

106TH CONGRESS  
1ST SESSION

# S. 1253

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 SENATE OF THE UNITED STATES

JUNE 21, 1999

Mr. INOUE (for himself, Mr. AKAKA, Mr. HOLLINGS, Mr. KERRY, Mr. BREAUX, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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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”.

### 6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

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

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

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

20          (4) Since 1994, under the United States Coral  
21          Reef Initiative, Federal agencies, State, local, terri-  
22          torial, commonwealth, and local governments, non-  
23          governmental organizations, and commercial inter-  
24          ests have worked together to design and implement  
25          additional management, education, monitoring, re-

1 search, and restoration efforts to conserve coral reef  
2 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 passed House Concurrent Resolution 8, a concurrent  
9 resolution recognizing the significance of maintain-  
10 ing the health and stability of coral reef ecosystems  
11 by promoting comprehensive stewardship for coral  
12 reef ecosystems, discouraging unsustainable fisheries  
13 or other practices harmful to coral reefs, encour-  
14 aging research, monitoring, assessment of, and edu-  
15 cation on coral reef ecosystems, improving coordina-  
16 tion of coral reef efforts and activities of Federal  
17 agencies, academic institutions, nongovernmental or-  
18 ganizations, and industry, and promoting preserva-  
19 tion and sustainable use of coral reef resources  
20 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 and territorial coastal manage-  
5 ment programs for the protection, development,  
6 and where possible, restoration and enhance-  
7 ment of the resources of the Nation's coastal  
8 zone for this and succeeding generations under  
9 the Coastal Zone Management Act and other  
10 related 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,  
16 and complement the management, protection, and  
17 conservation provided by such programs as those ad-  
18 ministered under the National Marine Sanctuaries  
19 Act, Coastal Zone Management Act, and Magnuson-  
20 Stevens Fishery Conservation and Management Act,  
21 as well as those administered by other Federal,  
22 State, and territorial agencies.

23 **SEC. 3. POLICY.**

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

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

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

(2) CORAL REEF.—The term “coral reef” means any reef, shoal, or other natural feature composed primarily of the solid skeletal structures in which stony corals are major framework constituents, within all maritime areas and zones subject to the jurisdiction or control of the United States (e.g. Federal, State, territorial, or commonwealth waters), including in the south Atlantic, Caribbean, Gulf of Mexico, and Pacific Ocean.

(3) CORAL REEF ECOSYSTEM.—The term “coral reef ecosystem” means the interacting complex of species (including reef plants of the phyla Chlorophyta, Phaeophyta, and Rhodophyta) and

1 nonliving variables associated with coral reefs and  
2 their habitats which—

3 (A) function as an ecological unit in na-  
4 ture; and

5 (B) are mutually dependent on this func-  
6 tion to continue.

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

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

16 (B) habitat monitoring;

17 (C) assistance in the development of man-  
18 agement strategies for marine protected areas  
19 and marine resources consistent with the Na-  
20 tional Marine Sanctuaries Act (16 U.S.C. 1431  
21 et seq.) and the Magnuson-Stevens Fishery  
22 Conservation and Management Act (16 U.S.C.  
23 1801 et seq.) and other Federal, State, and ter-  
24 ritorial statutes;

25 (D) law enforcement;



1 (E) conflict resolution initiatives;  
2 (F) community outreach and education;  
3 and  
4 (G) promotion of safe and ecologically  
5 sound navigation.

6 (5) PERSON.—The term “person” has the  
7 meaning given that term by section 1 of title 1,  
8 United States Code, but includes departments, agen-  
9 cies, and instrumentalities of the United States Gov-  
10 ernment or any State or local government.

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

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

16 (8) STATE.—The term “State” means any  
17 coastal State of the United States that contains  
18 coral within its seaward boundaries, and American  
19 Samoa, Guam, the Northern Mariana Islands, Puer-  
20 to Rico, and the U.S. Virgin Islands, and any other  
21 commonwealth, territory, or possession of the United  
22 States that contains coral within its seaward bound-  
23 aries.

1 **SEC. 6. CORAL REEF RESTORATION AND CONSERVATION**  
2 **PROGRAM.**

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

6 (1) provide for the restoration of degraded or  
7 injured coral reefs or coral reef ecosystems, includ-  
8 ing developing and implementing cost-effective meth-  
9 ods to restore or enhance degraded or injured coral  
10 reefs and coral reef ecosystems; or

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

20 (b) MATCHING REQUIREMENTS.—

21 (1) 75-PERCENT FEDERAL FUNDING.—Except  
22 as provided in paragraph (2), Federal funds for any  
23 project under this section shall not exceed 75 per-  
24 cent of the total cost of such project. In calculating  
25 that percentage, the non-Federal share of project

1 costs may be provided by in-kind contributions and  
2 other noncash support.

3 (2) EXCEPTIONS.—

4 (A) SMALL PROJECTS.—There are no  
5 matching requirements for grants under sub-  
6 section (a) for projects costing not more than  
7 \$25,000.

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

15 (c) ELIGIBILITY.—Any relevant natural resource  
16 management authority of a State or territory of the  
17 United States or other government authority with jurisdic-  
18 tion over coral reefs or whose activities directly or indi-  
19 rectly affect coral reefs or coral reef ecosystems, or edu-  
20 cational or non-governmental institutions with dem-  
21 onstrated expertise in the conservation of coral reefs, may  
22 submit a coral reef restoration or conservation proposal  
23 to the Secretary under subsection (a).

1 (d) ALLOCATION.—The Secretary shall ensure that  
2 financial assistance provided under subsection (a) during  
3 a fiscal year is distributed so that—

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

7 (2) not less than 40 percent of the funds avail-  
8 able are awarded for coral reef restoration and con-  
9 servation projects in the Atlantic Ocean, the Gulf of  
10 Mexico, and the Caribbean Sea; and

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

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

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

20 (2) A succinct statement of the purposes of the  
21 project.

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

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

1           (5) Evidence of support of the project by appro-  
2       priate representatives of States or territories of the  
3       United States or other government jurisdictions in  
4       which the project will be conducted.

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

8           (7) A description of how the project meets one  
9       or more of the criteria in subsection (g) of this sec-  
10      tion.

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

14      (f) PROJECT REVIEW AND APPROVAL.—

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

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

22              (A) request written comments on the pro-  
23              posal from each Federal, State or territorial  
24              agency of the United States and other govern-  
25              ment jurisdictions, including the relevant re-

1           gional fishery management councils established  
2           under the Magnuson-Stevens Fishery Conserva-  
3           tion and Management Act (16 U.S.C. 1801 et  
4           seq.), or any National Marine Sanctuary, with  
5           jurisdiction or management authority over coral  
6           reefs or coral reef ecosystems in the area where  
7           the project is to be conducted, including the ex-  
8           tent to which the project is consistent with lo-  
9           cally-established priorities;

10           (B) for projects costing less than \$25,000,  
11           provide for expedited peer review of the pro-  
12           posal;

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

17           (D) after considering any written com-  
18           ments and recommendations based on the re-  
19           views under subparagraphs (A) and (B), ap-  
20           prove or disapprove the proposal; and

21           (E) provide written notification of that ap-  
22           proval or disapproval to the person who sub-  
23           mitted the proposal, and each of those States,  
24           territories, and other government jurisdictions.

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

5 (1) implementing coral reef conservation pro-  
6 grams which promote sustainable development and  
7 ensure effective, long-term conservation of coral  
8 reefs;

9 (2) addressing the conflicts arising from the use  
10 of environments near coral reefs or from the use of  
11 any living or dead specimens, part, or derivatives, or  
12 any product containing specimens, parts, or deriva-  
13 tives, of any coral or coral reef ecosystem;

14 (3) enhancing compliance with laws that pro-  
15 hibit or regulate the taking of corals, species associ-  
16 ated with coral reefs, and coral products or regulate  
17 the use and management of coral reef ecosystems;

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

21 (5) promoting cooperative projects on coral reef  
22 conservation that involve affected local communities,  
23 non-governmental organizations, or others in the pri-  
24 vate sector; or

1           (6) increasing public knowledge and awareness  
2       of coral reef ecosystems and issues regarding their  
3       long term conservation.

4       (h) IMPLEMENTATION GUIDELINES.—Within 90 days  
5   after the date of enactment of this Act, the Secretary shall  
6   promulgate necessary guidelines for implementing this  
7   section. In developing those guidelines, the Secretary shall  
8   consult with regional and local entities, including States  
9   and territories, involved in setting priorities for conserva-  
10   tion of coral reefs.

11       (i) TECHNICAL ASSISTANCE.—The Secretary may  
12   provide technical assistance to any State or Federal agen-  
13   cy with jurisdiction over coral reefs and coral reef eco-  
14   systems to further the purposes of this Act.

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

20   **SEC. 7. NATIONAL PROGRAM.**

21       (a) IN GENERAL.—The Secretary may conduct activi-  
22   ties that further the conservation of coral reefs or coral  
23   reef ecosystems on a regional, national, or international  
24   scale, or that further public awareness and education re-  
25   garding coral reefs and coral reef ecosystems on a re-



1 gional, national, or international scale. The activities  
2 should supplement and be consistent with the programs,  
3 policies, and statutes of affected States and territories, the  
4 National Marine Sanctuaries Act, the Coastal Zone Man-  
5 agement Act, and the Magnuson-Stevens Fishery Con-  
6 servation and Management Act, other applicable Federal  
7 statutes, and, at a minimum, should include mapping and  
8 assessment, monitoring, management, and scientific re-  
9 search that benefits the long-term conservation of coral  
10 reefs and coral reef ecosystems.

11 (b) FINANCIAL ASSISTANCE.—The Secretary may  
12 enter into joint projects with any Federal, State, terri-  
13 torial, or local authority, or provide financial assistance  
14 to any person for projects consistent with subsection (a),  
15 including projects that—

16 (1) support, promote, and coordinate the as-  
17 sessment of, scientific research on, monitoring of, or  
18 restoration of coral reefs and coral reef ecosystems  
19 of the United States;

20 (2) cooperate with global programs that con-  
21 serve, manage, protect, and study coral reefs and  
22 coral reef ecosystems; or

23 (3) enhance public awareness, understanding,  
24 and appreciation of coral reefs and coral reef eco-  
25 systems.

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

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

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

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

10 “(2) the abandoned vessel remains on the coral  
11 reef or was removed from the coral reef under sec-  
12 tion 5 or 6 of the Coral Reef Protection Act of 1999  
13 (or any other provision of law in pari materia en-  
14 acted after 1998),

15 unless the owner of the vessel has reimbursed the United  
16 States for environmental damage caused by the vessel and  
17 the funds expended to remove it.”.

18 **SEC. 9. CERTAIN GROUNDED VESSELS.**

19 (a) IN GENERAL.—The vessels described in sub-  
20 section (b), and the reefs upon which such vessels may  
21 be found, are hereby designated for purposes of section  
22 104 of the Comprehensive Environmental Response, Com-  
23 pensation, and Liability Act of 1980 (42 U.S.C. 9604) as  
24 a site at which there is a substantial threat of release of  
25 a hazardous substance into the environment. For purposes

1 of that Act, the site shall not be considered to have re-  
2 sulted from an act of God.

3 (b) DESCRIPTION OF SITE.—The vessels to which  
4 subsection (a) applies are 9 fishing vessels driven by Ty-  
5 phoon Val in 1991 onto coral reefs inside Pago Pago har-  
6 bor near the villages of Leloaloa and Aua.

7 **SEC. 10. REGULATIONS; CORAL REEF CONSERVATION**  
8 **FUND.**

9 (a) REGULATIONS.—Within 90 days after the date of  
10 enactment of this Act, the Secretary shall promulgate nec-  
11 essary regulations for implementing this section. In devel-  
12 oping those regulations, the Secretary shall consult with  
13 regional and local entities, including States and territories,  
14 involved in setting priorities for conservation of coral reefs.

15 (b) FUND.—The Secretary may enter into an agree-  
16 ment with a foundation authorizing the foundation to re-  
17 ceive, hold, and administer funds received by the founda-  
18 tion pursuant to this section. The foundation shall invest,  
19 reinvest, and otherwise administer the funds and maintain  
20 such funds and any interest or revenues earned in a sepa-  
21 rate interest bearing account, hereafter referred to as the  
22 Fund, established by the foundation solely to support part-  
23 nerships between the public and private sectors that fur-  
24 ther the purposes of this Act.

1       (c) AUTHORIZATION TO SOLICIT DONATIONS.—Con-  
 2       sistent with section 3703 of title 16, United States Code,  
 3       and pursuant to the agreement entered into under sub-  
 4       section (b) of this section, a foundation may accept, re-  
 5       ceive, solicit, hold, administer, and use any gift or dona-  
 6       tion to further the purposes of this Act. Such funds shall  
 7       be deposited and maintained in the Fund established by  
 8       a foundation under subsection (b) of this section.

9       (d) REVIEW OF PERFORMANCE.—The Secretary shall  
 10      conduct a continuing review of the grant program admin-  
 11      istered by a foundation under this section. Each review  
 12      shall include a written assessment concerning the extent  
 13      to which that foundation has implemented the goals and  
 14      requirements of this section.

15      (e) ADMINISTRATION.—Under the agreement entered  
 16      into pursuant to subsection (b) of this section, the Sec-  
 17      retary may transfer funds appropriated under section  
 18      11(b)(1) to a foundation. Amounts received by a founda-  
 19      tion under this subsection may be used for matching, in  
 20      whole or in part, contributions (whether in currency, serv-  
 21      ices, or property) made to the foundation by private per-  
 22      sons and State and local government agencies.

23      **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

24      (a) AUTHORIZATION OF APPROPRIATIONS.—There  
 25      are authorized to be appropriated to the Secretary

1 \$20,000,000 for each of fiscal years 2000, 2001, 2002,  
2 2003, and 2004 to carry out this Act, which may remain  
3 available until expended.

4 (b) USE OF AMOUNTS APPROPRIATED.—

5 (1) RESTORATION AND CONSERVATION  
6 PROJECTS.—Not more than \$15,000,000 of the  
7 amounts appropriated under subsection (a) shall be  
8 used by the Secretary to support coral reef restora-  
9 tion and conservation projects under section 6(a), of  
10 which not more than 20 percent shall be used for  
11 technical assistance provided by the Secretary.

12 (2) NATIONAL PROGRAM.—Not more than  
13 \$5,000,000 of the amounts appropriated under sub-  
14 section (a) shall be used by the Secretary to support  
15 coral reef conservation projects under section 7.

16 (3) ADMINISTRATION.—Not more than 1 per-  
17 cent of the amounts appropriated under paragraph  
18 1 may be used by the Secretary for administration  
19 of this Act.

○