

106TH CONGRESS
1ST SESSION

S. 1888

To support the protection of coral reefs and other resources in units of the National Park System and other agencies under the administration of the Secretary of the Interior.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 1999

Mr. AKAKA (for himself, Mr. INOUE, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To support the protection of coral reefs and other resources in units of the National Park System and other agencies under the administration of the Secretary of the Interior.

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 Resource
5 Conservation and Management Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) coral reefs have great commercial, rec-
2 reational, cultural, environmental, and aesthetic
3 value;

4 (2) coral reefs—

5 (A) provide habitat to $\frac{1}{3}$ of all marine fish
6 species;

7 (B) are essential building blocks for bio-
8 diversity;

9 (C) are instrumental in forming tropical is-
10 lands;

11 (D) protect coasts from waves and storms;

12 (E) contain an array of potential pharma-
13 ceuticals; and

14 (F) support tourism and fishing industries
15 in the United States worth billions of dollars;

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) the Department of the Interior—

23 (A) manages extensive acreage that con-
24 tains sensitive coral reef habitat and adjacent

1 submerged land at 20 national wildlife refuges
2 and 9 units of the National Park System—

3 (i) in the States of Hawaii and Flor-
4 ida; and

5 (ii) in the territories of Guam, Amer-
6 ican Samoa, and the United States Virgin
7 Islands; and

8 (B) maintains oversight responsibility for
9 additional significant coral reef resources under
10 Federal jurisdiction in insular areas, territories,
11 and surrounding territorial waters in the Pa-
12 cific Ocean and Caribbean Sea;

13 (5) few of the 4,200,000 acres of coral reefs of
14 the United States have been mapped or have had
15 their conditions assessed or characterized;

16 (6) the Department of the Interior conducts sci-
17 entific research and monitoring to determine the
18 structure, function, status, and condition of the
19 coral reefs of the United States; and

20 (7) the Department of the Interior, in coopera-
21 tion with public and private partners, provides tech-
22 nical assistance and engages in management and
23 conservation activities for coral reef habitats.

24 (b) PURPOSES.—The purposes of this Act are—

1 (1) to conserve, protect, and restore the health
2 of coral reef ecosystems and the species of fish,
3 plants, and animals that depend on those eco-
4 systems;

5 (2) to support the monitoring, assessment,
6 management, and protection of coral reef ecosystems
7 over which the United States has jurisdiction (in-
8 cluding coral reef ecosystems located in national
9 wildlife refuges and units of the National Park Sys-
10 tem);

11 (3) to augment and support the efforts of the
12 Department of the Interior, the National Oceanic
13 and Atmospheric Administration, and other mem-
14 bers of the Coral Reef Task Force;

15 (4) to support research efforts that contribute
16 to coral reef conservation;

17 (5) to support education, outreach, and enforce-
18 ment for coral reef conservation;

19 (6) to provide financial resources and matching
20 funds for partnership efforts to accomplish the pur-
21 poses described in paragraphs (1) through (4); and

22 (7) to coordinate with the Coral Reef Task
23 Force and other agencies to address priorities identi-
24 fied by the Coral Reef Task Force.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) CORAL.—The term “coral” means any spe-
4 cies of the phylum Cnidaria, including—

5 (A) any species of the order Antipatharia
6 (black corals), Scleractinia (stony corals),
7 Gorgonacea (horny corals), Stolonifera
8 (organpipe corals and others), Alcyonacea (soft
9 corals), or Coenothecalia (blue corals), of the
10 class Anthozoa; and

11 (B) any species of the order
12 Hydrocorallina (fire corals and hydrocorals) of
13 the class Hydrozoa.

14 (2) CORAL REEF.—The term “coral reef”
15 means the species (including reef plants and
16 coralline algae), habitats, and other natural re-
17 sources associated with any reef or shoal composed
18 primarily of corals within all maritime areas and
19 zones subject to the jurisdiction of the United
20 States, including Federal, State, territorial, or com-
21 monwealth waters in the south Atlantic, the Carib-
22 bean, the Gulf of Mexico, and the Pacific Ocean.

23 (3) CORAL REEF CONSERVATION PROJECT.—
24 The term “coral reef conservation project” means an
25 activity that contributes to or results in preserving,

1 sustaining, or enhancing any coral reef ecosystem as
2 a healthy, diverse, and viable ecosystem, including—

3 (A) any action to enhance or improve re-
4 source management of a coral reef, such as as-
5 sessment, scientific research, protection, res-
6 toration and mapping;

7 (B) habitat monitoring and any species
8 survey or monitoring of a species;

9 (C) any activity necessary for planning and
10 development of a strategy for coral reef man-
11 agement;

12 (D) community outreach and education on
13 the importance and conservation of coral reefs;
14 and

15 (E) any activity in support of the enforce-
16 ment of laws relating to coral reefs.

17 (4) CORAL REEF TASK FORCE.—The term
18 “Coral Reef Task Force” means the task force es-
19 tablished under Executive Order No. 13089 (June
20 11, 1998).

21 (5) FOUNDATION.—The term “foundation”
22 means a foundation that is a registered nonprofit or-
23 ganization under section 501(c) of the Internal Rev-
24 enue Code of 1986.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (7) STATE.—The term “State” means any
4 State of the United States, the District of Columbia,
5 the Commonwealth of Puerto Rico, the Virgin Is-
6 lands, Guam, American Samoa, the Commonwealth
7 of the Mariana Islands, or any other territory or
8 possession of the United States.

9 **SEC. 4. CORAL REEF RESOURCE CONSERVATION GRANT**
10 **PROGRAM.**

11 (a) IN GENERAL.—The Secretary shall provide
12 grants for coral reef conservation projects in accordance
13 with this section.

14 (b) ELIGIBILITY.—The Secretary may award a grant
15 under this section to—

16 (1) any appropriate natural resource manage-
17 ment authority of a State—

18 (A) that has jurisdiction over coral reefs;

19 or

20 (B) the activities of which affect coral
21 reefs; or

22 (2) any educational or nongovernmental institu-
23 tion or organization with demonstrated expertise in
24 marine science or coral reef conservation.

25 (c) MATCHING REQUIREMENTS.—

1 (1) FEDERAL SHARE.—Except as provided in
 2 paragraph (3), the Federal share of the cost of a
 3 coral reef conservation project that receives a grant
 4 under this section shall not exceed 75 percent of the
 5 total cost of the project.

6 (2) NON-FEDERAL SHARE.—The non-Federal
 7 share of the cost of a coral reef conservation project
 8 that receives a grant under this section may be pro-
 9 vided in cash or in kind.

10 (3) WAIVER.—The Secretary may waive all or
 11 part of the matching requirement under paragraph
 12 (1) if—

13 (A) the cost of the project is \$25,000 or
 14 less; or

15 (B) the project is necessary to undertake,
 16 complete, or enhance planning and monitoring
 17 requirements for coral reef areas under—

18 (i) the National Wildlife Refuge Sys-
 19 tem Administration Act of 1966 (16
 20 U.S.C. 668dd et seq.); or

21 (ii) the Act entitled “An Act to estab-
 22 lish a National Park Service, and for other
 23 purposes”, approved August 25, 1916 (16
 24 U.S.C. 1 et seq.).

1 (d) ALLOCATION.—The Secretary shall award grants
2 under this section so that—

3 (1) not less than 40 percent of the grant funds
4 available are awarded for coral reef conservation
5 projects in the Pacific Ocean;

6 (2) not less than 40 percent of the grant funds
7 available are awarded for coral reef conservation
8 projects in the Atlantic Ocean, the Gulf of Mexico,
9 and the Caribbean Sea; and

10 (3) the remaining grant funds are awarded for
11 coral reef conservation projects that address emer-
12 gency priorities or threats identified by the Sec-
13 retary, in consultation with the Coral Reef Task
14 Force.

15 (e) ANNUAL FUNDING PRIORITIES.—After consulta-
16 tion with the Coral Reef Task Force, States, regional and
17 local entities, and nongovernmental organizations involved
18 in coral and marine conservation, the Secretary shall iden-
19 tify site-specific and comprehensive threats and con-
20 straints that—

21 (1) are known to affect coral reef ecosystems
22 (including coral reef ecosystems in national wildlife
23 refuges and units of the National Park System); and

1 (2) shall be considered in establishing annual
2 funding priorities for grants awarded under this sub-
3 section.

4 (f) PROJECT REVIEW AND APPROVAL.—

5 (1) IN GENERAL.—The Secretary shall review
6 and rank coral reef conservation project proposals
7 according to the criteria described in subsection (g).

8 (2) PEER REVIEW.—

9 (A) IN GENERAL.—For projects that have
10 a cost of \$25,000 or more, the Secretary
11 shall—

12 (i) provide for merit-based peer review
13 of the proposal; and

14 (ii) require standardized documenta-
15 tion of the peer review.

16 (B) EXPEDITED PROCESS.—For projects
17 that have a cost of less than \$25,000, the Sec-
18 retary shall provide an expedited peer review
19 process.

20 (C) INDIVIDUAL GRANTS.—As part of the
21 peer review process for individual grants, the
22 Secretary shall request written comments from
23 the appropriate bureaus or departments of the
24 State or other government having jurisdiction

1 over the area where the project is proposed to
2 be conducted.

3 (3) LIST.—At the beginning of each fiscal year,
4 the Secretary shall make available a list describing
5 projects selected during the previous fiscal year for
6 funding under subsection (g).

7 (g) PROJECT APPROVAL CRITERIA.—The Secretary
8 shall evaluate and select project proposals for funding
9 based on the degree to which each proposed project—

10 (1) is consistent with the purposes of this Act;

11 and

12 (2) would—

13 (A) promote the long-term protection, con-
14 servation, restoration, or enhancement of coral
15 reef ecosystems in or adjoining areas under the
16 jurisdiction of the Department of the Interior;

17 (B) promote cooperative conservation
18 projects with local communities, nongovern-
19 mental organizations, educational or private in-
20 stitutions, affected local governments, terri-
21 tories, or insular areas;

22 (C) enhance public knowledge and aware-
23 ness of coral reef resources and sustainable use
24 through education and outreach;

1 (D) develop sound scientific information on
2 the condition of and threats to coral reef eco-
3 systems through mapping, monitoring, research
4 and analysis; and

5 (E) increase compliance with laws relating
6 to coral reefs.

7 (h) REGULATIONS.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), not later than 90 days after the date of
10 enactment of this Act, the Secretary shall promul-
11 gate regulations to implement this Act.

12 (2) PROJECT APPROVAL.—Not later than 180
13 days after the date of enactment of this Act, the
14 Secretary shall promulgate regulations to implement
15 subsection (f), including requirements for project
16 proposals.

17 (3) CONSULTATION.—In developing regulations
18 under this subsection, the Secretary shall identify
19 priorities for coral reef resource protection and con-
20 servation in consultation with agencies and organiza-
21 tions involved in coral and marine conservation,
22 including—

23 (A) the Coral Reef Task Force;

24 (B) interested States;

25 (C) regional and local entities; and

1 (D) nongovernmental organizations.

2 (i) ADMINISTRATION.—

3 (1) FOUNDATION INVOLVEMENT.—

4 (A) AGREEMENTS.—The Secretary may
5 enter into an agreement with 1 or more founda-
6 tions to accept, receive, hold, transfer, solicit,
7 and administer funds received or made available
8 for a grant program under this Act (including
9 funds received in the form of a gift or dona-
10 tion).

11 (B) FUNDS.—A foundation that enters
12 into an agreement described in subparagraph
13 (A) shall—

14 (i) invest, reinvest, and otherwise ad-
15 minister funds described in subparagraph
16 (A); and

17 (ii) maintain the funds and any inter-
18 est or revenues earned in a separate inter-
19 est-bearing account that is—

20 (I)(aa) an insured depository in-
21 stitution, as the term is defined in
22 section 3 of the Federal Deposit In-
23 surance Act (12 U.S.C. 1813); or

24 (bb) an insured credit union, as
25 the term is defined in section 101 of

1 the Federal Credit Union Act (12
2 U.S.C. 1752); and

3 (II) established by the foundation
4 solely to support partnerships between
5 the public and private sectors that
6 further the purposes of this Act.

7 (2) REVIEW OF PERFORMANCE.—

8 (A) IN GENERAL.—Beginning in fiscal year
9 2000, and biennially thereafter, the Secretary
10 shall conduct a review of each grant program
11 administered by a foundation under this sub-
12 section.

13 (B) ASSESSMENT.—Each review under
14 subparagraph (A) shall include a written as-
15 sessment describing the extent to which the
16 foundation has implemented the goals and re-
17 quirements of this section.

18 (j) TRANSFERS.—

19 (1) IN GENERAL.—Under an agreement entered
20 into under subsection (i)(1)(A), the Secretary may
21 transfer funds appropriated under section 5(b) to a
22 foundation.

23 (2) USE OF TRANSFERRED FUNDS.—Amounts
24 received by a foundation under this subsection may
25 be used for matching, in whole or in part, contribu-

1 tions (whether in currency, services, or property)
2 made to the foundation by private persons and State
3 and local government agencies.

4 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated to carry out this Act \$20,000,000 for each of fiscal
7 years 2000 through 2004, to remain available until ex-
8 pended.

9 (b) LIMITATION ON ADMINISTRATIVE FUNDS.—Not
10 more than 6 percent of the amounts appropriated under
11 this section may be used for program management and
12 administration under this Act.

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