishing practices, vessel  
21 groundings, and climate change.

22 (4) Since 1994, under the United States Coral  
23 Reef Initiative, Federal agencies, State and local  
24 governments, nongovernmental organizations, and  
25 commercial interests have worked together to design  
26 and implement additional management, education,

1 monitoring, research, and restoration efforts to con-  
2 serve coral reef ecosystems.

3 (5) 1997 was recognized as the Year of the  
4 Reef to raise public awareness about the importance  
5 of conserving coral reefs and to facilitate actions to  
6 protect coral reef ecosystems.

7 (6) On October 21, 1997, the 105th Congress  
8 agreed to House Concurrent Resolution 8, a concur-  
9 rent resolution recognizing the significance of main-  
10 taining the health and stability of coral reef eco-  
11 systems by promoting comprehensive stewardship for  
12 coral reef ecosystems, discouraging unsustainable  
13 fisheries or other practices harmful to coral reefs,  
14 encouraging research, monitoring, assessment of,  
15 and education on coral reef ecosystems, improving  
16 coordination of coral reef efforts and activities of  
17 Federal agencies, academic institutions, nongovern-  
18 mental organizations, and industry, and promoting  
19 preservation and sustainable use of coral reef re-  
20 sources worldwide.

21 (7) 1998 was declared to be the International  
22 Year of the Ocean to raise public awareness and in-  
23 crease actions to conserve and use in a sustainable  
24 manner the broader ocean environment, including  
25 coral reefs.

1           (8) On June 11, 1998, President William Jef-  
2       ferson Clinton signed Executive Order 13089 (64  
3       Fed. Reg. 323701) which recognizes the importance  
4       of conserving coral reef ecosystems, establishes the  
5       Coral Reef Task Force under the joint leadership of  
6       the Departments of Commerce and Interior, and di-  
7       rects Federal agencies whose actions may affect  
8       United States coral reef ecosystems to take steps to  
9       protect, manage, research, and restore such eco-  
10      systems.

11           (9) The Nation benefits from—

12                (A) specific actions and programs involving  
13                coral reefs and coral reef ecosystems including  
14                National Marine Sanctuaries, National Wildlife  
15                Refuges, National Parks, and other marine pro-  
16                tected areas that conserve for future genera-  
17                tions vital marine resources, ecosystems, and  
18                habitats;

19                (B) the identification of coral habitats as  
20                essential fish habitat under the Magnuson-Ste-  
21                vens Fishery Conservation and Management  
22                Act, which requires aggressive efforts to mini-  
23                mize adverse effects on such habitat caused by  
24                fishing;

1 (C) identification of other actions to en-  
2 courage the conservation and enhancement of  
3 such habitat; and

4 (D) State coastal management programs  
5 for the protection, development, and where pos-  
6 sible, restoration and enhancement of the re-  
7 sources of the Nation's coastal zone for this  
8 and succeeding generations under the Coastal  
9 Zone Management Act of 1972 and other re-  
10 lated statutes.

11 (10) Legislation solely dedicated to the com-  
12 prehensive and coordinated conservation, manage-  
13 ment, protection, and restoration of coral reefs and  
14 coral reef ecosystems would supplement Executive  
15 Order 13089 and House Concurrent Resolution 8 of  
16 the 105th Congress, and complement the manage-  
17 ment, protection, and conservation provided by such  
18 programs as those administered under the National  
19 Marine Sanctuaries Act, the Coastal Zone Manage-  
20 ment Act of 1972, and the Magnuson-Stevens Fish-  
21 ery Conservation and Management Act, as well as  
22 those administered by other Federal and State agen-  
23 cies.

24 **SEC. 3. POLICY.**

25 It is the policy of the United States—

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

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

5           (3) to reduce and remove human stresses af-  
6           fecting reefs;

7           (4) to restore coral reef ecosystems injured by  
8           human activities; and

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

11 **SEC. 4. PURPOSES.**

12          The purposes of this Act are—

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

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

17           (3) to provide financial resources for those pro-  
18           grams; and

19           (4) to establish a formal mechanism for col-  
20           lecting and allocating monetary donations from the  
21           private sector to be used for coral reef conservation  
22           projects.

23 **SEC. 5. DEFINITIONS.**

24          In this Act:

1           (1) BASELINE.—The term “baseline” means  
2           the condition of coral or coral reef resources and  
3           services that would have existed if an incident had  
4           not occurred.

5           (2) CONSERVATION.—The term “conservation”  
6           means the use of methods and procedures necessary  
7           to preserve or sustain coral reefs and coral reef eco-  
8           systems as diverse, viable, and self-perpetuating eco-  
9           systems, including—

10                   (A) all activities associated with resource  
11                   management, such as assessment, science, con-  
12                   serva- tion, protection, restoration, sustainable  
13                   use, management of habitat, and water quality;

14                   (B) habitat monitoring;

15                   (C) assistance in the development of man-  
16                   agement strategies for marine protected areas  
17                   and marine resources consistent with the Na-  
18                   tional Marine Sanctuaries Act (16 U.S.C. 1431  
19                   et seq.), the Magnuson-Stevens Fishery Con-  
20                   serva- tion and Management Act (16 U.S.C.  
21                   1801 et seq.), and other Federal and State  
22                   statutes;

23                   (D) law enforcement;

24                   (E) conflict resolution initiatives;

1 (F) community outreach and education;  
2 and

3 (G) promotion of safe and ecologically  
4 sound navigation.

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

7 (A) all species of the orders Antipatharia  
8 (black corals), Scleractinia (stony corals),  
9 Alcyonacea (soft corals), Gorgonacea (horny  
10 corals), Stolonifera (organpipe corals and oth-  
11 ers), and Helioporacea (blue coral) of the class  
12 Anthozoa; and

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

16 (4) CORAL REEF.—The term “coral reef”  
17 means any reef, shoal, or other natural feature com-  
18 posed primarily of the solid skeletal structures in  
19 which stony corals are major framework constitu-  
20 ents, within any maritime area or zone subject to  
21 the jurisdiction or control of the United States (such  
22 as Federal or State waters), including in the south  
23 Atlantic, Caribbean, Gulf of Mexico, and Pacific  
24 Ocean.

1           (5) CORAL REEF ECOSYSTEM.—The term  
2       “coral reef ecosystem” means the interacting com-  
3       plex of species (including reef plants of the phyla  
4       Chlorophyta, Phaeophyta, and Rhodophyta) and  
5       nonliving variables associated with coral reefs and  
6       their habitats that—

7           (A) function as an ecological unit in na-  
8       ture; and

9           (B) are mutually dependent on this func-  
10      tion to continue.

11       (6) DAMAGES.—The term “damages”  
12      includes—

13           (A) compensation for—

14               (i) the cost of restoring or rehabili-  
15               tating an injured coral or coral reef re-  
16               source and its services to baseline condi-  
17               tion; and

18               (ii)(I) the cost of replacing or acquir-  
19               ing resources and services lost until the  
20               coral or coral reef resource has recovered  
21               to its baseline condition; or

22               (II) the value of the coral or coral reef  
23               resources and services from the date the  
24               injury occurred until the coral or coral reef

1 resource has recovered to its baseline con-  
2 dition;

3 (B) the cost of damage assessments under  
4 section 9(a)(2)(B);

5 (C) the reasonable cost of monitoring ap-  
6 propriate to the injured, restored, or replaced  
7 resources; and

8 (D) the cost of enforcement actions under-  
9 taken by the Secretary for losses to coral or  
10 coral reef resources.

11 (7) FOUNDATION.—The term “foundation”  
12 means any qualified non-profit organization that  
13 specializes in natural resource conservation.

14 (8) PERSON.—The term “person”—

15 (A) subject to subparagraph (B), has the  
16 meaning given that term by section 1 of title 1,  
17 United States Code; and

18 (B) includes any department, agency, and  
19 instrumentality of the United States Govern-  
20 ment or any State or local government.

21 (9) RESPONSE COSTS.—The term “response  
22 costs” means the costs of actions taken or author-  
23 ized by the Secretary, or any other head of a Fed-  
24 eral or State agency, to minimize destruction or loss  
25 of, or injury to, coral, coral reefs, or coral reef eco-

1 systems or to minimize the threat of such destruc-  
2 tion, loss, or injury, including enforcement activities  
3 related to any incident.

4 (10) SECRETARY.—The term “Secretary”  
5 means the Secretary of Commerce.

6 (11) SERVICE.—The term “service” means a  
7 function performed by a coral or coral reef resource  
8 for the benefit of another coral or coral reef re-  
9 source, other natural resource, or the public.

10 (12) STATE.—The term “State” means—

11 (A) any coastal State of the United States  
12 that contains coral within its seaward bound-  
13 aries;

14 (B) American Samoa, Guam, the Northern  
15 Mariana Islands, Puerto Rico, and the United  
16 States Virgin Islands; and

17 (C) any other commonwealth, territory, or  
18 possession of the United States that contains  
19 coral within its seaward boundaries.

20 **SEC. 6. CORAL REEF RESTORATION AND CONSERVATION**  
21 **PROGRAM.**

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

1           (1) provide for the restoration of degraded or  
2           injured coral reefs or coral reef ecosystems, includ-  
3           ing developing and implementing cost-effective meth-  
4           ods to restore or enhance degraded or injured coral  
5           reefs and coral reef ecosystems; or

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

15       (b) MATCHING REQUIREMENTS.—

16           (1) 75-PERCENT FEDERAL FUNDING.—Except  
17          as provided in paragraph (2), Federal funds pro-  
18          vided for any project under this section shall not ex-  
19          ceed 75 percent of the total cost of such project. In  
20          calculating that percentage, the non-Federal share of  
21          project costs may be provided by in-kind contribu-  
22          tions and other noncash support.

23           (2) EXCEPTIONS.—

24                (A) SMALL PROJECTS.—There is no  
25          matching requirement for any grant under sub-

1 section (a) for a project costing not more than  
2 \$25,000.

3 (B) HIGHER LEVEL OF SUPPORT RE-  
4 QUIRED.—If the Secretary determines that a  
5 proposed project merits support and cannot be  
6 undertaken without a higher rate of Federal  
7 support, then the Secretary may approve grants  
8 under this section with a matching requirement  
9 other than that specified in paragraph (1).

10 (c) ELIGIBILITY.—Any relevant natural resource  
11 management authority of a State or other government au-  
12 thority with jurisdiction over coral reefs or whose activities  
13 directly or indirectly affect coral reefs or coral reef eco-  
14 systems, or educational or non-governmental institutions  
15 with demonstrated expertise in the conservation of coral  
16 reefs, may submit a coral reef restoration or conservation  
17 proposal to the Secretary under subsection (a).

18 (d) ALLOCATION.—The Secretary shall ensure that  
19 financial assistance provided under subsection (a) during  
20 a fiscal year is distributed so that—

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

24 (2) not less than 40 percent of the funds avail-  
25 able are awarded for coral reef restoration and con-

1       servation projects in the Atlantic Ocean, the Gulf of  
2       Mexico, and the Caribbean Sea; and

3               (3) remaining funds are awarded for coral reef  
4       restoration and conservation projects that address  
5       emerging priorities or threats identified by the Sec-  
6       retary in consultation with the Coral Reef Task  
7       Force under subsection (j).

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

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

12              (2) A succinct statement of the purposes of the  
13       project.

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

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

18              (5) Evidence of support of the project by appro-  
19       priate representatives of States or other government  
20       jurisdictions in which the project will be conducted.

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

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

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

4           (f) PROJECT REVIEW AND APPROVAL.—

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

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

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

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

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

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

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

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

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

24 (2) addressing the conflicts arising from the use  
25 of environments near coral reefs or from the use of

1 any living or dead specimens, part, or derivatives, or  
2 any product containing specimens, parts, or deriva-  
3 tives, of any coral or coral reef ecosystem;

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

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

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

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

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

24 (i) TECHNICAL ASSISTANCE.—The Secretary may  
25 provide technical assistance to any State or Federal agen-

1 cy with jurisdiction over coral reefs and coral reef eco-  
2 systems to further the purposes of this Act.

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

8 **SEC. 7. NATIONAL PROGRAM.**

9 (a) IN GENERAL.—The Secretary may conduct activi-  
10 ties that further the conservation of coral reefs or coral  
11 reef ecosystems on a regional, national, or international  
12 scale, or that further public awareness and education re-  
13 garding coral reefs and coral reef ecosystems on a re-  
14 gional, national, or international scale. The activities  
15 should supplement and be consistent with the programs,  
16 policies, and statutes of affected States, the National Ma-  
17 rine Sanctuaries Act, the Coastal Zone Management Act  
18 of 1972, the Magnuson-Stevens Fishery Conservation and  
19 Management Act, and other applicable Federal statutes,  
20 and, at a minimum, should include mapping and assess-  
21 ment, monitoring, management, and scientific research  
22 that benefits the long-term conservation of coral reefs and  
23 coral reef ecosystems.

24 (b) FINANCIAL ASSISTANCE.—The Secretary may  
25 enter into joint projects with any Federal, State, or local

1 authority, or provide financial assistance to any person for  
2 projects consistent with subsection (a), including projects  
3 that—

4 (1) support, promote, and coordinate the as-  
5 sessment of, scientific research on, monitoring of, or  
6 restoration of coral reefs and coral reef ecosystems  
7 of the United States;

8 (2) cooperate with global programs that con-  
9 serve, manage, protect, and study coral reefs and  
10 coral reef ecosystems; or

11 (3) enhance public awareness, understanding,  
12 and appreciation of coral reefs and coral reef eco-  
13 systems.

14 **SEC. 8. DOCUMENTATION OF CERTAIN VESSELS.**

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

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

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

23 “(2) the abandoned vessel remains on the coral  
24 reef or was removed from the coral reef using funds  
25 provided under section 6 or 7 of the Coral Reef Pro-

1       tection Act of 1999 or any other provision of law  
 2       having as its purpose protection of the environment,  
 3       including the Oil Pollution Act of 1990 and the  
 4       Comprehensive Environmental Response, Compensa-  
 5       tion, and Liability Act of 1980, unless the owner of  
 6       the vessel has reimbursed the United States for envi-  
 7       ronmental damage caused by the vessel and the  
 8       funds expended to remove it.”.

9   **SEC. 9. CORAL REEF PROTECTION.**

10       (a) DESTRUCTION, LOSS OF, OR INJURY TO, CORAL,  
 11   CORAL REEFS, OR CORAL REEF ECOSYSTEMS.—

12               (1) LIABILITY.—

13                       (A) LIABILITY TO THE UNITED STATES.—

14       Any person who destroys, causes the loss of, or  
 15       injures any coral, coral reef, or coral reef eco-  
 16       system, or creates a threat of destruction, loss  
 17       of, or injury to any coral, coral reef, or coral  
 18       reef ecosystem, is jointly and severally liable to  
 19       the United States for an amount equal to the  
 20       sum of—

21                       (i) the response costs and damages re-  
 22                       sulting from the destruction, loss, or in-  
 23                       jury, or threat thereof;

1                   (ii) the costs related to seizure, for-  
2                   feiture, or storage arising from liability  
3                   under this section; and

4                   (iii) interests on the costs referred to  
5                   in clauses (i) and (ii), calculated in the  
6                   manner described under section 1005 of  
7                   the Oil Pollution Act of 1990.

8                   (B) LIABILITY IN REM.—Any vessel used  
9                   to destroy, cause the loss of, or injure any  
10                  coral, coral reef, or coral reef ecosystem or cre-  
11                  ate a threat of destruction, loss of, or injury to  
12                  any coral, coral reef, or coral reef ecosystem  
13                  shall be liable in rem to the United States for  
14                  response costs, seizure, forfeiture, and storage  
15                  costs, and damages resulting from such de-  
16                  struction, loss, or injury, or threat thereof. The  
17                  amount of that liability shall constitute a mari-  
18                  time lien on the vessel and may be recovered in  
19                  an action in rem in the district court of the  
20                  United States having jurisdiction over the ves-  
21                  sel.

22                  (C) LIMITS TO LIABILITY.—Nothing in  
23                  sections 4281 through 4289 of the Revised  
24                  Statutes of the United States or section 3 of

1 the Act of February 13, 1893, shall limit the li-  
2 ability of any person or vessel under this title.

3 (D) RELATIONSHIP WITH OTHER LAWS.—

4 (i) This section does not apply to any activity  
5 that is subject to liability under the National  
6 Marine Sanctuaries Act (16 U.S.C. 1431 et  
7 seq.), or Public Law 101–337 (16 U.S.C. 19jj  
8 et seq.; pertaining to the National Park Sys-  
9 tem).

10 (ii) Nothing in this section limits liability  
11 under other Federal statutes or common law,  
12 except that there shall be no double recovery of  
13 damages for the same activity giving rise to li-  
14 ability under this section and such other Fed-  
15 eral statute or common law.

16 (iii) Nothing in this section precludes a  
17 Federal or State agency from establishing more  
18 restrictive measures to protect and conserve  
19 coral reefs and coral reef ecosystems.

20 (2) RESPONSE ACTIONS AND DAMAGE ASSESS-  
21 MENT.—

22 (A) RESPONSE ACTIONS.—The Secretary  
23 may undertake or authorize all necessary ac-  
24 tions to prevent or minimize the destruction or  
25 loss of, or injury to any, coral, coral reef, or

1 coral reef ecosystem, or to minimize the threat  
2 of such destruction, loss, or injury.

3 (B) DAMAGE ASSESSMENT.—The Sec-  
4 retary shall assess damages to corals, coral  
5 reefs, and coral reef ecosystems.

6 (3) CIVIL ACTIONS FOR RESPONSE COSTS AND  
7 DAMAGES.—The Attorney General, upon request of  
8 the Secretary, may commence a civil action in the  
9 appropriate United States district court against any  
10 person or vessel that may be liable under subsection  
11 (a) for response costs, seizure, forfeiture, and stor-  
12 age costs, or damages. The Secretary, acting as  
13 trustee for coral reefs and coral reef ecosystems for  
14 the United States, shall submit a request for such  
15 an action to the Attorney General whenever a person  
16 or vessel may be liable for such costs or damages.

17 (4) USE OF RECOVERED AMOUNTS.—Response  
18 costs, seizure, forfeiture, and storage costs, and  
19 damages recovered by the Secretary under this sec-  
20 tion shall be retained by the Secretary in the man-  
21 ner provided for in section 312(d) of the National  
22 Marine Sanctuaries Act (16 U.S.C. 1443(d)), and  
23 used by the Secretary as follows:

24 (A) RESPONSE COSTS AND DAMAGE AS-  
25 SESSMENT COSTS.—Funds recovered as reim-

1           bursement for past response, seizure, forfeiture,  
2           and storage costs, and damage assessment costs  
3           under this section—

4                   (i) shall be used, as the Secretary  
5                   deems appropriate, to reimburse the Sec-  
6                   retary or other Federal and State agencies  
7                   for response costs, seizure, forfeiture, and  
8                   storage costs, and the costs of undertaking  
9                   damage assessments; and

10                  (ii) may be used to fund future re-  
11                  sponse actions and damage assessments.

12           (B) RESTORATION, REPLACEMENT, AND  
13           PREVENTION.—All other funds recovered under  
14           this section shall be used, in order of priority—

15                   (i) to restore, replace, or acquire the  
16                   equivalent of the coral, coral reef, or coral  
17                   reef ecosystem that was the subject of the  
18                   action, including the costs of monitoring;

19                   (ii) to prevent future threats of inju-  
20                   ries to coral, coral reef, or coral reef eco-  
21                   systems within the area that was the sub-  
22                   ject of the action;

23                   (iii) to fund activities consistent with  
24                   this Act in the area that was the subject  
25                   of the action, with priority given to restor-

1 ing, protecting, and educating the public  
2 regarding such resources; and

3 (iv) to fund activities consistent with  
4 this Act relating to coral reefs and coral  
5 reef ecosystems throughout the United  
6 States, with priority given to restoring,  
7 protecting, and educating the public re-  
8 garding such resources.

9 (5) DISTRICT COURT JURISDICTION WITH RE-  
10 SPECT TO AMERICAN SAMOA.—The United States  
11 district court for the District of Hawaii—

12 (A) shall have jurisdiction over a vessel lo-  
13 cated in American Samoa, for purposes of para-  
14 graph (1)(B); and

15 (B) is the appropriate United States dis-  
16 trict court with respect to American Samoa, for  
17 purposes of paragraph (3).

18 (b) DEFENSES.—

19 (1) IN GENERAL.—A person is not liable under  
20 this section if the person establishes that the de-  
21 struction, loss, injury, or threat—

22 (A) was caused solely by an act of God, an  
23 act of war, or an act or omission of a third  
24 party (other than an employee or agent of the  
25 defendant, and other than a person whose act

or omission occurs in connection with a contractual relationship existing directly or indirectly with the defendant), and the person acted with due care;

(B) was a direct result of activities specifically authorized by Federal or State law or permit, and the person was in compliance with such law or permit and acted with due care; or

(C) was negligible.

(2) LIMITATION ON DEFENSE.—It shall not be a defense to liability of a person under this section that the destruction, loss, injury, or threat was a result of—

(A) complying with a recommendation, instruction, or requirement issued or imposed, respectively, by the Secretary or another Federal official; or

(B) an action taken by the Secretary or another Federal official,

if the recommendation, instruction, requirement, or action was otherwise authorized by Federal law and was in response to a condition caused by the person.

(c) COORDINATION.—

(1) CO-TRUSTEE.—Nothing in this section shall limit the trustee responsibility of any Federal or

1 State agency that manages or controls coral reefs  
2 and coral reef ecosystems. The Secretary shall be a  
3 co-trustee of such coral resources and shall coordi-  
4 nate with the Federal or State agency in pursuing  
5 an action under this section.

6 (2) FEDERAL-STATE COORDINATION.—Amounts  
7 recovered under this section with respect to coral  
8 reefs or coral reef ecosystems lying within State wa-  
9 ters shall be used pursuant to this section in accord-  
10 ance with the court decree or settlement agreement  
11 and an agreement entered into by the Secretary and  
12 the Governor of that State.

13 (d) STATUTE OF LIMITATIONS.—An action for re-  
14 sponse costs and damages under paragraph (a)(3) of this  
15 section shall be barred unless such action is commenced  
16 within 3 years after the date of completion of the damages  
17 assessment and restoration plan prepared by the Sec-  
18 retary.

19 (e) REGULATIONS.—The Secretary shall issue regula-  
20 tions to implement this section that are necessary to con-  
21 duct damage assessments, including simplified damage as-  
22 sessment procedures.

1 **SEC. 10. PRIVATELY ADMINISTERED CORAL REEF CON-**  
2 **SERVATION ASSISTANCE.**

3 (a) IN GENERAL.—The Secretary may enter into an  
4 agreement with a foundation, under which the foundation  
5 may use amounts available to carry out this section to  
6 build and support partnerships between the public and pri-  
7 vate sectors, by awarding grants for projects that—

8 (1) support research, management activities, or  
9 educational programs that contribute to the protec-  
10 tion, conservation, restoration, and recovery of coral  
11 reefs and coral reef ecosystems; and

12 (2) further the purposes of this Act.

13 (b) AGREEMENT TERMS.—The agreement under sub-  
14 section (a) shall include the following:

15 (1) MATCHING REQUIREMENT.—Federal assist-  
16 ance under this section may not be used to pay more  
17 than 50 percent of the costs of an activity carried  
18 out with that assistance.

19 (2) IN KIND CONTRIBUTIONS.—The value of  
20 goods and services provided by non-Federal sources  
21 and used for an activity carried out with assistance  
22 under this section shall be applied to the non-Fed-  
23 eral share of the costs of the activity.

24 (3) PRIORITY.—In providing assistance, the  
25 foundation shall give priority to projects that best  
26 meet the criteria specified in section 6(g).

1           (4) CONSULTATION WITH NOAA.—In imple-  
2           menting the agreement, the foundation shall consult  
3           with the Administrator of the National Oceanic and  
4           Atmospheric Administration.

5           (c) REVIEW OF PERFORMANCE.—The Secretary shall  
6           conduct a biennial review of the grant program adminis-  
7           tered by a foundation under this section. Each review shall  
8           include a written assessment concerning the extent to  
9           which the foundation has implemented the goals and re-  
10          quirements of this section.

11          (d) REGULATIONS.—Within 90 days after the date  
12          of enactment of this Act, the Secretary shall promulgate  
13          necessary regulations for implementing this section. In de-  
14          veloping those regulations, the Secretary shall consult with  
15          regional and local entities, including States, involved in  
16          setting priorities for conservation of coral reefs.

17   **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

18          (a) AUTHORIZATION OF APPROPRIATIONS.—There  
19          are authorized to be appropriated to the Secretary  
20          \$20,000,000 for each of fiscal years 2001, 2002, 2003,  
21          2004, and 2005 to carry out this Act, which may remain  
22          available until expended.

23          (b) USE OF AMOUNTS APPROPRIATED.—

24                (1) RESTORATION AND CONSERVATION  
25          PROJECTS.—Not more than 75 percent of the

1 amounts appropriated under subsection (a) each fis-  
2 cal year shall be used by the Secretary to support  
3 coral reef restoration and conservation projects  
4 under section 6(a) and section 10. Of the amounts  
5 used for such projects, not more than 20 percent  
6 may be used for technical assistance provided by the  
7 Secretary under section 6.

8 (2) NATIONAL PROGRAM.—Not more than 25  
9 percent of the amounts appropriated under sub-  
10 section (a) each fiscal year shall be used by the Sec-  
11 retary to support coral reef conservation projects  
12 under section 7.

13 (3) ADMINISTRATION.—Not more than 3 per-  
14 cent of the amounts appropriated under subsection  
15 (a) each fiscal year may be used by the Secretary for  
16 administration of this Act.

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