

110TH CONGRESS
1ST SESSION

S. 1583

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

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2007

Mr. INOUE (for himself and Mr. STEVENS) (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize the Coral Reef Conservation Act of 2000,
and for other coral conservation 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 AND REFERENCES.**

4 (a) This Act may be cited as the “Coral Reef Eco-
5 system Conservation Amendments Act of 2007”.

6 (b) Except as otherwise expressly provided, whenever
7 in this bill an amendment or repeal is expressed in terms
8 of an amendment to or repeal of a section or other provi-
9 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. 2. REDESIGNATIONS.**

4 The Coral Reef Conservation Act of 2000 (16 U.S.C.
5 6401 et seq.) is amended by redesignating—

6 (1) section 206 (16 U.S.C. 6405) as section
7 207;

8 (2) section 207 (16 U.S.C. 6406) as section
9 208;

10 (3) section 208 (16 U.S.C. 6407) as section
11 215;

12 (4) section 209 (16 U.S.C. 6408) as section
13 216; and

14 (5) section 210 (16 U.S.C. 6409) as section
15 217.

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

17 Section 202 of the Coral Reef Conservation Act of
18 2000 (16 U.S.C. 6401) is amended to read as follows:

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

20 “(a) The Congress finds that—

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

23 “(2) coral reef resources provide economic and
24 environmental benefits in the form of food, jobs, nat-
25 ural products, and pharmaceuticals;

1 “(3) coral reefs are the basis of thriving com-
2 mercial and recreational fishing and tourism indus-
3 tries;

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

7 “(5) natural stressors on coral reefs are com-
8 pounded by human impacts including pollution, over-
9 fishing, and physical damage; and

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

12 “(b) The purposes of this title are—

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

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

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

21 “(4) to assist in the preservation of coral reef
22 ecosystems by supporting conservation programs, in-
23 cluding projects that involve affected local commu-
24 nities and nongovernmental organizations;

1 “(5) to provide financial resources for those
2 programs and projects;

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

7 “(7) to provide mechanisms to address injuries
8 to coral reefs.”.

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

10 Section 203(a) of the Coral Reef Conservation Act
11 of 2000 (16 U.S.C. 6402(a)) is amended to read as fol-
12 lows:

13 “(a) IN GENERAL.—Not later than 180 days after
14 the date of the enactment of this Act, the Secretary shall
15 submit to the Committee on Commerce, Science, and
16 Transportation of the Senate and to the Committee on
17 Natural Resources of the House of Representatives and
18 publish in the Federal Register a national coral reef action
19 strategy, consistent with the purposes of this title. The
20 Secretary shall periodically review and revise the strategy
21 as necessary. In developing this national strategy, the Sec-
22 retary shall consult with the Coral Reef Task Force estab-
23 lished under Executive Order 13089 (June 11, 1998).”.

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

2 Section 204 of the Coral Reef Conservation Act of
3 2000 (16 U.S.C. 6403) is amended—

4 (1) throughout by striking “Administrator” and
5 inserting “Secretary”;

6 (2) by amending subsection (a) to read as fol-
7 lows:

8 “(a) GRANTS.—The Secretary, subject to the avail-
9 ability of funds, shall provide grants of financial assistance
10 for projects for the conservation of coral reef ecosystems
11 (hereafter in this title referred to as ‘coral conservation
12 projects’), for proposals approved by the Secretary in ac-
13 cordance with this section.”;

14 (3) by amending subsection (c) to read as fol-
15 lows:

16 “(c) ELIGIBILITY.—Any natural resource manage-
17 ment authority of a State or other government authority
18 with jurisdiction over coral reef ecosystems, or whose ac-
19 tivities directly or indirectly affect coral reef ecosystems,
20 or educational or nongovernmental institutions with dem-
21 onstrated expertise in the conservation of coral reef eco-
22 systems, may submit to the Secretary a coral conservation
23 proposal under subsection (e).”;

24 (4) by striking subsection (d) and renumbering
25 the subsequent sections as (d) through (i);

1 (5) in subparagraph (e)(2)(A), as redesignated,
2 by striking “Magnuson- Stevens” and inserting
3 “Magnuson-Stevens”;

4 (6) by amending subsection (f), as redesignated,
5 to read as follows:

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

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

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

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

23 “(4) developing sound scientific information on
24 the condition of coral reef ecosystems or the threats

1 to such ecosystems and their biodiversity, including
 2 factors that cause coral disease and bleaching;

3 “(5) promoting and assisting to implement co-
 4 operative coral reef ecosystem conservation projects
 5 that involve affected local communities, nongovern-
 6 mental organizations, or others in the private sector;

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

11 “(7) mapping the location, distribution and bio-
 12 diversity of coral reef ecosystems;

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

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

19 “(10) responding to coral disease and bleaching
 20 events; or

21 “(11) promoting ecologically sound navigation
 22 and anchorages near coral reef ecosystems.”; and

23 (7) in subsection (i), as redesignated, by strik-
 24 ing “coral reefs” and inserting “coral reef eco-
 25 systems”.

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

2 Section 205 of the Coral Reef Conservation Act of
3 2000 (16 U.S.C. 6404) is amended—

4 (1) by amending subsection (a) to read as fol-
5 lows:

6 “(a) FUND.—The Secretary may enter into agree-
7 ments with nonprofit organizations promoting coral reef
8 ecosystem conservation by authorizing such organizations
9 to receive, hold, and administer funds received pursuant
10 to this section. Such organizations shall invest, reinvest,
11 and otherwise administer the funds and maintain such
12 funds and any interest or revenues earned in a separate
13 interest-bearing account, hereafter referred to as the
14 Fund, established by such organizations solely to support
15 partnerships between the public and private sectors that
16 further the purposes of this Act and are consistent with
17 the national coral reef action strategy under section 203.”;

18 (2) in subsection (c) by striking “Adminis-
19 trator” and inserting “Secretary”;

20 (3) in subsection (c) by striking “the grant pro-
21 gram” and inserting “any grant program”; and

22 (4) in subsection (d) by striking “Adminis-
23 trator” and inserting “Secretary”.

1 **SEC. 7. AGREEMENTS.**

2 The Coral Reef Conservation Act of 2000 (16 U.S.C.
3 6401 et seq.) is amended by inserting a new section 206
4 as follows:

5 **“SEC. 206. AGREEMENTS.**

6 “(a) The Secretary shall have the authority to enter
7 into and perform such contracts, leases, grants, or cooper-
8 ative agreements as may be necessary to carry out the
9 purposes of this Act.

10 “(b) For purposes related to the conservation, preser-
11 vation, protection, restoration or replacement of coral
12 reefs or coral reef ecosystems and the enforcement of this
13 Act, the Secretary is authorized to use, with their consent
14 and with or without reimbursement, the land, services,
15 equipment, personnel, and facilities of any Department,
16 agency or instrumentality of the United States, or of any
17 state, local government, Indian tribal government, Terri-
18 tory or possession, or of any political subdivision thereof,
19 or of any foreign government or international organiza-
20 tion.

21 “(c) **AUTHORITY TO UTILIZE GRANT FUNDS.—**

22 “(1) Except as provided in paragraph (2), the
23 Secretary is authorized to apply for, accept, and ob-
24 ligate research grant funding from any federal
25 source operating competitive grant programs where
26 such funding furthers the purpose of this Act.

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

7 “(3) Appropriated funds may be used to satisfy
8 a requirement to match grant funds with recipient
9 agency funds, except that no grant may be accepted
10 that requires a commitment in advance of appropria-
11 tions.

12 “(4) Funds received from grants shall be depos-
13 ited in the National Oceanic and Atmospheric Ad-
14 ministration account that serves to accomplish the
15 purpose for which the grant was awarded.”.

16 **SEC. 8. EMERGENCY ASSISTANCE.**

17 Section 207 of the Coral Reef Conservation Act of
18 2000 (16 U.S.C. 6405), as redesignated by section 2, is
19 amended to read as follows:

20 **“SEC. 207. EMERGENCY ASSISTANCE.**

21 “The Secretary, in cooperation with the Federal
22 Emergency Management Agency, as appropriate, may pro-
23 vide assistance to any State, local, or territorial govern-
24 ment agency with jurisdiction over coral reef ecosystems

1 to address any unforeseen or disaster-related circumstance
2 pertaining to coral reef ecosystems.”.

3 **SEC. 9. NATIONAL PROGRAM.**

4 Section 208 of the Coral Reef Conservation Act of
5 2000 (16 U.S.C. 6406), as redesignated by section 2, is
6 amended to read as follows:

7 **“SEC. 208. NATIONAL PROGRAM.**

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

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

19 “(1) mapping, monitoring, assessment, restora-
20 tion, socioeconomic and scientific research that ben-
21 efit the understanding, sustainable use, biodiversity,
22 and long-term conservation of coral reef ecosystems;

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

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

5 “(4) responding to incidents and events that
6 threaten and damage coral reef ecosystems, includ-
7 ing disease and bleaching;

8 “(5) cooperative conservation and management
9 of coral reef ecosystems; and

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

15 “(c) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—
16 The Secretary, in coordination with similar efforts at other
17 Departments and agencies, as appropriate, shall provide
18 for long-term stewardship of environmental data, prod-
19 ucts, and information via data processing, storage, and ar-
20 chive facilities, pursuant to this Act. To implement this
21 provision, the Secretary may—

22 “(1) Archive environmental data collected by
23 federal, State, local agencies and tribal organizations
24 and federally funded research;

1 “(2) Promote widespread availability and dis-
2 semination of environmental data and information
3 through full and open access and exchange to the
4 greatest extent possible, including in electronic for-
5 mat on the Internet;

6 “(3) Develop standards, protocols and proce-
7 dures for sharing federal data with State and local
8 government programs and the private sector or aca-
9 demia; and

10 “(4) Develop metadata standards for coral reef
11 ecosystems in accordance with Federal Geographic
12 Data Committee guidelines.

13 “(d) EMERGENCY RESPONSE, STABILIZATION, AND
14 RESTORATION.—The Secretary shall establish an account
15 (to be called the Emergency Response, Stabilization and
16 Restoration Account) in the Damage Assessment Restora-
17 tion Revolving Fund established by Public Law 101–515,
18 104 Stat. 2101 (1990) (33 U.S.C. 2706 note), for imple-
19 mentation of this subsection for emergency actions. There
20 are authorized to be deposited into the Emergency Re-
21 sponse, Stabilization and Restoration Account amounts
22 which are authorized to be appropriated for such Account
23 pursuant to section 216, and funds which are authorized
24 by sections 210(d)(3)(B) and 211(f)(3)(B). Amounts in
25 the Emergency Response, Stabilization and Restoration

1 Account shall be available for use by the Secretary as spec-
 2 ified in sections 210 and 211.”.

3 **SEC. 10. PROHIBITED ACTIVITIES.**

4 The Coral Reef Conservation Act of 2000 (16 U.S.C.
 5 6401 et seq.) is amended by inserting a new section 209
 6 as follows:

7 **“SEC. 209. PROHIBITED ACTIVITIES AND SCOPE OF PROHI-**
 8 **BITIONS.**

9 “The provisions in this section are in addition to, and
 10 shall not affect the operation of, other Federal, State or
 11 local laws or regulations providing protection to coral
 12 reefs. It is unlawful for any person to—

13 “(1) destroy, cause the loss of, or injure any
 14 coral reef or any component thereof, except—

15 “(A) if the destruction, loss, or injury was
 16 caused by the use of fishing gear; provided,
 17 however, that such gear is used in a manner
 18 not prohibited under the Magnuson-Stevens
 19 Fishery Conservation and Management Act, 16
 20 U.S.C. 1801 et seq., or other Federal or State
 21 law;

22 “(B) if the destruction, loss, or injury was
 23 caused by an activity that is authorized by Fed-
 24 eral or State law including, but not limited to,
 25 lawful discharges from vessels of graywater,

1 cooling water, engine exhaust, ballast water and
2 sewage from marine sanitation devices; pro-
3 vided, however, that such activity shall not be
4 construed to include actions such as vessel
5 groundings, vessel scrapings, anchor damage,
6 excavation not authorized by Federal or State
7 permit, or other similar activities;

8 “(C) if the destruction, loss, or injury was
9 the necessary result of bona fide marine sci-
10 entific research; provided, however, that con-
11 duct of such research shall not be construed to
12 include excessive sampling or collecting, or ac-
13 tions such as vessel groundings, vessel
14 scrapings, anchor damage, excavation, or other
15 similar activities; provided further, however,
16 that marine scientific research activities ap-
17 proved by State or local permits qualify as bona
18 fide marine scientific research;

19 “(D) if the destruction, loss, or injury—

20 “(i) was caused by a Federal Govern-
21 ment agency during—

22 “(I) an emergency that posed an
23 unacceptable threat to human health
24 or safety or to the marine environ-
25 ment,

1 “(II) an emergency that posed a
2 threat to national security, or

3 “(III) an activity necessary for
4 law enforcement or search and rescue,
5 and

6 “(ii) could not reasonably be avoided;

7 “(2) interfere with the enforcement of this Act
8 by—

9 “(A) refusing to permit any officer author-
10 ized to enforce this Act to board a vessel, other
11 than a vessel operated by the Department of
12 Defense or United States Coast Guard, subject
13 to such person’s control for the purposes of
14 conducting any search or inspection in connec-
15 tion with the enforcement of this Act;

16 “(B) resisting, opposing, impeding, intimi-
17 dating, harassing, bribing, interfering with, or
18 forcibly assaulting any person authorized by the
19 Secretary to implement this Act or any such
20 authorized officer in the conduct of any search
21 or inspection performed under this Act; or

22 “(C) submitting false information to the
23 Secretary or any officer authorized to enforce
24 this Act in connection with any search or in-
25 spection conducted under this Act.

1 “(3) violate any provision of this Act, any per-
 2 mit issued pursuant to this Act, or any regulation
 3 promulgated pursuant to this Act.”.

4 **SEC. 11. DESTRUCTION OF CORAL REEFS.**

5 The Coral Reef Conservation Act of 2000 (16 U.S.C.
 6 6401 et seq.) is amended by inserting a new section 210
 7 as follows:

8 **“SEC. 210. DESTRUCTION OR LOSS OF, OR INJURY TO,**
 9 **CORAL REEFS.**

10 “(a) LIABILITY.—

11 “(1) LIABILITY TO THE UNITED STATES.—Ex-
 12 cept as provided insubsection (f), all persons who en-
 13 gage in an activity that is prohibited under sections
 14 209(a) or 209(c), or create an imminent risk there-
 15 of, are liable, jointly and severally, to the United
 16 States for an amount equal to the sum of—

17 “(A) response costs and damages resulting
 18 from the destruction, loss, or injury, or immi-
 19 nent risk thereof, including damages resulting
 20 from the response actions;

21 “(B) costs of seizure, forfeiture, storage,
 22 and disposal arising from liability under this
 23 section; and

1 “(C) interest on that amount calculated in
2 the manner described under section 2705 of
3 Title 33.

4 “(2) LIABILITY IN REM.—

5 “(A) Any vessel used in an activity that is
6 prohibited under sections 209(a) or 209(c), or
7 creates an imminent risk thereof, shall be liable
8 in rem to the United States for an amount
9 equal to the sum of—

10 “(i) response costs and damages re-
11 sulting from such destruction, loss, or in-
12 jury, or imminent risk thereof, including
13 damages resulting from the response ac-
14 tions;

15 “(ii) costs of seizure, forfeiture, stor-
16 age, and disposal arising from liability
17 under this section; and

18 “(iii) interest on that amount cal-
19 culated in the manner described under sec-
20 tion 2705 of Title 33.

21 “(B) The amount of liability shall con-
22 stitute a maritime lien on the vessel and may
23 be recovered in an action in rem in any district
24 court of the United States that has jurisdiction
25 over the vessel.

1 “(3) DEFENSES.—A person is not liable under
2 this subsection if that person establishes that the de-
3 struction, loss, or injury was caused solely by an act
4 of God, an act of war, or an act or omission of a
5 third party (other than an employee or agent of the
6 defendant or one whose act or omission occurs in
7 connection with a contractual relationship, existing
8 directly or indirectly with the defendant), and the
9 person acted with due care.

10 “(4) LIMITS TO LIABILITY.—Nothing in sec-
11 tions 30501 to 30512 or 30706 of Title 46 shall
12 limit liability to any person under this Act.

13 “(b) RESPONSE ACTIONS AND DAMAGE ASSESS-
14 MENT.—

15 “(1) RESPONSE ACTIONS.—The Secretary may
16 undertake or authorize all necessary actions to pre-
17 vent or minimize the destruction or loss of, or injury
18 to, coral reefs, or components thereof, or to mini-
19 mize the risk or imminent risk of such destruction,
20 loss, or injury.

21 “(2) DAMAGE ASSESSMENT.—

22 “(A) The Secretary shall assess damages
23 to coral reefs in accordance with the damages
24 definition in section 217 and shall consult with
25 State officials regarding response and damage

1 assessment actions undertaken for coral reefs
2 within State waters.

3 “(B) There shall be no double recovery
4 under this chapter for coral reef damages, in-
5 cluding the cost of damage assessment, for the
6 same incident.

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

9 “(1) COMMENCEMENT.—The Attorney General,
10 upon the request of the Secretary, may commence a
11 civil action against any person or vessel that may be
12 liable under subsection (a) of this section for re-
13 sponse costs, seizure, forfeiture, storage, or disposal
14 costs, and damages, and interest on that amount
15 calculated in the manner described under section
16 2705 of Title 33. The Secretary, acting as trustee
17 for coral reefs for the United States, shall submit a
18 request for such an action to the Attorney General
19 whenever a person may be liable for such costs or
20 damages.

21 “(2) VENUE IN CIVIL ACTIONS.—A civil action
22 under this Act may be brought in the United States
23 district court for any district in which—

1 “(A) the defendant is located, resides, or is
2 doing business, in the case of an action against
3 a person;

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

6 “(C) the destruction of, loss of, or injury
7 to a coral reef, or component thereof, occurred
8 or in which there is an imminent risk of such
9 destruction, loss, or injury; or

10 “(D) where some or all of the coral reef(s)
11 or componentsthereof that are the subject of
12 the action are not within the territory covered
13 by any United States district court, such action
14 may be brought either in the United States dis-
15 trict court for the district closest to the location
16 where the destruction, loss, injury, or risk of in-
17 jury occurred, or in the United States District
18 Court for the District of Columbia.

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

22 “(1) as appropriate be deposited into an ac-
23 count or accounts in the Damage Assessment Res-
24 toration Revolving Fund established by Public Law
25 101–515, 104 Stat. 2101 (1990) (33 U.S.C. 2706

1 note), or the Natural Resource Damage Assessment
2 Fund created pursuant to Title I of Public Law
3 102–154, 105 Stat. 990 (1991);

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

7 “(3) and shall be for use, as the Secretary con-
8 siders appropriate, as follows:

9 “(A) to reimburse the Secretary or any
10 other Federal or State agency that conducted
11 activities under sections 210(a) and (b);

12 “(B) to be transferred to the Emergency
13 Response, Stabilization and Restoration Ac-
14 count established under section 208(d) to reim-
15 burse that account for amounts used for au-
16 thorized emergency actions; and “(C) after re-
17 imbursement of such costs, to restore, replace,
18 or acquire the equivalent of any coral reefs, or
19 components thereof, including the reasonable
20 costs of monitoring, or to minimize or prevent
21 threats of equivalent injury to, or destruction of
22 coral reefs, or components thereof.

23 “(e) STATUTE OF LIMITATIONS.—An action for re-
24 sponse costs or damages under subsection (c) shall be
25 barred unless the complaint is filed within 3 years after

1 the date on which the Secretary completes a damage as-
 2 sessment and restoration plan for the coral reefs, or com-
 3 ponents thereof, to which the action relates.

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

15 **SEC. 12. ENFORCEMENT.**

16 The Coral Reef Conservation Act of 2000 (16 U.S.C.
 17 6401 et seq.) is amended by inserting a new section 211
 18 as follows:

19 **“SEC. 211. ENFORCEMENT.**

20 “(a) IN GENERAL.—The Secretary shall conduct en-
 21 forcement activities to carry out this Act.

22 “(b) POWERS OF AUTHORIZED OFFICERS.—Any per-
 23 son who is authorized to enforce this Act may—

24 “(1) board, search, inspect, and seize any vessel
 25 or other conveyance suspected of being used to vio-

1 late this Act, any regulation promulgated under this
 2 Act, or any permit issued under this Act, and any
 3 equipment, stores, and cargo of such vessel;

4 “(2) seize wherever found any component of
 5 coral reef taken or retained in violation of this Act,
 6 any regulation promulgated under this Act, or any
 7 permit issued under this Act;

8 “(3) seize any evidence of a violation of this
 9 Act, any regulation promulgated under this Act, or
 10 any permit issued under this Act;

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

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

14 “(6) arrest any person, if there is reasonable
 15 cause to believe that such person has committed an
 16 act prohibited by section 209.

17 “(c) CIVIL ENFORCEMENT AND PERMIT SANC-
 18 TIONS.—

19 “(1) CIVIL ADMINISTRATIVE PENALTY.—Any
 20 person subject to the jurisdiction of the United
 21 States who violates this Act or any regulation pro-
 22 mulgated or permit issued thereunder, shall be liable
 23 to the United States for a civil administrative pen-
 24 alty of not more than \$200,000 for each such viola-
 25 tion, to be assessed by the Secretary. Each day of

1 a continuing violation shall constitute a separate vio-
2 lation.

3 “(2) PERMIT SANCTIONS.—For any person sub-
4 ject to the jurisdiction of the United States who has
5 been issued or has applied for a permit under this
6 Act, and who violates this Act or any regulation or
7 permit issued under this Act, the Secretary may
8 deny, suspend, amend or revoke in whole or in part
9 any such permit. For any person who has failed to
10 pay or defaulted on a payment agreement of any
11 civil penalty or criminal fine or liability assessed
12 pursuant to any natural resource law administered
13 by the Secretary, the Secretary may deny, suspend,
14 amend or revoke in whole or in part any permit
15 issued or applied for under this Act.

16 “(3) IMPOSITION OF CIVIL JUDICIAL PEN-
17 ALTIES.—Any person who violates any provision of
18 this Act, any regulation promulgated or permit
19 issued thereunder, shall be subject to a civil judicial
20 penalty not to exceed \$250,000 for each such viola-
21 tion. Each day of a continuing violation shall con-
22 stitute a separate violation. The Attorney General,
23 upon the request of the Secretary, may commence a
24 civil action in an appropriate district court of the
25 United States, and such court shall have jurisdiction

1 to award civil penalties and such other relief as jus-
2 tice may require. In determining the amount of a
3 civil penalty, the court shall take into account the
4 nature, circumstances, extent, and gravity of the
5 prohibited acts committed and, with respect to the
6 violator, the degree of culpability, any history of
7 prior violations, and such other matters as justice
8 may require. In imposing such penalty, the district
9 court may also consider information related to the
10 ability of the violator to pay.

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

15 “(5) IN REM JURISDICTION.—A vessel used in
16 violating this Act, any regulation promulgated under
17 this Act, or any permit issued under this Act, shall
18 be liable in rem for any civil penalty assessed for
19 such violation. Such penalty shall constitute a mari-
20 time lien on the vessel and may be recovered in an
21 action in rem in the district court of the United
22 States having jurisdiction over the vessel.

23 “(6) COLLECTION OF PENALTIES.—If any per-
24 son fails to pay an assessment of a civil penalty
25 under this section after it has become a final and

1 unappealable order, or after the appropriate court
2 has entered final judgment in favor of the Secretary,
3 the Secretary shall refer the matter to the Attorney
4 General, who shall recover the amount assessed in
5 any appropriate district court of the United States
6 (plus interest at current prevailing rates from the
7 date of the final order). In such action, the validity
8 and appropriateness of the final order imposing the
9 civil penalty shall not be subject to review. Any per-
10 son who fails to pay, on a timely basis, the amount
11 of an assessment of a civil penalty shall be required
12 to pay, in addition to such amount and interest, at-
13 torney's fees and costs for collection proceedings and
14 a quarterly nonpayment penalty for each quarter
15 during which such failure to pay persists. Such non-
16 payment penalty shall be in an amount equal to 20
17 percent of the aggregate amount of such person's
18 penalties and nonpayment penalties that are unpaid
19 as of the beginning of such quarter.

20 “(7) COMPROMISE OR OTHER ACTION BY SEC-
21 RETARY.—The Secretary may compromise, modify,
22 or remit, with or without conditions, any civil admin-
23 istrative penalty or permit sanction which is or may
24 be imposed under this section and that has not been

referred to the Attorney General for further enforcement action.

“(8) JURISIDICATION OF COURTS.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this section. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law.

“(d) FORFEITURE.—

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

“(A) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the offense, including, without limitation, any coral reef or coral reef component (or the fair market value thereof); and

“(B) any property, real or personal, used or intended to be used, in any manner, to com-

1 mit or facilitate the commission of the offense,
2 including, without limitation, any vessel (includ-
3 ing the vessel’s equipment, stores, catch and
4 cargo), vehicle, aircraft, or other means of
5 transportation. Pursuant to Title 28, Section
6 2461(c), the provisions of section 413 of the
7 Controlled Substances Act (21 U.S.C. 853)
8 with the exception of subsection (d) of that sec-
9 tion shall apply to criminal forfeitures under
10 this section.

11 “(2) CIVIL FORFEITURE.—The property set
12 forth below shall be forfeited to the United States in
13 accordance with the provisions of Chapter 46 of
14 Title 18, and no property right shall exist in it—

15 “(A) any property, real or personal, consti-
16 tuting or traceable to the gross proceeds taken,
17 obtained, or retained, in connection with or as
18 a result of a violation of this Act, including,
19 without limitation, any coral reef or coral reef
20 component (or the fair market value thereof);
21 and

22 “(B) any property, real or personal, used
23 or intended to be used, in any manner, to com-
24 mit or facilitate the commission of a violation of
25 this Act, including, without limitation, any ves-

1 sel (including the vessel's equipment, stores,
2 catch and cargo), vehicle, aircraft, or other
3 means of transportation.

4 “(3) APPLICATION OF THE CUSTOMS LAWS.—

5 All provisions of law relating to seizure, summary
6 and judicial forfeiture and condemnation for viola-
7 tion of the customs laws, the disposition of the prop-
8 erty forfeited or condemned or the proceeds from the
9 sale thereof; the remission or mitigation of such for-
10 feitures; and the compromise of claims shall apply to
11 seizures and forfeitures incurred, or alleged to have
12 been incurred, under the provisions of this Act, inso-
13 far as applicable and not inconsistent with the provi-
14 sions hereof. However, with respect to seizures and
15 forfeitures of property under this section by the Sec-
16 retary, such duties as are imposed upon the customs
17 officer or any other person with respect to the sei-
18 zure and forfeiture of property under the customs
19 law may be performed by such officers as are des-
20 ignated by the Secretary or, upon request of the
21 Secretary, by any other agency that has authority to
22 manage and dispose of seized property.

23 “(4) PRESUMPTION.—For the purposes of this
24 section there is a rebuttable presumption that all
25 coral reefs, or components thereof, found on board

1 a vessel that is used or seized in connection with a
2 violation of this Act or of any regulation promul-
3 gated under this Act were taken, obtained, or re-
4 tained in violation of this Act or of a regulation pro-
5 mulgated under this Act.

6 “(e) PAYMENT OF STORAGE, CARE, AND OTHER
7 COSTS.—Any person assessed a civil penalty for a viola-
8 tion of this Act or of any regulation promulgated under
9 this Act and any claimant in a forfeiture action brought
10 for such a violation, shall be liable for the reasonable costs
11 incurred by the Secretary in storage, care, and mainte-
12 nance of any property seized in connection with the viola-
13 tion.

14 “(f) EXPENDITURES.—

15 “(1) Notwithstanding section 3302 of Title 31
16 or section 1861 of Title 16, United States Code,
17 amounts received by the United States as civil pen-
18 alties under section 211(c) of this bill, forfeitures of
19 property under section 211(d), and costs imposed
20 under section 211(e), shall—

21 “(A) be placed into an account;

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

24 “(C) remain available until expended.

1 “(2) Amounts received under this section for
2 forfeitures under section 211(d) and costs imposed
3 under section 211(e) shall be used to pay the rea-
4 sonable and necessary costs incurred by the Sec-
5 retary to provide temporary storage, care, mainte-
6 nance, and disposal of any property seized in con-
7 nection with a violation of this Act or any regulation
8 promulgated under this Act.

9 “(3) Amounts received under this section as
10 civil penalties under section 211(c) of this bill and
11 any amounts remaining after the operation of para-
12 graph (2) shall be used as follows—

13 “(A) to stabilize, restore, or otherwise
14 manage the coral reef with respect to which the
15 violation occurred that resulted in the penalty
16 or forfeiture;

17 “(B) to be transferred to the Emergency
18 Response, Stabilization and Restoration Ac-
19 count established under section 208(d) or an
20 account referenced in section 210(d)(1) of this
21 Act, to reimburse such account for amounts
22 used for authorized emergency actions;

23 “(C) to conduct monitoring and enforce-
24 ment activities;

1 “(D) to conduct research on techniques to
2 stabilize and restore coral reefs;

3 “(E) to conduct activities that prevent or
4 reduce the likelihood of future damage to coral
5 reefs;

6 “(F) to stabilize, restore or otherwise man-
7 age any other coral reef; or

8 “(G) to pay a reward to any person who
9 furnishes information leading to an assessment
10 of a civil penalty, or to a forfeiture of property,
11 for a violation of this Act or any regulation pro-
12 mulgated under this Act.

13 “(g) CRIMINAL ENFORCEMENT.—

14 “(1) Any person (other than a foreign govern-
15 ment or any entity of such government) who know-
16 ingly commits any act prohibited by section 209(b)
17 of this Act shall be imprisoned for not more than
18 five years and shall be fined not more than
19 \$500,000 for individuals or \$1,000,000 for an orga-
20 nization; except that if in the commission of any
21 such offense the individual uses a dangerous weap-
22 on, engages in conduct that causes bodily injury to
23 any officer authorized to enforce the provisions of
24 this Act, or places any such officer in fear of immi-

1 nent bodily injury, the maximum term of imprison-
2 ment is not more than ten years.

3 “(2) Any person (other than a foreign govern-
4 ment or any entity of such government) who know-
5 ingly violates sections 209(a) or 209(c) shall be
6 fined under Title 18 or imprisoned not more than
7 five years or both.

8 “(3) The several district courts of the United
9 States shall have jurisdiction over any actions
10 brought by the United States arising under this sub-
11 section. For the purpose of this subsection, Amer-
12 ican Samoa shall be included within the judicial dis-
13 trict of the District Court of the United States for
14 the District of Hawaii. Each violation shall be a sep-
15 arate offense and the offense shall be deemed to
16 have been committed not only in the district where
17 the violation first occurred, but also in any other
18 district as authorized by law. Any offenses not com-
19 mitted in any district are subject to the venue provi-
20 sions of Title 18, Section 3238.

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

tion 554 of Title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and may administer oaths.

“(i) COAST GUARD AUTHORITY NOT LIMITED.— Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of Title 14, United States Code.

“(j) INJUNCTIVE RELIEF.—

“(1) If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a coral reef, or that there has been actual destruction or loss of, or injury to, a coral reef which may give rise to liability under section 210 of this title, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the coral reef, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

“(2) Upon the request of the Secretary, the Attorney General may seek to enjoin any person who

1 is alleged to be in violation of any provision of this
2 Act, or any regulation or permit issued under this
3 Act, and the district courts shall have jurisdiction to
4 grant such relief.

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

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

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

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

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

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

10 “(4) where some or all of the coral reef(s) or
11 components thereof that are the subject of the action
12 are not within the territory covered by any United
13 States district court, such action may be brought ei-
14 ther in the United States district court for the dis-
15 trict closest to the location where the destruction,
16 loss, injury, or risk of injury occurred, or in the
17 United States District Court for the District of Co-
18 lumbia.”.

19 **SEC. 13. PERMITS.**

20 The Coral Reef Conservation Act of 2000 (16 U.S.C.
21 6401 et seq.) is amended by inserting a new section 212
22 as follows:

23 **“SEC. 212. PERMITS.**

24 “(a) IN GENERAL.—The Secretary may allow for the
25 conduct of activities that would otherwise be prohibited

1 by this Act or regulations issued thereunder through, in
2 accordance with such regulations, issuance of coral reef
3 conservation permits.

4 “(b) FINDINGS.—No permit may be issued unless the
5 Secretary finds—

6 “(1) the activity proposed to be conducted is
7 compatible with one or more of the purposes in sec-
8 tion 202(b) of this Act;

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

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

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

19 “(d) FEES.—

20 “(1) ASSESSMENT AND COLLECTION.—Subject
21 to any regulations issued under this Act, the Sec-
22 retary may assess and collect fees as specified in this
23 subsection.

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

1 “(A) all costs incurred, or expected to be
2 incurred, by the Secretary in processing the
3 permit application, including indirect costs; and

4 “(B) if the permit is approved, all costs in-
5 curred, or expected to be incurred, by the Sec-
6 retary as a direct result of the conduct of the
7 activity for which the permit is issued, including
8 costs of monitoring the conduct of the activity
9 and educating the public about the activity and
10 coral reef resources related to the activity.

11 “(3) USE OF FEES.—Amounts collected by the
12 Secretary in the form of fees under this section shall
13 be collected and available for use only to the extent
14 provided in advance in appropriations Acts and may
15 be used by the Secretary for issuing and admin-
16 istering permits under this section.

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

20 “(A) accept in-kind contributions in lieu of
21 a fee; or

22 “(B) waive or reduce the fee.

23 “(e) FISHING.—Nothing in this section shall be con-
24 sidered to require a person to obtain a permit under this

1 section for the conduct of any fishing activities not prohib-
 2 ited by this Act or regulations issued thereunder.”.

3 **SEC. 14. COORDINATION WITH STATES AND TERRITORIES.**

4 The Coral Reef Conservation Act of 2000 (16 U.S.C.
 5 6401 et seq.) is amended by inserting a new section 213
 6 as follows:

7 **“SEC. 213. COORDINATION WITH STATES AND TERRI-
 8 TORIES.**

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

14 “(b) COOPERATIVE ENFORCEMENT AGREEMENTS.—
 15 All cooperative enforcement agreements in place between
 16 the Secretary and States affected by sections 208(d)
 17 through 212 of this Act shall be updated to include en-
 18 forcement of this Act where appropriate.”.

19 **SEC. 15. REGULATIONS.**

20 The Coral Reef Conservation Act of 2000 (16 U.S.C.
 21 6401 et seq.) is amended by inserting a new section 214
 22 as follows:

23 **“SEC. 214. REGULATIONS.**

24 “The Secretary may issue such regulations as are
 25 necessary and appropriate to carry out the purposes of

1 this Act. This Act and any regulations promulgated under
2 this Act shall be applied in accordance with international
3 law. No restrictions shall apply to or be enforced against
4 a person who is not a citizen, national, or resident alien
5 of the United States (including foreign flag vessels) unless
6 in accordance with international law.”.

7 **SEC. 16. EFFECTIVENESS REPORT.**

8 Section 215 of the Coral Reef Conservation Act of
9 2000 (16 U.S.C. 6407), as redesignated by section 2, is
10 amended to read as follows:

11 **“SEC. 215. EFFECTIVENESS REPORT.**

12 “Not later than 2 years after the date on which the
13 Secretary publishes the Report on U.S. Coral Reef Task
14 Force Agency Activities 2002 to 2003 and every 2 years
15 thereafter, the Secretary shall submit to the Committee
16 on Commerce, Science, and Transportation of the Senate
17 and the Committee on Natural Resources of the House
18 of Representatives a report describing all activities under-
19 taken to implement the strategy, under section 203, in-
20 cluding a description of the funds obligated each fiscal
21 year to advance coral reef ecosystem conservation. This
22 report will cover the time period since the last report was
23 submitted.”.

1 **SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 216 of the Coral Reef Conservation Act of
3 2000 (16 U.S.C. 6408), as redesignated by section 2, is
4 amended to read as follows:

5 **“SEC. 216. AUTHORIZATION OF APPROPRIATIONS.**

6 “(a) IN GENERAL.—There are authorized to be ap-
7 propriated to the Secretary to carry out this Act, including
8 for the Emergency Response, Stabilization and Restora-
9 tion Account established under section 208(d),
10 \$25,797,000 in fiscal year 2008 and such sums as may
11 be necessary for each of fiscal years 2009 through 2012.

12 “(b) ADMINISTRATION.—Of the amounts appro-
13 priated under subsection (a), not more than 10 percent
14 of the amounts appropriated, may be used for program
15 administration or for overhead costs incurred by the Na-
16 tional Oceanic and Atmospheric Administration or the De-
17 partment of Commerce and assessed as an administrative
18 charge.”.

19 **SEC. 18. DEFINITIONS.**

20 Section 217 of the Coral Reef Conservation Act of
21 2000 (16 U.S.C. 6409), as redesignated by section 2, is
22 amended to read as follows:

23 **“SEC. 217. DEFINITIONS.**

24 “In this title:

25 “(1) BIODIVERSITY.—The term ‘biodiversity’
26 means the variability among living organisms from

1 all sources including, inter alia, terrestrial, marine
2 and other aquatic ecosystems and the ecological
3 complexes of which they are part; this includes di-
4 versity within species, between species and of eco-
5 systems.

6 “(2) CONSERVATION.—The term ‘conservation’
7 means the use of methods and procedures necessary
8 to preserve or sustain corals and associated species
9 as diverse, viable, and self-perpetuating coral reef
10 ecosystems, including all activities associated with
11 resource management, such as assessment, conserva-
12 tion, protection, restoration, sustainable use, and
13 management of habitat; mapping; habitat moni-
14 toring; assistance in the development of management
15 strategies for marine protected areas and marine re-
16 sources consistent with the National Marine Sanc-
17 tuaries Act (16 U.S.C. 1431 et seq.) and the Mag-
18 nuson-Stevens Fishery Conservation and Manage-
19 ment Act (16 U.S.C. 1801 et seq.); law enforcement;
20 conflict resolution initiatives; community outreach
21 and education; and that promote safe and eco-
22 logically sound navigation.

23 “(3) CORAL.—The term ‘coral’ means species
24 of the phylum Cnidaria, including—

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

7 “(B) all species of the families Milleporidea
 8 (fire corals) and Stylasteridae (stylasterid
 9 hydrocorals) of the class Hydrozoa.

10 “(4) CORAL REEF.—Coral Reefs are defined as
 11 limestone structures composed in whole or in part of
 12 living zooxanthellate stony corals (Class Anthozoa,
 13 Order Scleractinia), as described in section 217(3),
 14 their skeletal remains, or both, and including other
 15 coral, associated sessile invertebrates and plants,
 16 and any adjacent or associated seagrasses.

17 “(5) CORAL REEF COMPONENT.—The term
 18 ‘coral reef component’ means any part of a coral
 19 reef, including individual living or dead corals, asso-
 20 ciated sessile invertebrates and plants, and any adja-
 21 cent or associated seagrasses.

22 “(6) CORAL REEF ECOSYSTEM.—The term
 23 ‘coral reef ecosystem’ means the system of coral
 24 reefs and geographically associated species and habi-
 25 tats, including but not limited to mangroves and

1 seagrass habitats, their living marine resources, the
 2 people, the environment, and the processes that con-
 3 trol its dynamics.

4 “(7) CORAL PRODUCTS.—The term ‘coral prod-
 5 ucts’ means any living or dead specimens, parts, or
 6 derivatives, or any product containing specimens,
 7 parts, or derivatives, of any species referred to in
 8 paragraph (3).

9 “(8) DAMAGES.—The term ‘damages’ in-
 10 cludes—

11 “(A) compensation for—

12 “(i) the cost of replacing, restoring, or
 13 acquiring the equivalent of the coral reef,
 14 or component thereof; and

15 “(ii) the lost services of, or the value
 16 of the lost use of, the coral reef or compo-
 17 nent thereof, or the cost of activities to
 18 minimize or prevent threats of, equivalent
 19 injury to, or destruction of coral reefs or
 20 components thereof, pending restoration or
 21 replacement or the acquisition of an equiv-
 22 alent coral reef or component thereof;

23 “(B) the reasonable cost of damage assess-
 24 ments under section 210;

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

3 “(D) the reasonable cost of monitoring ap-
4 propriate to the injured, restored, or replaced
5 resources;

6 “(E) the reasonable cost of curation, con-
7 servation and loss of contextual information of
8 any coral encrusted archeological, historical,
9 and cultural resource;

10 “(F) the cost of legal actions under section
11 210, undertaken by the United States, associ-
12 ated with the destruction or loss of, or injury
13 to, a coral reef or component thereof, including
14 the costs of attorney time and expert witness
15 fees; and

16 “(G) the indirect costs associated with the
17 costs listed in subparagraphs (A) through (F)
18 of this paragraph.

19 “(9) EMERGENCY ACTIONS.—The term ‘emer-
20 gency actions’ means all necessary actions to prevent
21 or minimize the additional destruction or loss of, or
22 injury to, coral reefs or components thereof, or to
23 minimize the risk of such additional destruction,
24 loss, or injury.

1 “(10) EXCLUSIVE ECONOMIC ZONE.—The term
2 ‘Exclusive Economic Zone’ means the waters of the
3 Exclusive Economic Zone of the United States under
4 Presidential Proclamation 5030, dated March 10,
5 1983.

6 “(11) LOCAL ACTION STRATEGY.—The term
7 ‘Local Action Strategy’ refers to a plan developed
8 within each of the seven U.S. Coral Reef Task Force
9 member states for collaborative action among fed-
10 eral, state, territory and non-governmental partners,
11 which identifies priority actions needed to reduce key
12 threats to valuable coral reef resources.

13 “(12) PERSON.—The term ‘person’ means any
14 individual; private or public corporation, partnership,
15 trust, institution, association, or any other public or
16 private entity, whether foreign or domestic; private
17 person or entity, or any officer, employee, agent, De-
18 partment, agency, or instrumentality of the Federal
19 Government, of any State or local unit of govern-
20 ment, or of any foreign government.

21 “(13) RESPONSE COSTS.—The term ‘response
22 costs’ means the costs of actions taken or authorized
23 by the Secretary to minimize destruction or loss of,
24 or injury to, a coral reef, or component thereof, or
25 to minimize the imminent risks of such destruction,

1 loss, or injury, including costs related to seizure, for-
 2 feiture, storage, or disposal arising from liability
 3 under section 210.

4 “(14) SECRETARY.—The term ‘Secretary’
 5 means—

6 “(A) for purposes of sections 201 through
 7 208 and sections 215 through 217, the Sec-
 8 retary of Commerce; and

9 “(B) for purposes of sections 209 through
 10 214 and section 218—

11 “(i) the Secretary of the Interior for
 12 any coral reef or component thereof located
 13 in (I) the National Wildlife Refuge System,
 14 (II) the National Park System, and (III)
 15 the waters surrounding Wake Island under
 16 the jurisdiction of the Secretary of the In-
 17 terior, as set forth in Executive Order
 18 11048 (27 Fed. Reg. 8851 (Sept. 4,
 19 1962)); or

20 “(ii) the Secretary of Commerce for
 21 any coral reef or component thereof located
 22 in any area not governed by clause (B)(i).

23 “(15) SERVICE.—Within section 217(7), the
 24 term ‘service’ means function(s), ecological or other-

1 wise, performed by a coral reef, or component there-
 2 of.

3 “(16) STATE.—The term ‘State’ means any
 4 State of the United States that contains a coral reef
 5 ecosystem within its seaward boundaries, American
 6 Samoa, Guam, the Northern Mariana Islands, Puer-
 7 to Rico, and the Virgin Islands, and any other terri-
 8 tory or possession of the United States, or separate
 9 sovereign in free association with the United States,
 10 that contains a coral reef ecosystem within its sea-
 11 ward boundaries.

12 “(17) TERRITORIAL SEA.—The term ‘Terri-
 13 torial Sea’ means the waters of the Territorial Sea
 14 of the United States under Presidential Proclama-
 15 tion 5928, dated December 27, 1988.”.

16 **SEC. 19. JUDICIAL REVIEW.**

17 The Coral Reef Conservation Act of 2000 (16 U.S.C.
 18 6401 et seq.) is amended by inserting a new section 218
 19 as follows:

20 **“SEC. 218. JUDICIAL REVIEW.**

21 “(a) Judicial review of any action taken by the Sec-
 22 retary under this Act shall be in accordance with sections
 23 701 through 706 of Title 5, except that—

24 “(1) review of any final agency action of the
 25 Secretary taken pursuant to sections 211(c)(1) and

1 211(c)(2) may be had only by the filing of a com-
2 plaint by an interested person in the United States
3 District Court for the appropriate district; any such
4 complaint must be filed within thirty days of the
5 date such final agency action is taken; and

6 “(2) review of all other final agency actions of
7 the Secretary under this Act may be had only by the
8 filing of a petition for review by an interested person
9 in the Circuit Court of Appeals of the United States
10 for the federal judicial district in which such person
11 resides or transacts business which is directly af-
12 fected by the action taken; such petition shall be
13 filed within 120 days from the date such final agen-
14 cy action is taken.

15 “(b) Final agency action with respect to which review
16 could have been obtained under subsection (a)(2) shall not
17 be subject to judicial review in any civil or criminal pro-
18 ceeding for enforcement.

19 “(c) In any judicial proceeding under subsection (a),
20 the court may award costs of litigation (including reason-
21 able attorney and expert witness fees) to any prevailing
22 party whenever it determines that such award is appro-
23 priate.”.

1 **SEC. 20. THE DEPARTMENT OF THE INTERIOR PROGRAM.**

2 (a) DEFINITIONAL AMENDMENTS AND CLARIFICA-
3 TIONS.—

4 (1) Section 8 of the Act of March 10, 1934 (16
5 U.S.C. 666b), commonly known as the Fish and
6 Wildlife Coordination Act, is amended by inserting
7 at the end thereof the words “, including coral reef
8 ecosystems (as such term is defined in section
9 217(b) of the Coral Reef Conservation Act of 2000,
10 as amended)”.

11 (2) With respect to the authorities under the
12 Act of August 8, 1956 (16 U.S.C. 742a et seq.), as
13 amended, commonly known as the Fish and Wildlife
14 Act of 1956; and under Public Law 95–616 (16
15 U.S.C. 742l), as amended, commonly known as the
16 Fish and Wildlife Improvement Act of 1978, ref-
17 erences in such Acts to “wildlife” or “fish and wild-
18 life” shall be construed to include coral reef eco-
19 systems (as such term is defined in section 217(b)
20 of the Coral Reef Conservation Act of 2000, as
21 amended).

22 (b) ASSISTANCE TO INSULAR AREAS.—Sec. 601 of
23 Public Law 96–597 (48 U.S.C. 1469d), as amended, is
24 amended by redesignating existing subsection (d) as (e),
25 and by inserting:

1 “(d) CORAL REEFS.—The Secretary of the Interior
 2 is authorized to extend to the governments of American
 3 Samoa, the Commonwealth of the Northern Mariana Is-
 4 lands, Guam, and the Virgin Islands, and their agencies
 5 and instrumentalities, financial and technical assistance
 6 for the conservation of coral reef ecosystems (as such term
 7 is defined in the Coral Reef Conservation Act of 2000
 8 [Public Law No. 106–562, 114 Stat. 2794 (2000)], as
 9 amended) under the jurisdiction of such governments.”.

10 (c) The Coral Reef Conservation Act of 2000 (16
 11 U.S.C. 6401 et seq.) is amended by inserting a new section
 12 219 as follows:

13 **“SEC. 219. DEPARTMENT OF THE INTERIOR.**

14 “(a) CORAL REEF CONSERVATION ASSISTANCE.—
 15 The Secretary of the Interior may provide technical and
 16 financial assistance to States, American Samoa, the Com-
 17 monwealth of the Northern Mariana Islands, Guam, Puer-
 18 to Rico and the Virgin Islands, for management and con-
 19 servation of coral reef ecosystems, including implementa-
 20 tion of Local Action Strategies. The Secretary shall co-
 21 ordinate coral reef conservation activities under the Act
 22 of March 10, 1934 (16 U.S.C. 666b), as amended, com-
 23 monly known as the Fish and Wildlife Coordination Act,
 24 Public Law 95–616 (16 U.S.C. 742l), as amended, com-
 25 monly known as the Fish and Wildlife Improvement Act

1 of 1978, Public Law 96–597 (48 U.S.C. 1469d), as
2 amended, with those coral reef conservation activities of
3 other agencies and partners, including those activities car-
4 ried out through the U.S. Coral Reef Task Force.”.

