

## Calendar No. 620

110TH CONGRESS  
2D SESSION**S. 1580****[Report No. 110–276]**

To reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 7, 2007

Mr. INOUE (for himself, Mr. STEVENS, Ms. CANTWELL, Mr. KERRY, Ms. SNOWE, Mrs. BOXER, Mr. LAUTENBERG, and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MARCH 13, 2008

Reported by Mr. INOUE, with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To reauthorize the Coral Reef Conservation Act of 2000,  
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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Coral Reef Conservation Amendments Act of 2007”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of Coral Reef Conservation Act of 2000.
- Sec. 3. Findings and purposes.
- Sec. 4. National coral reef action strategy.
- Sec. 5. Coral reef conservation program.
- Sec. 6. Coral reef conservation fund.
- Sec. 7. Agreements.
- Sec. 8. Emergency assistance.
- Sec. 9. National program.
- ~~Sec. 10. Community-based planning grants.~~
- ~~Sec. 11. Vessel grounding inventory.~~
- ~~Sec. 12. Prohibited activities.~~
- ~~Sec. 13. Destruction of coral reefs.~~
- ~~Sec. 14. Enforcement.~~
- ~~Sec. 15. Permits.~~
- ~~Sec. 16. Regional, State, and Territorial coordination.~~
- ~~Sec. 17. Regulations.~~
- ~~Sec. 18. Effectiveness report.~~
- ~~Sec. 19. Authorization of appropriations.~~
- ~~Sec. 20. Judicial review.~~
- ~~Sec. 21. Definitions.~~
- Sec. 10. International coral reef conservation program.*
- Sec. 11. Community-based planning grants.*
- Sec. 12. Vessel grounding inventory.*
- Sec. 13. Prohibited activities.*
- Sec. 14. Destruction of coral reefs.*
- Sec. 15. Enforcement.*
- Sec. 16. Permits.*
- Sec. 17. Regional, State, and Territorial coordination..*
- Sec. 18. Regulations.*
- Sec. 19. Effectiveness report.*
- Sec. 20. Authorization of appropriations.*
- Sec. 21. Judicial review.*
- Sec. 22. Definitions.*

3 **SEC. 2. AMENDMENT OF CORAL REEF CONSERVATION ACT**  
 4 **OF 2000.**

5 Except as otherwise expressly provided, whenever in  
 6 this Act an amendment or repeal is expressed in terms  
 7 of an amendment to or repeal of a section or other provi-  
 8 sion, the reference shall be considered to be made to a

1 section or other provision of the Coral Reef Conservation  
 2 Act of 2000 (16 U.S.C. 6401 et seq.).

3 **SEC. 3. FINDINGS AND PURPOSES.**

4 Section 202 (16 U.S.C. 6401) is amended to read as  
 5 follows:

6 **“SEC. 202. FINDINGS AND PURPOSES.**

7 “(a) FINDINGS.—The Congress finds that—

8 “(1) coral reefs contain high biological diversity  
 9 and serve important ecosystem functions;

10 “(2) coral reef ecosystems provide economic and  
 11 environmental benefits in the form of food, jobs, nat-  
 12 ural products, and pharmaceuticals;

13 “(3) coral reef ecosystems are the basis of  
 14 thriving commercial and recreational fishing and  
 15 tourism industries;

16 “(4) a combination of stressors, including cli-  
 17 mate change, has caused a rapid decline in the  
 18 health of many coral reef ecosystems globally;

19 “(5) ~~natural stressors on coral reef ecosystems~~  
 20 ~~are compounded~~ *coral reef ecosystems are also ad-*  
 21 *versely impacted* by human impacts including pollu-  
 22 tion, *ocean acidification*, overfishing, and physical  
 23 damage; and

24 “(6) healthy coral reefs provide shoreline pro-  
 25 tection for coastal communities and resources.

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

2 “(1) to preserve, sustain, and restore the condi-  
3 tion of coral reef ecosystems;

4 “(2) to promote the wise management and sus-  
5 tainable use of coral reef ecosystems to benefit local  
6 communities, the Nation, and the world;

7 “(3) to develop sound scientific information on  
8 the condition of coral reef ecosystems and the  
9 threats to such ecosystems;

10 “(4) to assist in the preservation of coral reef  
11 ecosystems by supporting conservation programs, in-  
12 cluding projects that involve affected local commu-  
13 nities and nongovernmental organizations;

14 “(5) to provide financial resources for those  
15 programs and projects;

16 “(6) to establish a formal mechanism for col-  
17 lecting and allocating monetary donations from the  
18 private sector to be used for coral reef conservation  
19 projects; and

20 “(7) to provide mechanisms to prevent and  
21 minimize damage to coral reefs.”.

22 **SEC. 4. NATIONAL CORAL REEF ACTION STRATEGY.**

23 Section 203(a) (16 U.S.C. 6402(a)) is amended to  
24 read as follows:

1       “(a) IN GENERAL.—Not later than ~~180 days~~ *1 year*  
 2 after the date of the enactment of the Coral Reef Con-  
 3 servation Amendments Act of 2007, the Secretary shall  
 4 submit to the Senate Committee on Commerce, Science,  
 5 and Transportation and to the House of Representatives  
 6 Committee on Natural Resources and publish in the Fed-  
 7 eral Register a national coral reef *ecosystem* action strat-  
 8 egy, consistent with the purposes of this title. The Sec-  
 9 retary shall periodically review and revise the strategy as  
 10 necessary. In developing this national strategy, the Sec-  
 11 retary may consult the Coral Reef Task Force established  
 12 under Executive Order 13089 (June 11, 1998).”.

13 **SEC. 5. CORAL REEF CONSERVATION PROGRAM.**

14       Section 204 (16 U.S.C. 6403) is amended—

15               (1) by striking “Administrator” each place it  
 16 appears and inserting “Secretary”;

17               (2) by striking subsection (a) and inserting the  
 18 following:

19       “(a) GRANTS.—The Secretary, subject to the avail-  
 20 ability of funds, shall provide grants of financial assistance  
 21 for projects for the conservation of coral reef ecosystems  
 22 (hereafter in this title referred to as ‘coral conservation  
 23 projects’), for proposals approved by the Secretary in ac-  
 24 cordance with this section.”;

1           (3) by striking subsection (c) and inserting the  
2           following:

3           “(c) ELIGIBILITY.—Any natural resource manage-  
4           ment authority of a State or other government authority  
5           with jurisdiction over coral reef ecosystems, or whose ac-  
6           tivities directly or indirectly affect coral reef ecosystems,  
7           or educational or nongovernmental institutions with dem-  
8           onstrated expertise in the conservation of coral reef eco-  
9           systems, may submit a coral conservation proposal to the  
10          Secretary under subsection (e).”;

11          (4) by striking “GEOGRAPHIC AND BIOLOGI-  
12          CAL” in the heading for subsection (d) and inserting  
13          “PROJECT”;

14          (5) by striking paragraph (3) of subsection (d)  
15          and inserting the following:

16          “(3) Remaining funds shall be awarded for—

17                  “(A) projects (with priority given to com-  
18                  munity-based local action strategies) that ad-  
19                  dress emerging priorities or threats, including  
20                  international and territorial priorities, or  
21                  threats identified by the Secretary; and

22                  “(B) other appropriate projects, as deter-  
23                  mined by the Secretary, including monitoring  
24                  and assessment, research, pollution reduction,  
25                  education, and technical support.”;

1           (6) by striking subsection (g) and inserting the  
2           following:

3           “(g) CRITERIA FOR APPROVAL.—The Secretary may  
4           not approve a project proposal under this section unless  
5           the project is consistent with the coral reef action strategy  
6           under section 203 and will enhance the conservation of  
7           coral reef ecosystems nationally or internationally by—

8           “(1) implementing coral conservation programs  
9           which promote sustainable development and ensure  
10          effective, long-term conservation of coral reef eco-  
11          systems and biodiversity;

12          “(2) addressing the conflicts arising from the  
13          use of environments near coral reef ecosystems or  
14          from the use of corals, species associated with coral  
15          reef ecosystems, and coral products;

16          “(3) enhancing compliance with laws that pro-  
17          hibit or regulate the taking of coral products or spe-  
18          cies associated with coral reef ecosystems or regulate  
19          the use and management of coral reef ecosystems;

20          “(4) developing sound scientific information on  
21          the condition of coral reef ecosystems or the threats  
22          to such ecosystems and their biodiversity, including  
23          factors that cause coral ~~disease~~ *disease*, *ocean acidi-*  
24          *fication*, and bleaching;

1           “(5) promoting and assisting the implementa-  
 2           tion of cooperative coral reef ecosystem conservation  
 3           projects that involve affected local communities, non-  
 4           governmental organizations, or others in the private  
 5           sector;

6           “(6) increasing public knowledge and awareness  
 7           of coral reef ecosystems and issues regarding their  
 8           long-term conservation, including how they function  
 9           to protect coastal communities;

10          “(7) mapping the location, distribution, and  
 11          biodiversity of coral reef ecosystems;

12          “(8) developing and implementing techniques to  
 13          monitor and assess the status and condition of coral  
 14          reef ecosystems and biodiversity;

15          “(9) developing and implementing cost-effective  
 16          methods to restore degraded coral reef ecosystems  
 17          and biodiversity;

18          “(10) responding to coral ~~disease~~ *disease, ocean*  
 19          *acidification*, and bleaching events;

20          “(11) promoting activities designed to prevent  
 21          or minimize damage to coral reef ecosystems, includ-  
 22          ing the promotion of ecologically sound navigation  
 23          and anchorages; or

24          “(12) promoting and assisting entities to work  
 25          with local communities, and all appropriate govern-



1       mental and nongovernmental organizations, to sup-  
 2       port community-based planning and management  
 3       initiatives for the protection of coral reef systems.”;  
 4       and

5               (7) by striking “coral reefs” in subsection (j)  
 6       and inserting “coral reef ecosystems”.

7   **SEC. 6. CORAL REEF CONSERVATION FUND.**

8       Section 205 (16 U.S.C. 6404) is amended—

9               (1) by striking subsection (a) and inserting the  
 10      following:

11      “(a) FUND.—The Secretary may enter into agree-  
 12      ments with nonprofit organizations promoting coral reef  
 13      ecosystem conservation by authorizing such organizations  
 14      to receive, hold, and administer funds received pursuant  
 15      to this section. Such organizations shall invest, reinvest,  
 16      and otherwise administer the funds and maintain such  
 17      funds and any interest or revenues earned in a separate  
 18      interest-bearing account (referred to in section ~~218(a)~~  
 19      219(a) as the ‘Fund’) established by such organizations  
 20      solely to support partnerships between the public and pri-  
 21      vate sectors that further the purposes of this title and are  
 22      consistent with the national coral reef action strategy  
 23      under section 203.”;

24               (2) by striking “Administrator” in subsection  
 25      (c) and inserting “Secretary”;

1           (3) by striking “the grant program” in sub-  
 2           section (c) and inserting “any grant program”; and  
 3           (4) by striking “Administrator” in subsection  
 4           (d) and inserting “Secretary”.

5 **SEC. 7. AGREEMENTS.**

6           The Act (16 U.S.C. 6401 et seq.) is amended by re-  
 7           designating sections 206 through 210 as sections 207  
 8           through 211, respectively, and inserting after section 205  
 9           the following:

10 **“SEC. 206. AGREEMENTS.**

11           “(a) IN GENERAL.—The Secretary may execute and  
 12           perform such contracts, leases, grants, or cooperative  
 13           agreements as may be necessary to carry out the purposes  
 14           of this title.

15           “(b) *COOPERATIVE AGREEMENTS.—In addition to the*  
 16           *general authority provided by subsection (a), the Secretary*  
 17           *may enter into, extend, or renegotiate agreements with uni-*  
 18           *versities and research centers with established management-*  
 19           *driven national or regional coral reef research institutes to*  
 20           *conduct ecological research and monitoring explicitly aimed*  
 21           *at building capacity for more effective resource manage-*  
 22           *ment. Pursuant to any such agreements these institutes*  
 23           *shall—*

1           “(1) *collaborate directly with governmental re-*  
 2           *source management agencies, non-profit organiza-*  
 3           *tions, and other research organizations;*

4           “(2) *build capacity within resource management*  
 5           *agencies to establish research priorities, plan inter-*  
 6           *disciplinary research projects and make effective use*  
 7           *of research results; and*

8           “(3) *conduct public education and awareness*  
 9           *programs for policy makers, resource managers, and*  
 10          *the general public on coral reef ecosystems, best prac-*  
 11          *tices for coral reef and ecosystem management and*  
 12          *conservation, their value, and threats to their sustain-*  
 13          *ability.*

14          “~~(b)~~ (c) **USE OF OTHER AGENCIES’ RESOURCES.—**

15       For purposes related to the conservation, preservation,  
 16       protection, restoration, or replacement of coral reefs or  
 17       coral reef ecosystems and the enforcement of this title, the  
 18       Secretary is authorized to use, with their consent and with  
 19       or without reimbursement, the land, services, equipment,  
 20       personnel, and facilities of any Department, agency, or in-  
 21       strumentality of the United States, or of any State, local  
 22       government, Indian tribal government, Territory or pos-  
 23       session, or of any political subdivision thereof, or of any  
 24       foreign government or international organization.

25          “~~(e)~~ (d) **AUTHORITY TO UTILIZE GRANT FUNDS.—**

1           “(1) Except as provided in paragraph (2), the  
2       Secretary may apply for, accept, and obligate re-  
3       search grant funding from any Federal source oper-  
4       ating competitive grant programs where such fund-  
5       ing furthers the purpose of this title.

6           “(2) The Secretary may not apply for, accept,  
7       or obligate any grant funding under paragraph (1)  
8       for which the granting agency lacks authority to  
9       grant funds to Federal agencies, or for any purpose  
10      or subject to conditions that are prohibited by law  
11      or regulation.

12          “(3) Appropriated funds may be used to satisfy  
13      a requirement to match grant funds with recipient  
14      agency funds, except that no grant may be accepted  
15      that requires a commitment in advance of appropria-  
16      tions.

17          “(4) Funds received from grants shall be depos-  
18      ited in the National Oceanic and Atmospheric Ad-  
19      ministration account for the purpose for which the  
20      grant was awarded.”.

21   **SEC. 8. EMERGENCY ASSISTANCE.**

22       Section 207 (formerly 16 U.S.C. 6405), as redesign-  
23      nated, is amended to read as follows:

1 **“SEC. 207. EMERGENCY ASSISTANCE.**

2 “The Secretary, in cooperation with the Federal  
3 Emergency Management Agency, as appropriate, may pro-  
4 vide assistance to any State, local, or territorial govern-  
5 ment agency with jurisdiction over coral reef ecosystems  
6 to address any unforeseen or disaster-related circumstance  
7 pertaining to coral reef ecosystems.”.

8 **SEC. 9. NATIONAL PROGRAM.**

9 Section 208 (formerly 16 U.S.C. 6406), as redesign-  
10 nated, is amended to read as follows:

11 **“SEC. 208. NATIONAL PROGRAM.**

12 “(a) IN GENERAL.—Subject to the availability of ap-  
13 propriations, the Secretary may conduct activities, includ-  
14 ing with local, regional, or international programs and  
15 partners, as appropriate, to conserve coral reef eco-  
16 systems, that are consistent with this title, the National  
17 Marine Sanctuaries Act, the Coastal Zone Management  
18 Act of 1972, the Magnuson-Stevens Fishery Conservation  
19 and Management Act, the Endangered Species Act of  
20 1973, and the Marine Mammal Protection Act of 1972.

21 “(b) AUTHORIZED ACTIVITIES.—Activities author-  
22 ized under subsection (a) include—

23 “(1) mapping, monitoring, assessment, restora-  
24 tion, socioeconomic and scientific research that ben-  
25 efit the understanding, sustainable use, biodiversity,  
26 and long-term conservation of coral reef ecosystems;

1           “(2) enhancing public awareness, education, un-  
2       derstanding, and appreciation of coral reef eco-  
3       systems;

4           “(3) removing, and providing assistance to  
5       States in removing, abandoned fishing gear, marine  
6       debris, and abandoned vessels from coral reef eco-  
7       systems to conserve living marine resources;

8           “(4) responding to incidents and events that  
9       threaten and damage coral reef ecosystems, includ-  
10      ing disease and bleaching;

11          “(5) conservation and management of coral reef  
12      ecosystems;

13          “(6) centrally archiving, managing, and distrib-  
14      uting data sets and providing coral reef ecosystem  
15      assessments and services to the general public. with  
16      local, regional, or international programs and part-  
17      ners; and

18          “(7) activities designed to prevent or minimize  
19      damage to coral reef ecosystems, including those ac-  
20      tivities described in section ~~211~~ 212 of this title.

21      “(c) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—  
22   The Secretary, in coordination with similar efforts at other  
23   Departments and agencies shall provide for the long-term  
24   stewardship of environmental data, products, and informa-

1 tion via data processing, storage, and archive facilities  
2 pursuant to this title. The Secretary may—

3 “(1) archive environmental data collected by  
4 Federal, State, local agencies and tribal organiza-  
5 tions and federally funded research;

6 “(2) promote widespread availability and dis-  
7 semination of environmental data and information  
8 through full and open access and exchange to the  
9 greatest extent possible, including in electronic for-  
10 mat on the Internet;

11 “(3) develop standards, protocols and proce-  
12 dures for sharing Federal data with State and local  
13 government programs and the private sector or aca-  
14 demia; and

15 “(4) develop metadata standards for coral reef  
16 ecosystems in accordance with Federal Geographic  
17 Data Committee guidelines.

18 “(d) EMERGENCY RESPONSE, STABILIZATION, AND  
19 RESTORATION.—The Secretary shall establish an account  
20 (to be called the Emergency Response, Stabilization, and  
21 Restoration Account) in the Damage Assessment Restora-  
22 tion Revolving Fund established by the Department of  
23 Commerce Appropriations Act, 1991 (33 U.S.C. 2706  
24 note), for implementation of this subsection for emergency  
25 actions. Amounts appropriated for the Account under sec-

tion ~~218~~, 219, and funds authorized by sections  
 2 ~~212(d)(3)(B)~~ and ~~213(f)(3)(B)~~, 213(d)(3)(B) and  
 3 214(f)(3)(B), shall be deposited into the Account and made  
 4 available for use by the Secretary as specified in sections  
 5 ~~212 and 213~~, 213 and 214.”.

6 **SEC. 10. INTERNATIONAL CORAL REEF CONSERVATION**  
 7 **PROGRAM.**

8 *The Act (16 U.S.C. 6401 et seq.) is further amended*  
 9 *by redesignating sections 209 through 211, as redesigned,*  
 10 *as sections 210 through 212, respectively, and inserting*  
 11 *after section 208 the following:*

12 **“SEC. 209. INTERNATIONAL CORAL REEF CONSERVATION**  
 13 **PROGRAM.**

14 *“(a) ESTABLISHMENT OF THE PROGRAM.—*

15 *“(1) IN GENERAL.—The Secretary shall establish*  
 16 *an International Coral Reef Conservation Program to*  
 17 *carry out activities consistent with the purposes of*  
 18 *this Act with respect to coral reef ecosystems in wa-*  
 19 *ters outside United States jurisdiction. The Program*  
 20 *shall consist of the development and implementation*  
 21 *of an international coral reef ecosystem strategy pur-*  
 22 *suant to subsection (b), and an international coral*  
 23 *reef ecosystem partnership program pursuant to sub-*  
 24 *section (c).*



1           “(2) *COORDINATION.*—*In carrying out this sub-*  
2           *section, the Secretary shall consult with the Secretary*  
3           *of State, the Administrator of the Agency for Inter-*  
4           *national Development, the Secretary of the Interior,*  
5           *and other relevant Federal agencies, and relevant*  
6           *United States stakeholders, and shall take into ac-*  
7           *count coral reef ecosystem conservation initiatives of*  
8           *other nations, international agreements, and intergov-*  
9           *ernmental and nongovernmental organizations so as*  
10          *to provide effective cooperation and efficiencies in*  
11          *international coral reef conservation. The Secretary*  
12          *may consult with the Coral Reef Task Force in car-*  
13          *rying out this subsection.*

14          “(b) *INTERNATIONAL CORAL REEF ECOSYSTEM*  
15          *STRATEGY.*—

16               “(1) *IN GENERAL.*—*Not later than 1 year after*  
17               *the date of enactment of the Coral Reef Conservation*  
18               *Amendments Act of 2007, the Secretary shall submit*  
19               *to the Senate Committee on Commerce, Science, and*  
20               *Transportation and the House of Representatives*  
21               *Committee on Natural Resources, and publish in the*  
22               *Federal Register, an international coral reef eco-*  
23               *system strategy, consistent with the purposes of this*  
24               *Act and the national strategy required pursuant to*

1        *section 203(a). The Secretary shall periodically re-*  
2        *view and revise this strategy as necessary.*

3                *“(2) CONTENTS.—The strategy developed by the*  
4        *Secretary under paragraph (1) shall—*

5                *“(A) identify coral reef ecosystems through-*  
6        *out the world that are of high value for United*  
7        *States marine resources, that support high-seas*  
8        *resources of importance to the United States such*  
9        *as fisheries, or that support other interests of the*  
10       *United States;*

11               *“(B) summarize existing activities by Fed-*  
12       *eral agencies and entities described in subsection*  
13       *(a)(2) to address the conservation of coral reef*  
14       *ecosystems identified pursuant to subparagraph*  
15       *(A);*

16               *“(C) establish goals, objectives, and specific*  
17       *targets for conservation of priority international*  
18       *coral reef ecosystems;*

19               *“(D) describe appropriate activities to*  
20       *achieve the goals and targets for international*  
21       *coral reef conservation, in particular those that*  
22       *leverage activities already conducted under this*  
23       *Act;*

24               *“(E) develop a plan to coordinate imple-*  
25       *mentation of the strategy with entities described*

1           *in subsection (a)(2) in order to leverage current*  
 2           *activities under this Act and other conservation*  
 3           *efforts globally;*

4           “(F) identify appropriate partnerships,  
 5           grants, or other funding and technical assistance  
 6           mechanisms to carry out the strategy; and

7           “(G) develop criteria for prioritizing part-  
 8           nerships under subsection (c).

9           “(c) *INTERNATIONAL CORAL REEF ECOSYSTEM PART-*  
 10          *NERSHIPS.—*

11           “(1) *IN GENERAL.—The Secretary shall establish*  
 12           *an international coral reef ecosystem partnership pro-*  
 13           *gram to provide support, including funding and tech-*  
 14           *nical assistance, for activities that implement the*  
 15           *strategy developed pursuant to subsection (b).*

16           “(2) *MECHANISMS.—The Secretary shall provide*  
 17           *such support through existing authorities, working in*  
 18           *collaboration with the entities described in subsection*  
 19           *(a)(2).*

20           “(3) *CRITERIA FOR APPROVAL.—The Secretary*  
 21           *may not approve a partnership proposal under this*  
 22           *section unless the partnership is consistent with the*  
 23           *international coral reef conservation strategy devel-*  
 24           *oped pursuant to subsection (b), and meets the cri-*  
 25           *teria specified in that strategy.”.*

1 **SEC. 10. COMMUNITY-BASED PLANNING GRANTS.**

2       The Act (16 U.S.C. 6401 et seq.) is amended by fur-  
 3 ther redesignating sections 209 through 211, as redesi-  
 4 gnated, as sections 210 through 212, respectively, and in-  
 5 serting after section 208 the following:

6 **“SEC. 209. COMMUNITY-BASED PLANNING GRANTS.**

7 **SEC. 11. COMMUNITY-BASED PLANNING GRANTS.**

8       *The Act (16 U.S.C. 6401 et seq.) is further amended*  
 9 *by redesignating sections 210 through 212, as redesignated,*  
 10 *as sections 211 through 213, respectively, and inserting*  
 11 *after section 209 the following:*

12 **“SEC. 210. COMMUNITY-BASED PLANNING GRANTS.**

13       “(a) IN GENERAL.—The Secretary may make grants  
 14 to entities who have received grants under section 204 to  
 15 provide additional funds to such entities to work with local  
 16 communities and through appropriate Federal and State  
 17 entities to prepare and implement plans for the increased  
 18 protection of coral reef areas identified by the community  
 19 and scientific experts as high priorities for focused atten-  
 20 tion. The plans shall—

21               “(1) support attainment of 1 or more of the cri-  
 22 teria described in section 204(g);

23               “(2) be developed at the community level;

24               “(3) utilize watershed-based approaches;

25               “(4) provide for coordination with Federal and  
 26 State experts and managers; and

1           “(5) build upon local ~~approaches~~ *approaches*,  
 2           *strategies*, or models, including traditional or island-  
 3           based resource management concepts.

4           “(b) TERMS AND CONDITIONS.—The provisions of  
 5 subsections (b), (d), (f), and (h) of section 204 apply to  
 6 grants under subsection (a), except that, for the purpose  
 7 of applying section 204(b)(1) to grants under this section,  
 8 ‘75 percent’ shall be substituted for ‘50 percent’.”.

9 **SEC. 11. VESSEL GROUNDING INVENTORY.**

10          The Act (16 U.S.C. 6401 et seq.) is further amended  
 11 by redesignating sections 210 through 212, as redesign-  
 12 nated, as sections 211 through 213, and inserting after  
 13 section 209, as added by section 10, the following:

14 **“SEC. 210. VESSEL GROUNDING INVENTORY.**

15 **SEC. 12. VESSEL GROUNDING INVENTORY.**

16          *The Act (16 U.S.C. 6401 et seq.) is further amended*  
 17 *by redesignating sections 211 through 213, as redesignated,*  
 18 *as sections 212 through 214, and inserting after section 210,*  
 19 *as added by section 11, the following:*

20 **“SEC. 211. VESSEL GROUNDING INVENTORY.**

21          “(a) IN GENERAL.—The Secretary may maintain an  
 22 inventory of all vessel grounding incidents involving coral  
 23 reefs, including a description of—

24               “(1) the impacts to affected coral reef eco-  
 25               systems;

1           “(2) vessel and ownership information, if avail-  
2     able;

3           “(3) the estimated cost of removal, mitigation,  
4     or restoration;

5           “(4) the response action taken by the owner,  
6     the Secretary, the Commandant of the Coast Guard,  
7     or other Federal or State agency representatives;

8           “(5) the status of the response action, including  
9     the dates of vessel removal and mitigation or res-  
10    toration and any actions taken to prevent future  
11    grounding incidents; and

12          “(6) recommendations for additional naviga-  
13    tional aids or other mechanisms for preventing fu-  
14    ture grounding incidents.

15          “(b) IDENTIFICATION OF AT-RISK REEFS.—The Sec-  
16    retary may—

17          “(1) use information from any inventory main-  
18    tained under subsection (a) or any other available  
19    information source to identify coral reef ecosystems  
20    that have a high incidence of vessel impacts, includ-  
21    ing groundings and anchor damage;

22          “(2) identify appropriate measures, including  
23    the acquisition and placement of aids to navigation,  
24    moorings, *designated anchorage areas*, fixed anchors

1 and other devices, to reduce the likelihood of such  
2 impacts; and

3 “(3) develop a strategy and timetable to imple-  
4 ment such measures, including cooperative actions  
5 with other government agencies and non-govern-  
6 mental partners.”.

7 **SEC. 12. PROHIBITED ACTIVITIES.**

8 The Act (16 U.S.C. 6401 et seq.) is amended by fur-  
9 ther redesignating sections 211 through 213, as redesign-  
10 ated, as sections 217 through 220, and inserting after  
11 section 210 the following:

12 **“SEC. 211. PROHIBITED ACTIVITIES AND SCOPE OF PROHI-**  
13 **BITIONS.**

14 **SEC. 13. PROHIBITED ACTIVITIES.**

15 *(a) IN GENERAL.—The Act (16 U.S.C. 6401 et seq.)*  
16 *is amended by further redesignating sections 212 through*  
17 *214, as redesignated, as sections 218 through 221, and in-*  
18 *serting after section 211 the following:*

19 **“SEC. 212. PROHIBITED ACTIVITIES AND SCOPE OF PROHI-**  
20 **BITIONS.**

21 “(a) PROVISIONS AS COMPLEMENTARY.—The provi-  
22 sions of this section are in addition to, and shall not affect  
23 the operation of, other Federal, State, or local laws or reg-  
24 ulations providing protection to coral reef ecosystems.

25 “(b) DESTRUCTION, LOSS, TAKING, OR INJURY.—

1           “(1) IN GENERAL.—Except as provided in para-  
 2 graph (2), it is unlawful for any person to destroy,  
 3 take, cause the loss of, or injure any coral reef or  
 4 any component thereof.

5           “(2) EXCEPTIONS.—The destruction, loss, tak-  
 6 ing, or injury of a coral reef or any component  
 7 thereof is not unlawful if it—

8               “(A) was caused by the use of fishing gear  
 9 used in a manner permitted under the Magnu-  
 10 son-Stevens Fishery Conservation and Manage-  
 11 ment Act (16 U.S.C. 1801 et seq.) or other  
 12 Federal or State law;

13               “(B) was caused by an activity that is au-  
 14 thorized *or allowed* by Federal or State law (in-  
 15 cluding lawful discharges from ~~vessels~~ *of vessels*,  
 16 *such as* graywater, cooling water, engine ex-  
 17 haust, ballast water, or sewage from marine  
 18 sanitation devices), unless the destruction, loss,  
 19 or injury resulted from actions such as vessel  
 20 groundings, vessel scrapings, anchor damage,  
 21 excavation not authorized by Federal or State  
 22 permit, or other similar activities;

23               “(C) was the necessary result of bona fide  
 24 marine scientific research (including marine sci-  
 25 entific research activities approved by Federal,



State, or local permits), other than excessive sampling or collecting, or actions such as vessel groundings, vessel scrapings, anchor damage, excavation, or other similar activities;

“(D) was caused by a Federal Government agency—

“(i) during—

“(I) an emergency that posed an unacceptable threat to human health or safety or to the marine environment;

“(II) an emergency that posed a threat to national security; or

“(III) an activity necessary for law enforcement or search and rescue; and

could not reasonably be avoided; or

~~“(E) was caused by an action taken to ensure the safety of the vessel or the lives of passengers or crew.~~

*“(E) was caused by an action taken by the master of the vessel in an emergency situation to ensure the safety of the vessel or to save a life at sea.*

1       “(c) INTERFERENCE WITH ENFORCEMENT.—It is  
2 unlawful for any person to interfere with the enforcement  
3 of this title by—

4           “(1) refusing to permit any officer authorized  
5 to enforce this title to board a vessel (other than a  
6 vessel operated by the Department of Defense or  
7 United States Coast Guard) subject to such person’s  
8 control for the purposes of conducting any search or  
9 inspection in connection with the enforcement of this  
10 title;

11          “(2) resisting, opposing, impeding, intimidating,  
12 harassing, bribing, interfering with, or forcibly as-  
13 saulting any person authorized by the Secretary to  
14 implement this title or any such authorized officer in  
15 the conduct of any search or inspection performed  
16 under this title; or

17          “(3) submitting false information to the Sec-  
18 retary or any officer authorized to enforce this title  
19 in connection with any search or inspection con-  
20 ducted under this title.

21       “(d) VIOLATIONS OF TITLE, PERMIT, OR REGULA-  
22 TION.—It is unlawful for any person to violate any provi-  
23 sion of this title, any permit issued pursuant to this title,  
24 or any regulation promulgated pursuant to this title.

1       “(e) POSSESSION AND DISTRIBUTION.—It is unlaw-  
 2 ful for any person to possess, sell, deliver, carry, transport,  
 3 or ship by any means any coral taken in violation of this  
 4 title.”.

5       (b) *EMERGENCY ACTION REGULATIONS.*—*The Sec-*  
 6 *retary shall initiate a rulemaking proceeding to prescribe*  
 7 *the circumstances and conditions under which the exception*  
 8 *in section 212(b)(2)(E) of the Coral Reef Conservation Act*  
 9 *of 2000, as amended by subsection (a), applies and shall*  
 10 *issue a final rule pursuant to that rulemaking as soon as*  
 11 *practicable but not later than 1 year after the date of enact-*  
 12 *ment of this Act. Nothing in this subsection shall be con-*  
 13 *strued to require the issuance of such regulations before the*  
 14 *exception provided by that section is in effect.*

15 **SEC. 13. DESTRUCTION OF CORAL REEFS.**

16       The Act (16 U.S.C. 6401 et seq.) is further amended  
 17 by inserting after section 211, as added by section 12, the  
 18 following:

19 **“SEC. 212. DESTRUCTION, LOSS, OR TAKING OF, OR INJURY**  
 20 **TO, CORAL REEFS.**

21 **SEC. 14. DESTRUCTION OF CORAL REEFS.**

22       *The Act (16 U.S.C. 6401 et seq.) is further amended*  
 23 *by inserting after section 212, as added by section 13, the*  
 24 *following:*

1 ***“SEC. 213. DESTRUCTION, LOSS, OR TAKING OF, OR INJURY***  
 2 ***TO, CORAL REEFS.***

3 “(a) LIABILITY.—

4 “(1) LIABILITY TO THE UNITED STATES.—Ex-  
 5 cept as provided in subsection (f), all persons who  
 6 engage in an activity that is prohibited under sub-  
 7 sections ~~(a) or (c) of section 211~~, *(b) or (d) of section*  
 8 *212*, or create an imminent risk thereof, are liable,  
 9 jointly and severally, to the United States for an  
 10 amount equal to the sum of—

11 “(A) response costs and damages resulting  
 12 from the destruction, loss, taking, or injury, or  
 13 imminent risk thereof, including damages re-  
 14 sulting from the response actions;

15 “(B) costs of seizure, forfeiture, storage,  
 16 and disposal arising from liability under this  
 17 section; and

18 “(C) interest on that amount calculated in  
 19 the manner described in section 1005 of the Oil  
 20 Pollution Act of 1990 (33 U.S.C. 2705).

21 “(2) LIABILITY IN REM.—

22 “(A) Any vessel used in an activity that is  
 23 prohibited under subsection ~~(a) or (c) of section~~  
 24 ~~211~~, *(b) or (d) of section 212*, or creates an im-  
 25 minent risk thereof, shall be liable in rem to the

1 United States for an amount equal to the sum  
2 of—

3 “(i) response costs and damages re-  
4 sulting from such destruction, loss, or in-  
5 jury, or imminent risk thereof, including  
6 damages resulting from the response ac-  
7 tions;

8 “(ii) costs of seizure, forfeiture, stor-  
9 age, and disposal arising from liability  
10 under this section; and

11 “(iii) interest on that amount cal-  
12 culated in the manner described in section  
13 1005 of the Oil Pollution Act of 1990 (33  
14 U.S.C. 2705).

15 “(B) The amount of liability shall con-  
16 stitute a maritime lien on the vessel and may  
17 be recovered in an action in rem in any district  
18 court of the United States that has jurisdiction  
19 over the vessel.

20 “(3) DEFENSES.—A person or vessel is not lia-  
21 ble under this subsection if that person or vessel es-  
22 tablishes that the destruction, loss, taking, or injury  
23 was caused solely by an act of God, an act of war,  
24 or an act or omission of a third party (other than  
25 an employee or agent of the defendant or one whose

1       act or omission occurs in connection with a contrac-  
 2       tual relationship, existing directly or indirectly with  
 3       the defendant), and the person or master of the ves-  
 4       sel acted with due care.

5               “(4) NO LIMIT TO LIABILITY.—Nothing in sec-  
 6       tions 30501 through 30512 or section 30706 of title  
 7       46, United States Code, shall limit liability to any  
 8       person under this title.

9               “(b) RESPONSE ACTIONS AND DAMAGE ASSESS-  
 10      MENT.—

11              “(1) RESPONSE ACTIONS.—The Secretary may  
 12      undertake or authorize all necessary actions to pre-  
 13      vent or minimize the destruction, loss, or taking of,  
 14      or injury to, coral reefs, or components thereof, or  
 15      to minimize the risk or imminent risk of such de-  
 16      struction, loss, or injury.

17              “(2) DAMAGE ASSESSMENT.—

18              “(A) The Secretary shall assess damages  
 19      (as defined in section ~~220(8)~~ 221(8)) to coral  
 20      reefs and shall consult with State officials re-  
 21      garding response and damage assessment ac-  
 22      tions undertaken for coral reefs within State  
 23      waters.

24              “(B) There shall be no double recovery  
 25      under this chapter for coral reef damages, in-

1 including the cost of damage assessment, for the  
2 same incident.

3 “(c) COMMENCEMENT OF CIVIL ACTION FOR RE-  
4 SPONSE COSTS AND DAMAGES.—

5 “(1) COMMENCEMENT.—The Attorney General,  
6 upon the request of the Secretary, may commence a  
7 civil action against any person or vessel that may be  
8 liable under subsection (a) of this section for re-  
9 sponse costs, seizure, forfeiture, storage, or disposal  
10 costs, and damages, and interest on that amount  
11 calculated in the manner described in section 1005  
12 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).  
13 The Secretary, acting as trustee for coral reefs 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 “(2) VENUE IN CIVIL ACTIONS.—A civil action  
18 under this title may be brought in the United States  
19 district court for any district in which—

20 “(A) the defendant is located, resides, or is  
21 doing business, in the case of an action against  
22 a person;

23 “(B) the vessel is located, in the case of an  
24 action against a vessel;

1           “(C) the destruction, loss, or taking of, or  
 2           injury to a coral reef, or component thereof, oc-  
 3           curred or in which there is an imminent risk of  
 4           such destruction, loss, or injury; or

5           “(D) where some or all of the coral reef or  
 6           component thereof that is the subject of the ac-  
 7           tion is not within the territory covered by any  
 8           United States district court, such action may be  
 9           brought either in the United States district  
 10          court for the district closest to the location  
 11          where the destruction, loss, injury, or risk of in-  
 12          jury occurred, or in the United States District  
 13          Court for the District of Columbia.

14          ~~“(d) USE OF RECOVERED AMOUNTS.—Any costs, in-~~  
 15 ~~cluding response costs and damages recovered by the Sec-~~  
 16 ~~retary under this section shall—~~

17          ~~“(1) be deposited into an account or accounts~~  
 18 ~~in the Damage Assessment Restoration Revolving~~  
 19 ~~Fund established by the Department of Commerce~~  
 20 ~~Appropriations Act, 1991 (33 U.S.C. 2706 note), or~~  
 21 ~~the Natural Resource Damage Assessment and Res-~~  
 22 ~~toration Fund established by the Department of the~~  
 23 ~~Interior and Related Agencies Appropriations Act,~~  
 24 ~~1992 (43 U.S.C. 1474b), as appropriate given the~~  
 25 ~~location of the violation;~~



1           “(2) be available for use by the Secretary with-  
 2           out further appropriation and remain available until  
 3           expended; and

4           “(3) be for use, as the Secretary considers ap-  
 5           propriate—

6                   “(A) to reimburse the Secretary or any  
 7                   other Federal or State agency that conducted  
 8                   activities under subsection (a) or (b) of this sec-  
 9                   tion for costs incurred in conducting the activ-  
 10                  ity;

11                  “(B) to be transferred to the Emergency  
 12                  Response, Stabilization and Restoration Ac-  
 13                  count established under section 208(d) to reim-  
 14                  burse that account for amounts used for au-  
 15                  thorized emergency actions; and

16                  “(C) after reimbursement of such costs, to  
 17                  restore, replace, or acquire the equivalent of  
 18                  any coral reefs, or components thereof, includ-  
 19                  ing the reasonable costs of monitoring, or to  
 20                  minimize or prevent threats of equivalent injury  
 21                  to, or destruction of coral reefs, or components  
 22                  thereof.

23           “(d) *USE OF RECOVERED AMOUNTS.*—

1           “(1) *IN GENERAL.*—Any costs, including re-  
2           sponse costs and damages recovered by the Secretary  
3           under this section shall—

4                   “(A) be deposited into an account or ac-  
5                   counts in the Damage Assessment Restoration  
6                   Revolving Fund established by the Department of  
7                   Commerce Appropriations Act, 1991 (33 U.S.C.  
8                   2706 note), or the Natural Resource Damage As-  
9                   sessment and Restoration Fund established by  
10                  the Department of the Interior and Related  
11                  Agencies Appropriations Act, 1992 (43 U.S.C.  
12                  1474b), as appropriate given the location of the  
13                  violation;

14                  “(B) be available for use by the Secretary  
15                  without further appropriation and remain avail-  
16                  able until expended; and

17                  “(C) be for use, as the Secretary considers  
18                  appropriate—

19                          “(i) to reimburse the Secretary or any  
20                          other Federal or State agency that con-  
21                          ducted activities under subsection (a) or (b)  
22                          of this section for costs incurred in con-  
23                          ducting the activity;

24                          “(ii) to be transferred to the Emer-  
25                          gency Response, Stabilization and Restora-

1            *tion Account established under section*  
 2            *208(d) to reimburse that account for*  
 3            *amounts used for authorized emergency ac-*  
 4            *tions; and*

5            *“(iii) after reimbursement of such*  
 6            *costs, to restore, replace, or acquire the*  
 7            *equivalent of any coral reefs, or components*  
 8            *thereof, including the reasonable costs of*  
 9            *monitoring, or to minimize or prevent*  
 10           *threats of equivalent injury to, or destruc-*  
 11           *tion of coral reefs, or components thereof.*

12           *“(2) RESTORATION CONSIDERATIONS.—In devel-*  
 13           *opment of restoration alternatives under paragraph*  
 14           *(1)(C), the Secretary shall consider State and terri-*  
 15           *torial preferences and, if appropriate, shall prioritize*  
 16           *restoration projects with geographic and ecological*  
 17           *linkages to the injured resources.*

18           *“(e) STATUTE OF LIMITATIONS.—An action for re-*  
 19           *sponse costs or damages under subsection (c) shall be*  
 20           *barred unless the complaint is filed within 3 years after*  
 21           *the date on which the Secretary completes a damage as-*  
 22           *essment and restoration plan for the coral reefs, or com-*  
 23           *ponents thereof, to which the action relates. If the Sec-*  
 24           *retary fails to complete such damage assessment and res-*  
 25           *toration plan within one year after discovery of the dam-*

1 age, then for the purposes of this subsection such assess-  
 2 ment and plan shall be deemed to have been completed  
 3 by the Secretary on the 366th day following discovery of  
 4 the damage.

5 “(f) FEDERAL GOVERNMENT ACTIVITIES.—In the  
 6 event of threatened or actual destruction of, loss of, or  
 7 injury to a coral reef or component thereof resulting from  
 8 an incident caused by a component of any Department or  
 9 agency of the United States Government, the cognizant  
 10 Department or agency shall satisfy its obligations under  
 11 this section by promptly, in coordination with the Sec-  
 12 retary, taking appropriate actions to respond to and miti-  
 13 gate the harm and restoring or replacing the coral reef  
 14 or components thereof and reimbursing the Secretary for  
 15 all assessment costs.”.

16 **SEC. 14. ENFORCEMENT.**

17 The Act (16 U.S.C. 6401 et seq.) is further amended  
 18 by inserting after section 212, as added by section 13, the  
 19 following:

20 **“SEC. 213. ENFORCEMENT.**

21 **SEC. 15. ENFORCEMENT.**

22 *The Act (16 U.S.C. 6401 et seq.) is further amended*  
 23 *by inserting after section 213, as added by section 14, the*  
 24 *following:*

1 ***“SEC. 214. ENFORCEMENT.***

2 “(a) IN GENERAL.—The Secretary shall conduct en-  
3 forcement activities to carry out this title.

4 “(b) POWERS OF AUTHORIZED OFFICERS.—Any per-  
5 son who is authorized to enforce this title may—

6 “(1) board, search, inspect, and seize any vessel  
7 or other conveyance suspected of being used to vio-  
8 late this title, any regulation promulgated under this  
9 title, or any permit issued under this title, and any  
10 equipment, stores, and cargo of such vessel;

11 “(2) seize wherever found any component of  
12 coral reef taken or retained in violation of this title,  
13 any regulation promulgated under this title, or any  
14 permit issued under this title;

15 “(3) seize any evidence of a violation of this  
16 title, any regulation promulgated under this title, or  
17 any permit issued under this title;

18 “(4) execute any warrant or other process  
19 issued by any court of competent jurisdiction;

20 “(5) exercise any other lawful authority; and

21 “(6) arrest any person, if there is reasonable  
22 cause to believe that such person has committed an  
23 act prohibited by section ~~211~~, 212.

24 “(c) CIVIL ENFORCEMENT AND PERMIT SANC-  
25 TIONS.—

1           “(1) CIVIL ADMINISTRATIVE PENALTY.—Any  
2       person subject to the jurisdiction of the United  
3       States who violates this title or any regulation pro-  
4       mulgated or permit issued hereunder, shall be liable  
5       to the United States for a civil administrative pen-  
6       alty of not more than \$200,000 for each such viola-  
7       tion, to be assessed by the Secretary. Each day of  
8       a continuing violation shall constitute a separate vio-  
9       lation. In determining the amount of civil adminis-  
10      trative penalty, the Secretary shall take into account  
11      the nature, circumstances, extent, and gravity of the  
12      prohibited acts committed and, with respect to the  
13      violator, the degree of culpability, and any history of  
14      prior violations, and such other matters as justice  
15      may require. In assessing such penalty, the Sec-  
16      retary may also consider information related to the  
17      ability of the violator to pay.

18           “(2) PERMIT SANCTIONS.—For any person sub-  
19      ject to the jurisdiction of the United States who has  
20      been issued or has applied for a permit under this  
21      title, and who violates this title or any regulation or  
22      permit issued under this title, the Secretary may  
23      deny, suspend, amend, or revoke in whole or in part  
24      any such permit. For any person who has failed to  
25      pay or defaulted on a payment agreement of any

1 civil penalty or criminal fine or liability assessed  
2 pursuant to any natural resource law administered  
3 by the Secretary, the Secretary may deny, suspend,  
4 amend or revoke in whole or in part any permit  
5 issued or applied for under this title.

6 “(3) IMPOSITION OF CIVIL JUDICIAL PEN-  
7 ALTIES.—Any person who violates any provision of  
8 this title, any regulation promulgated or permit  
9 issued thereunder, shall be subject to a civil judicial  
10 penalty not to exceed \$250,000 for each such viola-  
11 tion. Each day of a continuing violation shall con-  
12 stitute a separate violation. The Attorney General,  
13 upon the request of the Secretary, may commence a  
14 civil action in an appropriate district court of the  
15 United States, and such court shall have jurisdiction  
16 to award civil penalties and such other relief as jus-  
17 tice may require. In determining the amount of a  
18 civil penalty, the court shall take into account the  
19 nature, circumstances, extent, and gravity of the  
20 prohibited acts committed and, with respect to the  
21 violator, the degree of culpability, any history of  
22 prior violations, and such other matters as justice  
23 may require. In imposing such penalty, the district  
24 court may also consider information related to the  
25 ability of the violator to pay.

1           “(4) NOTICE.—No penalty or permit sanction  
2           shall be assessed under this subsection until after  
3           the person charged has been given notice and an op-  
4           portunity for a hearing.

5           “(5) IN REM JURISDICTION.—A vessel used in  
6           violating this title, any regulation promulgated under  
7           this title, or any permit issued under this title, shall  
8           be liable in rem for any civil penalty assessed for  
9           such violation. Such penalty shall constitute a mari-  
10          time lien on the vessel and may be recovered in an  
11          action in rem in the district court of the United  
12          States having jurisdiction over the vessel.

13          “(6) COLLECTION OF PENALTIES.—If any per-  
14          son fails to pay an assessment of a civil penalty  
15          under this section after it has become a final and  
16          unappealable order, or after the appropriate court  
17          has entered final judgment in favor of the Secretary,  
18          the Secretary shall refer the matter to the Attorney  
19          General, who shall recover the amount assessed in  
20          any appropriate district court of the United States  
21          (plus interest at current prevailing rates from the  
22          date of the final order). In such action, the validity  
23          and appropriateness of the final order imposing the  
24          civil penalty shall not be subject to review. Any per-  
25          son who fails to pay, on a timely basis, the amount



1 of an assessment of a civil penalty shall be required  
2 to pay, in addition to such amount and interest, at-  
3 torney's fees and costs for collection proceedings and  
4 a quarterly nonpayment penalty for each quarter  
5 during which such failure to pay persists. Such non-  
6 payment penalty shall be in an amount equal to 20  
7 percent of the aggregate amount of such person's  
8 penalties and nonpayment penalties that are unpaid  
9 as of the beginning of such quarter.

10 “(7) COMPROMISE OR OTHER ACTION BY SEC-  
11 RETARY.—The Secretary may compromise, modify,  
12 or remit, with or without conditions, any civil admin-  
13 istrative penalty or permit sanction which is or may  
14 be imposed under this section and that has not been  
15 referred to the Attorney General for further enforce-  
16 ment action.

17 “(8) JURISDICTION.—The several district  
18 courts of the United States shall have jurisdiction  
19 over any actions brought by the United States aris-  
20 ing under this section. For the purpose of this sec-  
21 tion, American Samoa shall be included within the  
22 judicial district of the District Court of the United  
23 States for the District of Hawaii. Each violation  
24 shall be a separate offense and the offense shall be  
25 deemed to have been committed not only in the dis-

1        trict where the violation first occurred, but also in  
 2        any other district as authorized by law.

3        “(d) FORFEITURE.—

4                “(1) CRIMINAL FORFEITURE.—A person who is  
 5        convicted of an offense in violation of this title shall  
 6        forfeit to the United States—

7                “(A) any property, real or personal, consti-  
 8        tuting or traceable to the gross proceeds taken,  
 9        obtained, or retained, in connection with or as  
 10       a result of the offense, including, without limi-  
 11       tation, any coral reef or coral reef component  
 12       (or the fair market value thereof); and

13               “(B) any property, real or personal, used  
 14       or intended to be used, in any manner, to com-  
 15       mit or facilitate the commission of the offense,  
 16       including, without limitation, any vessel (includ-  
 17       ing the vessel’s equipment, stores, catch and  
 18       cargo), vehicle, aircraft, or other means of  
 19       transportation.

20       Pursuant to section 2461(c) of title 28, United  
 21       States Code, the provisions of section 413 of the  
 22       Controlled Substances Act (21 U.S.C. 853) other  
 23       than subsection (d) thereof shall apply to criminal  
 24       forfeitures under this section.

1           “(2) CIVIL FORFEITURE.—The property set  
 2       forth below ~~shall be forfeited~~ *shall be subject to for-*  
 3       *feiture* to the United States in accordance with the  
 4       provisions of chapter 46 of title 18, United States  
 5       Code, and no property right shall exist in it:

6           “(A) Any property, real or personal, con-  
 7       stituting or traceable to the gross proceeds  
 8       taken, obtained, or retained, in connection with  
 9       or as a result of a violation of this title, includ-  
 10      ing, without limitation, any coral reef or coral  
 11      reef component (or the fair market value there-  
 12      of).

13          “(B) Any property, real or personal, used  
 14      or intended to be used, in any manner, to com-  
 15      mit or facilitate the commission of a violation of  
 16      this title, including, without limitation, any ves-  
 17      sel (including the vessel’s equipment, stores,  
 18      catch and cargo), vehicle, aircraft, or other  
 19      means of transportation.

20          “(3) APPLICATION OF THE CUSTOMS LAWS.—  
 21      All provisions of law relating to seizure, summary  
 22      judgment, and judicial forfeiture and condemnation  
 23      for violation of the customs laws, the disposition of  
 24      the property forfeited or condemned or the proceeds  
 25      from the sale thereof, the remission or mitigation of

1       such forfeitures, and the compromise of claims shall  
2       apply to seizures and forfeitures incurred, or alleged  
3       to have been incurred, under the provisions of this  
4       title, insofar as applicable and not inconsistent with  
5       the provisions hereof. For seizures and forfeitures of  
6       property under this section by the Secretary, such  
7       duties as are imposed upon the customs officer or  
8       any other person with respect to the seizure and for-  
9       feiture of property under the customs law may be  
10      performed by such officers as are designated by the  
11      Secretary or, upon request of the Secretary, by any  
12      other agency that has authority to manage and dis-  
13      pose of seized property.

14           “(4) PRESUMPTION.—For the purposes of this  
15      section there is a rebuttable presumption that all  
16      coral reefs, or components thereof, found on board  
17      a vessel that is used or seized in connection with a  
18      violation of this title or of any regulation promul-  
19      gated under this title were taken, obtained, or re-  
20      tained in violation of this title or of a regulation pro-  
21      mulgated under this title.

22           “(e) PAYMENT OF STORAGE, CARE, AND OTHER  
23      COSTS.—Any person assessed a civil penalty for a viola-  
24      tion of this title or of any regulation promulgated under  
25      this title and any claimant in a forfeiture action brought

1 for such a violation, shall be liable for the reasonable costs  
2 incurred by the Secretary in storage, care, and mainte-  
3 nance of any property seized in connection with the viola-  
4 tion.

5 “(f) EXPENDITURES.—

6 “(1) Notwithstanding section 3302 of title 31,  
7 United States Code, or section 311 of the Magnu-  
8 son-Stevens Fishery Conservation and Management  
9 Act (16 U.S.C. 1861), amounts received by the  
10 United States as civil penalties under subsection (c)  
11 of this section, forfeitures of property under sub-  
12 section (d) of this section, and costs imposed under  
13 subsection (e) of this section, shall—

14 “(A) be placed into an account;

15 “(B) be available for use by the Secretary  
16 without further appropriation; and

17 “(C) remain available until expended.

18 “(2) Amounts received under this section for  
19 forfeitures under subsection (d) and costs imposed  
20 under subsection (e) shall be used to pay the reason-  
21 able and necessary costs incurred by the Secretary  
22 to provide temporary storage, care, maintenance,  
23 and disposal of any property seized in connection  
24 with a violation of this title or any regulation pro-  
25 mulgated under this title.

1           “(3) Amounts received under this section as  
 2       civil penalties under subsection (c) of this section  
 3       and any amounts remaining after the operation of  
 4       paragraph (2) of this subsection shall—

5           “(A) be used to stabilize, restore, or other-  
 6       wise manage the coral reef with respect to  
 7       which the violation occurred that resulted in the  
 8       penalty or forfeiture;

9           “(B) be transferred to the Emergency Re-  
 10      sponse, Stabilization, and Restoration Account  
 11      established under section 208(d) or an account  
 12      described in section ~~212(d)(1)~~ 213(d)(1) of this  
 13      title, to reimburse such account for amounts  
 14      used for authorized emergency actions;

15          “(C) be used to conduct monitoring and  
 16      enforcement activities;

17          “(D) be used to conduct research on tech-  
 18      niques to stabilize and restore coral reefs;

19          “(E) be used to conduct activities that pre-  
 20      vent or reduce the likelihood of future damage  
 21      to coral reefs;

22          “(F) be used to stabilize, restore or other-  
 23      wise manage any other coral reef; or

24          “(G) be used to pay a reward to any per-  
 25      son who furnishes information leading to an as-

1            sessment of a civil penalty, or to a forfeiture of  
 2            property, for a violation of this title or any reg-  
 3            ulation promulgated under this title.

4            “(g) CRIMINAL ENFORCEMENT.—

5            “(1) Any person (other than a foreign govern-  
 6            ment or any entity of such government) who know-  
 7            ingly commits any act prohibited by section ~~211(b)~~  
 8            *212(c)* of this title shall be imprisoned for not more  
 9            than 5 years and shall be fined not more than  
 10            \$500,000 for individuals or \$1,000,000 for an orga-  
 11            nization; except that if in the commission of any  
 12            such offense the individual uses a dangerous weap-  
 13            on, engages in conduct that causes bodily injury to  
 14            any officer authorized to enforce the provisions of  
 15            this title, or places any such officer in fear of immi-  
 16            nent bodily injury, the maximum term of imprison-  
 17            ment is not more than 10 years.

18            “(2) Any person (other than a foreign govern-  
 19            ment or any entity of such government) who know-  
 20            ingly violates subsection ~~(a) or (e) of section 211~~ *(b)*,  
 21            *(d), or (e) of section 212* shall be fined under title 18,  
 22            United States Code, or imprisoned not more than 5  
 23            years or both.

24            “(3) *Any person (other than a foreign govern-*  
 25            *ment or any entity of such government) who violates*

1        *subsection (b), (d), or (e) of section 212, and who, in*  
 2        *the exercise of due care should know that such per-*  
 3        *son's conduct violates subsection (b), (d), or (e) of sec-*  
 4        *tion 212, shall be fined under title 18, United States*  
 5        *Code, or imprisoned not more than 1 year, or both.*

6            “~~(3)~~ (4) The several district courts of the  
 7        United States shall have jurisdiction over any ac-  
 8        tions brought by the United States arising under  
 9        this subsection. For the purpose of this subsection,  
 10       American Samoa shall be included within the judi-  
 11       cial district of the District Court of the United  
 12       States for the District of Hawaii. Each violation  
 13       shall be a separate offense and the offense shall be  
 14       deemed to have been committed not only in the dis-  
 15       trict where the violation first occurred, but also in  
 16       any other district as authorized by law. Any offenses  
 17       not committed in any district are subject to the  
 18       venue provisions of section 3238 of title 18, United  
 19       States Code.

20        “(h) SUBPOENAS.—In the case of any investigation  
 21       or hearing under this section or any other natural resource  
 22       statute administered by the National Oceanic and Atmos-  
 23       pheric Administration which is determined on the record  
 24       in accordance with the procedures provided for under sec-  
 25       tion 554 of title 5, United States Code, the Secretary may



1 issue subpoenas for the attendance and testimony of wit-  
 2 nesses and the production of relevant papers, books, elec-  
 3 tronic files, and documents, and may administer oaths.

4 “(i) COAST GUARD AUTHORITY NOT LIMITED.—  
 5 Nothing in this section shall be considered to limit the au-  
 6 thority of the Coast Guard to enforce this or any other  
 7 Federal law under section 89 of title 14, United States  
 8 Code.

9 “(j) INJUNCTIVE RELIEF.—

10 “(1) If the Secretary determines that there is  
 11 an imminent risk of destruction or loss of or injury  
 12 to a coral reef, or that there has been actual de-  
 13 struction or loss of, or injury to, a coral reef which  
 14 may give rise to liability under section ~~212~~ 213 of  
 15 this title, the Attorney General, upon request of the  
 16 Secretary, shall seek to obtain such relief as may be  
 17 necessary to abate such risk or actual destruction,  
 18 loss, or injury, or to restore or replace the coral reef,  
 19 or both. The district courts of the Unites States  
 20 shall have jurisdiction in such a case to order such  
 21 relief as the public interest and the equities of the  
 22 case may require.

23 “(2) Upon the request of the Secretary, the At-  
 24 torney General may seek to enjoin any person who  
 25 is alleged to be in violation of any provision of this

1 title, or any regulation or permit issued under this  
2 title, and the district courts shall have jurisdiction to  
3 grant such relief.

4 “(k) AREA OF APPLICATION AND ENFORCE-  
5 ABILITY.—The area of application and enforceability of  
6 this title includes the internal waters of the United States,  
7 the territorial sea of the United States, as described in  
8 Presidential Proclamation 5928 of December 27, 1988,  
9 the Exclusive Economic Zone of the United States as de-  
10 scribed in Presidential Proclamation 5030 of March 10,  
11 1983, and the continental shelf, consistent with inter-  
12 national law.

13 “(l) NATIONWIDE SERVICE OF PROCESS.—In any ac-  
14 tion by the United States under this title, process may  
15 be served in any district where the defendant is found,  
16 resides, transacts business, or has appointed an agent for  
17 the service of process, and for civil cases may also be  
18 served in a place not within the United States in accord-  
19 ance with rule 4 of the Federal Rules of Civil Procedure.

20 “(m) VENUE IN CIVIL ACTIONS.—A civil action  
21 under this title may be brought in the United States dis-  
22 trict court for any district in which—

23 “(1) the defendant is located, resides, or is  
24 doing business, in the case of an action against a  
25 person;

1           “(2) the vessel is located, in the case of an ac-  
2           tion against a vessel;

3           “(3) the destruction of, loss of, or injury to a  
4           coral reef, or component thereof, occurred or in  
5           which there is an imminent risk of such destruction,  
6           loss, or injury; or

7           “(4) where some or all of the coral reef or com-  
8           ponent thereof that is the subject of the action is not  
9           within the territory covered by any United States  
10          district court, such action may be brought either in  
11          the United States district court for the district clos-  
12          est to the location where the destruction, loss, in-  
13          jury, or risk of injury occurred, or in the United  
14          States District Court for the District of Columbia.”.

15 **~~SEC. 15. PERMITS.~~**

16          The Act (~~16 U.S.C. 6401 et seq.~~) is further amended  
17 by inserting after section 213, as added by section 14, the  
18 following:

19 **~~“SEC. 214. PERMITS.~~**

20 ***SEC. 16. PERMITS.***

21          *The Act (16 U.S.C. 6401 et seq.) is further amended*  
22 *by inserting after section 214, as added by section 14, the*  
23 *following:*

1 **“SEC. 215. PERMITS.**

2 “(a) IN GENERAL.—The Secretary may allow for the  
3 conduct of—

4 “(1) bona fide research, and

5 “(2) activities that would otherwise be prohib-  
6 ited by this title or regulations issued thereunder,  
7 through issuance of coral reef conservation permits in ac-  
8 cordance with regulations issued under this title.

9 “(b) LIMITATION OF NON-RESEARCH ACTIVITIES.—  
10 The Secretary may not issue a permit for activities other  
11 than for bona fide research unless the Secretary finds—

12 “(1) the activity proposed to be conducted is  
13 compatible with one or more of the purposes in sec-  
14 tion 202(b) of this title;

15 “(2) the activity conforms to the provisions of  
16 all other laws and regulations applicable to the area  
17 for which such permit is to be issued; and

18 “(3) there is no practicable alternative to con-  
19 ducting the activity in a manner that destroys,  
20 causes the loss of, or injures any coral reef or any  
21 component thereof.

22 “(c) TERMS AND CONDITIONS.—The Secretary may  
23 place any terms and conditions on a permit issued under  
24 this section that the Secretary deems reasonable.

25 “(d) FEES.—

1           “(1) ASSESSMENT AND COLLECTION.—Subject  
2           to regulations issued under this title, the Secretary  
3           may assess and collect fees as specified in this sub-  
4           section.

5           “(2) AMOUNT.—Any fee assessed shall be equal  
6           to the sum of—

7                   “(A) all costs incurred, or expected to be  
8                   incurred, by the Secretary in processing the  
9                   permit application, including indirect costs; and

10                   “(B) if the permit is approved, all costs in-  
11                   curred, or expected to be incurred, by the Sec-  
12                   retary as a direct result of the conduct of the  
13                   activity for which the permit is issued, including  
14                   costs of monitoring the conduct of the activity  
15                   and educating the public about the activity and  
16                   coral reef resources related to the activity.

17           “(3) USE OF FEES.—Amounts collected by the  
18           Secretary in the form of fees under this section shall  
19           be collected and available for use only to the extent  
20           provided in advance in appropriations Acts and may  
21           be used by the Secretary for issuing and admin-  
22           istering permits under this section.

23           “(4) WAIVER OR REDUCTION OF FEES.—For  
24           any fee assessed under paragraph (2) of this sub-  
25           section, the Secretary may—

1                   “(A) accept in-kind contributions in lieu of  
2                   a fee; or

3                   “(B) waive or reduce the fee.

4           “(e) FISHING.—Nothing in this section shall be con-  
5 sidered to require a person to obtain a permit under this  
6 section for the conduct of any fishing activities not prohib-  
7 ited by this title or regulations issued thereunder.”.

8 **SEC. 16. REGIONAL, STATE, AND TERRITORIAL COORDINA-**  
9 **TION.**

10       The Act (16 U.S.C. 6401 et seq.) is further amended  
11 by inserting after section 214, as added by section 15, the  
12 following:

13 **“SEC. 215. REGIONAL, STATE, AND TERRITORIAL COORDI-**  
14 **NATION.**

15 **SEC. 17. REGIONAL, STATE, AND TERRITORIAL COORDINA-**  
16 **TION.**

17       *The Act (16 U.S.C. 6401 et seq.) is further amended*  
18 *by inserting after section 215, as added by section 16, the*  
19 *following:*

20 **“SEC. 216. REGIONAL, STATE, AND TERRITORIAL COORDI-**  
21 **NATION.**

22       “(a) REGIONAL COORDINATION.—The Secretary *and*  
23 *other Federal members of the Coral Reef Task Force* shall  
24 work in coordination and collaboration with other Federal  
25 agencies, States, and United States territorial govern-

1 ments to implement the strategies developed under section  
 2 203, including regional and local strategies, to address  
 3 multiple threats to coral reefs and coral reef ecosystems  
 4 such as coastal runoff, vessel impacts, and overharvesting.

5 ~~“(b) RESPONSE AND RESTORATION ACTIVITIES.—~~  
 6 ~~The Secretary shall, when appropriate, enter into a writ-~~  
 7 ~~ten agreement with any affected State regarding the man-~~  
 8 ~~ner in which response and restoration activities will be~~  
 9 ~~conducted within the affected State’s waters.~~

10 *“(b) RESPONSE AND RESTORATION ACTIVITIES.—The*  
 11 *Secretary shall enter into written agreements with any*  
 12 *States in which coral reefs are located regarding the man-*  
 13 *ner in which response and restoration activities will be con-*  
 14 *ducted within the affected State’s waters. Nothing in this*  
 15 *subsection shall be construed to limit Federal response and*  
 16 *restoration activity authority before any such agreement is*  
 17 *final.*

18 ~~“(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—~~  
 19 ~~All cooperative enforcement agreements in place between~~  
 20 ~~the Secretary and States affected by this title shall be up-~~  
 21 ~~dated to include enforcement of this title where appro-~~  
 22 ~~priate.”.~~

1 **SEC. 17. REGULATIONS.**

2       The Act (~~16 U.S.C. 6401 et seq.~~) is further amended  
3 by inserting after section 215, as added by section 16, the  
4 following:

5 **“SEC. 216. REGULATIONS.**

6 **SEC. 18. REGULATIONS.**

7       *The Act (16 U.S.C. 6401 et seq.) is further amended*  
8 *by inserting after section 216, as added by section 17, the*  
9 *following:*

10 **“SEC. 217. REGULATIONS.**

11       “The Secretary may issue such regulations as are  
12 necessary and appropriate to carry out the purposes of  
13 this title. This title and any regulations promulgated  
14 under this title shall be applied in accordance with inter-  
15 national law. No restrictions shall apply to or be enforced  
16 against a person who is not a citizen, national, or resident  
17 alien of the United States (including foreign flag vessels)  
18 unless in accordance with international law.”.

19 **SEC. 18. EFFECTIVENESS REPORT.**

20       Section 217 (~~formerly 16 U.S.C. 6407~~), as redesignig-  
21 nated, is amended to read as follows:

22 **“SEC. 217. EFFECTIVENESS REPORT.**

23 **SEC. 19. EFFECTIVENESS REPORT.**

24       *Section 218 (formerly 16 U.S.C. 6407), as redesignig-*  
25 *nated, is amended to read as follows:*



1 **“SEC. 218. EFFECTIVENESS REPORT.**

2 “Not later than March 1, 2009, and every 3 years  
3 thereafter, the Secretary shall submit to the Committee  
4 on Commerce, Science, and Transportation of the Senate  
5 and the Committee on *Natural* Resources of the House  
6 of Representatives a report describing all activities under-  
7 taken to implement the strategy, including—

8 “(1) a description of the funds obligated by  
9 each participating Federal agency to advance coral  
10 reef conservation during each of the 3 fiscal years  
11 next preceding the fiscal year in which the report is  
12 submitted;

13 “(2) a description of Federal interagency and  
14 cooperative efforts with States and United States  
15 territories to prevent or address overharvesting,  
16 coastal runoff, or other anthropogenic impacts on  
17 coral reefs, including projects undertaken with the  
18 Department of Interior, Department of Agriculture,  
19 the Environmental Protection Agency, and the  
20 United States Army Corps of Engineers;

21 “(3) a summary of the information contained in  
22 the vessel grounding inventory established under sec-  
23 tion 210, including additional authorization or fund-  
24 ing, needed for response and removal of such ves-  
25 sels;”

1 “(4) a description of Federal disaster response  
 2 actions taken pursuant to the National Response  
 3 Plan to address damage to coral reefs and coral reef  
 4 ecosystems; and

5 “(5) an assessment of the condition of United  
 6 States coral reefs, accomplishments under this Act,  
 7 and the effectiveness of management actions to ad-  
 8 dress threats to coral reefs.”.

9 **SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

10 ~~Section 218 (formerly 16 U.S.C. 6408), as redesign-~~  
 11 ~~ated, is amended—~~

12 **SEC. 20. AUTHORIZATION OF APPROPRIATIONS.**

13 *Section 219 (formerly 16 U.S.C. 6408), as redesign-*  
 14 *ated, is amended—*

15 (1) by striking “\$16,000,000 for each of fiscal  
 16 years 2001, 2002, 2003, and 2004,” in subsection  
 17 (a) and inserting “\$34,000,000 for fiscal year 2008,  
 18 \$36,000,000 for fiscal year 2009, \$38,000,000 for  
 19 fiscal year 2010, and \$40,000,000 for each of fiscal  
 20 years 2011 through ~~2014~~, 2012, of which no less  
 21 than 30 percent per year (for each of fiscal years  
 22 2008 through ~~2014~~) 2012) shall be used for the  
 23 grant program under section 204 and up to 10 per-  
 24 cent per year shall be used for the Fund established  
 25 under section 205(a),”;

1           (2) by striking “\$1,000,000” in subsection (b)  
2           and inserting “\$2,000,000”;

3           (3) by striking subsection (c) and inserting the  
4           following:

5           “(c) COMMUNITY-BASED PLANNING GRANTS.—  
6           There is authorized to be appropriated to the Secretary  
7           to carry out section ~~209~~ 210 the sum of \$8,000,000 for  
8           fiscal years ~~2007~~ 2008 through 2012, such sum to remain  
9           available until expended.”; and

10          ~~(4) by striking subsection (d).~~

11          (4) *by striking subsection (d) and inserting the*  
12          *following:*

13          “(d) INTERNATIONAL CORAL REEF CONSERVATION  
14          PROGRAM.—*There are authorized to be appropriated to the*  
15          *Secretary to carry out section 209 \$5,000,000 for fiscal year*  
16          *2008, and \$10,000,000 for fiscal years 2009 through 2012,*  
17          *such sums to remain available until expended.”.*

18       **SEC. 20. JUDICIAL REVIEW.**

19          The Act (~~16 U.S.C. 6401 et seq.~~) is further amended  
20          by inserting after section 218, as amended by section 19,  
21          the following:

1 **“SEC. 219. JUDICIAL REVIEW.**

2 **SEC. 21. JUDICIAL REVIEW.**

3       *The Act (16 U.S.C. 6401 et seq.) is further amended*  
 4 *by inserting after section 219, as amended by section 20,*  
 5 *the following:*

6 **“SEC. 220. JUDICIAL REVIEW.**

7       “(a) IN GENERAL.—Judicial review of any action  
 8 taken by the Secretary under this title shall be in accord-  
 9 ance with sections 701 through 706 of title 5, United  
 10 States Code, except that—

11               “(1) review of any final agency action of the  
 12 Secretary taken pursuant to sections ~~211(e)(1)~~ and  
 13 ~~211(e)(2)~~ 214(c)(1) and 214(c)(2) may be had only  
 14 by the filing of a complaint by an interested person  
 15 in the United States District Court for the appro-  
 16 priate district within 30 days after the date such  
 17 final agency action is taken; and

18               “(2) review of all other final agency actions of  
 19 the Secretary under this title may be had only by  
 20 the filing of a petition for review by an interested  
 21 person in the Circuit Court of Appeals of the United  
 22 States *for the District of Columbia Circuit* or for the  
 23 Federal judicial district in which such person resides  
 24 or transacts business which is directly affected by  
 25 the action taken within 120 days after the date such  
 26 final agency action is taken.

1       “(b) NO REVIEW IN ENFORCEMENT PRO-  
 2 CEEDINGS.—Final agency action with respect to which re-  
 3 view could have been obtained under subsection (a)(2)  
 4 shall not be subject to judicial review in any civil or crimi-  
 5 nal proceeding for enforcement.

6       “(c) COST OF LITIGATION.—In any judicial pro-  
 7 ceeding under subsection (a), the court may award costs  
 8 of litigation (including reasonable attorney and expert wit-  
 9 ness fees) to any prevailing party whenever it determines  
 10 that such award is appropriate.”.

11 **SEC. 21. DEFINITIONS.**

12       ~~Section 220 (formerly 16 U.S.C. 6409), as redesign-~~  
 13 ~~ated, is amended to read as follows:~~

14 **“SEC. 220. DEFINITIONS.**

15 **SEC. 22. DEFINITIONS.**

16       ~~Section 221 (formerly 16 U.S.C. 6409), as redesign-~~  
 17 ~~ated, is amended to read as follows:~~

18 **“SEC. 221. DEFINITIONS.**

19       “In this title:

20               “(1) BIODIVERSITY.—The term ‘biodiversity’  
 21 means the variability among living organisms from  
 22 all sources including, inter alia, terrestrial, marine,  
 23 and other aquatic ecosystems and the ecological  
 24 complexes of which they are part, including diversity  
 25 within species, between species, and of ecosystems.

1           “(2) CONSERVATION.—The term ‘conservation’  
 2           means the use of methods and procedures necessary  
 3           to preserve or sustain corals and associated species  
 4           and habitat as resilient, diverse, viable, and self-per-  
 5           petuating coral reef ecosystems, including all activi-  
 6           ties associated with resource management (such as  
 7           assessment, conservation, protection, restoration,  
 8           sustainable use, and management of habitat, map-  
 9           ping, ~~habitat~~ monitoring, assistance in the develop-  
 10          ment of management strategies for marine protected  
 11          areas and marine resources consistent with the Na-  
 12          tional Marine Sanctuaries Act (16 U.S.C. 1431 et  
 13          seq.) and the Magnuson-Stevens Fishery Conserva-  
 14          tion and Management Act (16 U.S.C. 1801 et seq.),  
 15          law enforcement, conflict resolution initiatives, and  
 16          community outreach and education) that promote  
 17          safe and ecologically sound navigation.

18           “(3) 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), Alcyonacea (soft  
 24                   corals), and Helioporacea (blue coral) of the  
 25                   class Anthozoa; and

1                   “(B) all species of the families Milleporidea  
2                   (fire corals) and Stylasteridae (stylasterid  
3                   hydrocorals) of the class Hydrozoa.

4                   “(4) CORAL REEF.—The term ‘coral reef’  
5                   means limestone structures composed in whole or in  
6                   part of living corals, as described in paragraph (3),  
7                   their skeletal remains, or both, and including other  
8                   corals, associated sessile invertebrates and plants,  
9                   and ~~any adjacent or~~ associated seagrasses.

10                  “(5) CORAL REEF COMPONENT.—The term  
11                  ‘coral reef component’ means any part of a coral  
12                  reef, including individual living or dead corals, asso-  
13                  ciated sessile invertebrates and plants, and any adja-  
14                  cent or associated seagrasses.

15                  “(6) CORAL REEF ECOSYSTEM.—The term  
16                  ‘coral reef ecosystem’ means the system of coral  
17                  reefs and geographically associated species, habitats,  
18                  and environment, including *any adjacent or associ-*  
19                  *ated* mangroves and seagrass habitats, and the proc-  
20                  esses that control its dynamics.

21                  “(7) CORAL PRODUCTS.—The term ‘coral prod-  
22                  ucts’ means any living or dead specimens, parts, or  
23                  derivatives, or any product containing specimens,  
24                  parts, or derivatives, of any species referred to in  
25                  paragraph (3).

1           “(8) DAMAGES.—The term ‘damages’ in-  
2       cludes—

3           “(A) compensation for—

4               “(i) the cost of replacing, restoring, or  
5               acquiring the equivalent of the coral reef,  
6               or component thereof; and

7               “(ii) the lost services of, or the value  
8               of the lost use of, the coral reef or compo-  
9               nent thereof, or the cost of activities to  
10              minimize or prevent threats of, equivalent  
11              injury to, or destruction of coral reefs or  
12              components thereof, pending restoration or  
13              replacement or the acquisition of an equiv-  
14              alent coral reef or component thereof;

15           “(B) the reasonable cost of damage assess-  
16       ments under section ~~212~~, 213;

17           “(C) the reasonable costs incurred by the  
18       Secretary in implementing section 208(d);

19           “(D) the reasonable cost of monitoring ap-  
20       propriate to the injured, restored, or replaced  
21       resources;

22           “(E) the reasonable cost of curation, con-  
23       servation and loss of contextual information of  
24       any coral encrusted archaeological, historical,  
25       and cultural resource;



1           “(F) the cost of legal actions under section  
 2           ~~212~~, 213, undertaken by the United States, as-  
 3           sociated with the destruction or loss of, or in-  
 4           jury to, a coral reef or component thereof, in-  
 5           cluding the costs of attorney time and expert  
 6           witness fees; and

7           “(G) the indirect costs associated with the  
 8           costs listed in subparagraphs (A) through (F)  
 9           of this paragraph.

10          “(9) EMERGENCY ACTIONS.—The term ‘emer-  
 11          gency actions’ means all necessary actions to prevent  
 12          or minimize the additional destruction or loss of, or  
 13          injury to, coral reefs or components thereof, or to  
 14          minimize the risk of such additional destruction,  
 15          loss, or injury.

16          “(10) EXCLUSIVE ECONOMIC ZONE.—The term  
 17          ‘Exclusive Economic Zone’ means the waters of the  
 18          Exclusive Economic Zone of the United States under  
 19          Presidential Proclamation 5030, dated March 10,  
 20          1983.

21          “(11) PERSON.—The term ‘person’ means any  
 22          individual, private or public corporation, partnership,  
 23          trust, institution, association, or any other public or  
 24          private entity, whether foreign or domestic, private  
 25          person or entity, or any officer, employee, agent, De-

partment, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

“(12) RESPONSE COSTS.—The term ‘response costs’ means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, a coral reef, or component thereof, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure, forfeiture, storage, or disposal arising from liability under section ~~212~~. 213.

“(13) SECRETARY.—The term ‘Secretary’ means—

“(A) for purposes of sections 201 through ~~210~~, sections ~~217 through 219~~, 211, sections 218 through 220, and the other paragraphs of this section, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration; and

“(B) for purposes of sections ~~211 through 219~~— 212 through 220—

“(i) the Secretary of the Interior for any coral reef or component thereof located in (I) the National Wildlife Refuge System, (II) the National Park System, and (III)

1           the waters surrounding Wake Island under  
2           the jurisdiction of the Secretary of the In-  
3           terior, as set forth in Executive Order  
4           11048 (27 Fed. Reg. 8851 (September 4,  
5           1962)); or

6           “(ii) the Secretary of Commerce for  
7           any coral reef or component thereof located  
8           in any area not described in clause (i).

9           “(14) SERVICE.—The term ‘service’ means  
10          functions, ecological or otherwise, performed by a  
11          coral reef or component thereof.

12          “(15) STATE.—The term ‘State’ means any  
13          State of the United States that contains a coral reef  
14          ecosystem within its seaward boundaries, American  
15          Samoa, Guam, the Northern Mariana Islands, Puer-  
16          to Rico, and the Virgin Islands, and any other terri-  
17          tory or possession of the United States, or separate  
18          sovereign in free association with the United States,  
19          that contains a coral reef ecosystem within its sea-  
20          ward boundaries.

21          “(16) TERRITORIAL SEA.—The term ‘Terri-  
22          torial Sea’ means the waters of the Territorial Sea  
23          of the United States under Presidential Proclama-  
24          tion 5928, dated December 27, 1988.”.

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110<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1580**

[Report No. 110-276]

**A BILL**

To reauthorize the Coral Reef Conservation Act of  
2000, and for other purposes.

MARCH 13, 2008

Reported with amendments