

are especially qualified in 1 or more of the disciplines and fields relating to hydrographic data and hydrographic services, and other disciplines as determined appropriate by the Administrator.”;

(3) by striking “Secretary” in subsections (c)(1)(C), (c)(3), and (e) and inserting “Administrator”; and

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

“(d) COMPENSATION.—Voting members of the panel shall be reimbursed for actual and reasonable expenses, such as travel and per diem, incurred in the performance of such duties.”.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 307 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), as redesignated by section 2, is amended to read as follows:

#### “SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Administrator sums as may be necessary for each of fiscal years 2008 through 2012 for the purposes of carrying out this Act.”.

By Mr. INOUE (for himself and Mr. STEVENS) (by request):

S. 1583. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other coral conservation purposes; to the Committee on Commerce, Science, and Transportation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1583

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE AND REFERENCES.

(a) This Act may be cited as the “Coral Reef Ecosystem Conservation Amendments Act of 2007”.

(b) Except as otherwise expressly provided, whenever in this bill an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

#### SEC. 2. REDESIGNATIONS.

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

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

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

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

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

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

#### SEC. 3. FINDINGS AND PURPOSES.

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

#### “SEC. 202. FINDINGS AND PURPOSES.

“(a) The Congress finds that—

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

“(2) coral reef resources provide economic and environmental benefits in the form of food, jobs, natural products, and pharmaceuticals;

“(3) coral reefs are the basis of thriving commercial and recreational fishing and tourism industries;

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

“(5) natural stressors on coral reefs are compounded by human impacts including pollution, overfishing, and physical damage; and

“(6) healthy coral reefs provide shoreline protection for coastal communities and resources.

“(b) The purposes of this title are—

“(1) to preserve, sustain, and restore the condition of coral reef ecosystems;

“(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities, the Nation, and the world;

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

“(4) to assist in the preservation of coral reef ecosystems by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;

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

“(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects; and

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

#### SEC. 4. NATIONAL CORAL REEF ACTION STRATEGY.

Section 203(a) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6402(a)) is amended to read as follows:

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

#### SEC. 5. CORAL REEF CONSERVATION PROGRAM.

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

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

(2) by amending subsection (a) to read as follows:

“(a) GRANTS.—The Secretary, subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reef ecosystems (hereafter in this title referred to as ‘coral conservation projects’), for proposals approved by the Secretary in accordance with this section.”;

(3) by amending subsection (c) to read as follows:

“(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reef ecosystems, or whose activities directly or indirectly affect coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reef ecosystems, may submit to the Secretary a coral conservation proposal under subsection (e).”;

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

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

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

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

“(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reef ecosystems and biodiversity;

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

“(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reef ecosystems or regulate the use and management of coral reef ecosystems;

“(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems and their biodiversity, including factors that cause coral disease and bleaching;

“(5) promoting and assisting to implement cooperative coral reef ecosystem conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;

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

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

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

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

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

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

(7) in subsection (i), as redesignated, by striking “coral reefs” and inserting “coral reef ecosystems”.

#### SEC. 6. CORAL REEF CONSERVATION FUND.

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

(1) by amending subsection (a) to read as follows:

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

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

(3) in subsection (c) by striking “the grant program” and inserting “any grant program”; and

(4) in subsection (d) by striking “Administrator” and inserting “Secretary”.

#### SEC. 7. AGREEMENTS.

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

**SEC. 206. AGREEMENTS.**

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

“(b) For purposes related to the conservation, preservation, protection, restoration or replacement of coral reefs or coral reef ecosystems and the enforcement of this Act, the Secretary is authorized to use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency or instrumentality of the United States, or of any state, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization.

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

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

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

“(3) Appropriated funds may be used to satisfy a requirement to match grant funds with recipient agency funds, except that no grant may be accepted that requires a commitment in advance of appropriations.

“(4) Funds received from grants shall be deposited in the National Oceanic and Atmospheric Administration account that serves to accomplish the purpose for which the grant was awarded.”

**SEC. 8. EMERGENCY ASSISTANCE.**

Section 207 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6405), as redesignated by section 2, is amended to read as follows: **“SEC. 207. EMERGENCY ASSISTANCE.**

The Secretary, in cooperation with the Federal Emergency Management Agency, as appropriate, may provide assistance to any State, local, or territorial government agency with jurisdiction over coral reef ecosystems to address any unforeseen or disaster-related circumstance pertaining to coral reef ecosystems.”

**SEC. 9. NATIONAL PROGRAM.**

Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406), as redesignated by section 2, is amended to read as follows: **“SEC. 208. NATIONAL PROGRAM.**

“(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary may conduct activities, including with local, regional, or international programs and partners, as appropriate, to conserve coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972.

“(b) **AUTHORIZED ACTIVITIES.**—Activities authorized under subsection (a) include—

“(1) mapping, monitoring, assessment, restoration, socioeconomic and scientific research that benefit the understanding, sustainable use, biodiversity, and long-term conservation of coral reef ecosystems;

“(2) enhancing public awareness, education, understanding, and appreciation of coral reef ecosystems;

“(3) removing, and providing assistance to States in removing, abandoned fishing gear, marine debris, and abandoned vessels from

coral reefs ecosystems to conserve living marine resources;

“(4) responding to incidents and events that threaten and damage coral reef ecosystems, including disease and bleaching;

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

“(6) centrally archiving, managing, and distributing data sets and providing coral reef ecosystem assessments and services to the general public, with local, regional, or international programs and partners.

“(c) **DATA ARCHIVE, ACCESS, AND AVAILABILITY.**—The Secretary, in coordination with similar efforts at other Departments and agencies, as appropriate, shall provide for long-term stewardship of environmental data, products, and information via data processing, storage, and archive facilities, pursuant to this Act. To implement this provision, the Secretary may—

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

(2) Promote widespread availability and dissemination of environmental data and information through full and open access and exchange to the greatest extent possible, including in electronic format on the Internet;

(3) Develop standards, protocols and procedures for sharing federal data with State and local government programs and the private sector or academia; and

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

“(d) **EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.**—The Secretary shall establish an account (to be called the Emergency Response, Stabilization and Restoration Account) in the Damage Assessment Restoration Revolving Fund established by Public Law 101-515, 104 Stat. 2101 (1990) (33 U.S.C. 2706 note), for implementation of this subsection for emergency actions. There are authorized to be deposited into the Emergency Response, Stabilization and Restoration Account amounts which are authorized to be appropriated for such Account pursuant to section 216, and funds which are authorized by sections 210(d)(3)(B) and 211(f)(3)(B). Amounts in the Emergency Response, Stabilization and Restoration Account shall be available for use by the Secretary as specified in sections 210 and 211.”

**SEC. 10. PROHIBITED ACTIVITIES.**

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

**“SEC. 209. PROHIBITED ACTIVITIES AND SCOPE OF PROHIBITIONS.**

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

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

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

“(B) if the destruction, loss, or injury was caused by an activity that is authorized by Federal or State law including, but not limited to, lawful discharges from vessels of graywater, cooling water, engine exhaust, ballast water and sewage from marine sanitation devices; provided, however, that such activity shall not be construed to include actions such as vessel groundings, vessel scrapings, anchor damage, excavation not authorized by Federal or State permit, or other similar activities;

“(C) if the destruction, loss, or injury was the necessary result of bona fide marine scientific research; provided, however, that conduct of such research shall not be construed to include excessive sampling or collecting, or actions such as vessel groundings, vessel scrapings, anchor damage, excavation, or other similar activities; provided further, however, that marine scientific research activities approved by State or local permits qualify as bona fide marine scientific research;

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

“(i) was caused by a Federal Government agency 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

“(ii) could not reasonably be avoided;

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

“(A) refusing to permit any officer authorized to enforce this Act to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this Act;

“(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this Act or any such authorized officer in the conduct of any search or inspection performed under this Act; or

“(C) submitting false information to the Secretary or any officer authorized to enforce this Act in connection with any search or inspection conducted under this Act.

“(3) violate any provision of this Act, any permit issued pursuant to this Act, or any regulation promulgated pursuant to this Act.”

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

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

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

“(a) **LIABILITY.**—

“(1) **LIABILITY TO THE UNITED STATES.**—Except as provided in subsection (f), all persons who engage in an activity that is prohibited under sections 209(a) or 209(c), or create an imminent risk thereof, are liable, jointly and severally, to the United States for an amount equal to the sum of—

“(A) response costs and damages resulting from the destruction, loss, or injury, or imminent risk thereof, including damages resulting from the response actions;

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

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

“(2) **LIABILITY IN REM.**—

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

“(i) response costs and damages resulting from such destruction, loss, or injury, or imminent risk thereof, including damages resulting from the response actions;

“(ii) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

“(iii) interest on that amount calculated in the manner described under section 2705 of Title 33.

“(B) The amount of liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.

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

“(4) LIMITS TO LIABILITY.—Nothing in sections 30501 to 30512 or 30706 of Title 46 shall limit liability to any person under this Act.

“(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.—

“(1) RESPONSE ACTIONS.—The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction or loss of, or injury to, coral reefs, or components thereof, or to minimize the risk or imminent risk of such destruction, loss, or injury.

“(2) DAMAGE ASSESSMENT.—

“(A) The Secretary shall assess damages to coral reefs in accordance with the damages definition in section 217 and shall consult with State officials regarding response and damage assessment actions undertaken for coral reefs within State waters.

“(B) There shall be no double recovery under this chapter for coral reef damages, including the cost of damage assessment, for the same incident.

“(c) COMMENCEMENT OF CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—

(1) COMMENCEMENT.—The Attorney General, upon the request of the Secretary, may commence a civil action against any person or vessel that may be liable under subsection (a) of this section for response costs, seizure, forfeiture, storage, or disposal costs, and damages, and interest on that amount calculated in the manner described under section 2705 of Title 33. The Secretary, acting as trustee for coral reefs for the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

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

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

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

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

“(D) where some or all of the coral reef(s) or componentsthereof that are the subject of the action are not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

“(d) USE OF RECOVERED AMOUNTS.—Any costs, including response costs and damages recovered by the Secretary under this section shall—

“(1) as appropriate be deposited into an account or accounts in the Damage Assessment Restoration Revolving Fund established by Public Law 101-515, 104 Stat. 2101 (1990) (33 U.S.C. 2706 note), or the Natural Resource Damage Assessment Fund created pursuant

to Title I of Public Law 102-154, 105 Stat. 990 (1991);

“(2) be available for use by the Secretary without further appropriation and remain available until expended;

“(3) and shall be for use, as the Secretary considers appropriate, as follows:

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

“(B) to be transferred to the Emergency Response, Stabilization and Restoration Account established under section 208(d) to reimburse that account for amounts used for authorized emergency actions; and “(C) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any coral reefs, or components thereof, including the reasonable costs of monitoring, or to minimize or prevent threats of equivalent injury to, or destruction of coral reefs, or components thereof.

“(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the coral reefs, or components thereof, to which the action relates.

“(f) FEDERAL GOVERNMENT ACTIVITIES.—In the event of threatened or actual destruction of, loss of, or injury to a coral reef or component thereof resulting from an incident caused by a component of any Department or agency of the United States Government, the cognizant Department or agency shall satisfy its obligations under this section by promptly, in coordination with the Secretary, taking appropriate actions to respond to and mitigate the harm and restoring or replacing the coral reef or components thereof and reimbursing the Secretary for all assessment costs.”

#### SEC. 12. ENFORCEMENT.

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

#### “SEC. 211. ENFORCEMENT.

“(a) IN GENERAL.—The Secretary shall conduct enforcement activities to carry out this Act.

“(b) POWERS OF AUTHORIZED OFFICERS.—Any person who is authorized to enforce this Act may—

“(1) board, search, inspect, and seize any vessel or other conveyance suspected of being used to violate this Act, any regulation promulgated under this Act, or any permit issued under this Act, and any equipment, stores, and cargo of such vessel;

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

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

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

“(5) exercise any other lawful authority; and

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

“(c) CIVIL ENFORCEMENT AND PERMIT SANCTIONS.—

“(1) CIVIL ADMINISTRATIVE PENALTY.—Any person subject to the jurisdiction of the United States who violates this Act or any regulation promulgated or permit issued thereunder, shall be liable to the United States for a civil administrative penalty of

not more than \$200,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

“(2) PERMIT SANCTIONS.—For any person subject to the jurisdiction of the United States who has been issued or has applied for a permit under this Act, and who violates this Act or any regulation or permit issued under this Act, the Secretary may deny, suspend, amend or revoke in whole or in part any such permit. For any person who has failed to pay or defaulted on a payment agreement of any civil penalty or criminal fine or liability assessed pursuant to any natural resource law administered by the Secretary, the Secretary may deny, suspend, amend or revoke in whole or in part any permit issued or applied for under this Act.

(3) “IMPOSITION OF CIVIL JUDICIAL PENALTIES.—Any person who violates any provision of this Act, any regulation promulgated or permit issued thereunder, shall be subject to a civil judicial penalty not to exceed \$250,000 for each such violation. Each day of a continuing violation shall constitute a separate violation. The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

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

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

“(6) COLLECTION OF PENALTIES.—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States (plus interest at current prevailing rates from the date of the final order). In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter.

“(7) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty or permit sanction which is or may be imposed under this section and that has not been referred to

the Attorney General for further enforcement action.

“(8) JURISDICTION 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 commit or facilitate the commission of the offense, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation. Pursuant to Title 28, Section 2461(c), the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d) of that section shall apply to criminal forfeitures under this section.

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

“(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 a violation of this Act, 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 commit or facilitate the commission of a violation of this Act, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

“(3) APPLICATION OF THE CUSTOMS LAWS.—All provisions of law relating to seizure, summary and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as applicable and not inconsistent with the provisions hereof. However, with respect to seizures and forfeitures of property under this section by the Secretary, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

“(4) PRESUMPTION.—For the purposes of this section there is a rebuttable presumption that all coral reefs, or components thereof, found on board a vessel that is used or seized in connection with a violation of this Act or of any regulation promulgated under this Act were taken, obtained, or re-

tained in violation of this Act or of a regulation promulgated under this Act.

“(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Any person assessed a civil penalty for a violation of this Act or of any regulation promulgated under this Act and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

“(f) EXPENDITURES.—

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

“(A) be placed into an account;

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

“(C) remain available until expended.

“(2) Amounts received under this section for forfeitures under section 211(d) and costs imposed under section 211(e) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any property seized in connection with a violation of this Act or any regulation promulgated under this Act.

“(3) Amounts received under this section as civil penalties under section 211(c) of this bill and any amounts remaining after the operation of paragraph (2) shall be used as follows—

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

“(B) to be transferred to the Emergency Response, Stabilization and Restoration Account established under section 208(d) or an account referenced in section 210(d)(1) of this Act, to reimburse such account for amounts used for authorized emergency actions;

“(C) to conduct monitoring and enforcement activities;

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

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

“(F) to stabilize, restore or otherwise manage any other coral reef; or

“(G) to pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this Act or any regulation promulgated under this Act.

“(g) CRIMINAL ENFORCEMENT.—

“(1) Any person (other than a foreign government or any entity of such government) who knowingly commits any act prohibited by section 209(b) of this Act shall be imprisoned for not more than five years and shall be fined not more than \$500,000 for individuals or \$1,000,000 for an organization; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than ten years.

“(2) Any person (other than a foreign government or any entity of such government) who knowingly violates sections 209(a) or 209(c) shall be fined under Title 18 or imprisoned not more than five years or both.

“(3) The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this subsection. For the purpose of this subsection, 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. Any offenses not committed in any district are subject to the venue provisions of Title 18, Section 3238.

“(h) SUBPOENAS.—In the case of any investigation or hearing under this section or any other natural resource statute administered by the National Oceanic and Atmospheric Administration which is determined on the record in accordance with the procedures provided for under section 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 is alleged to be in violation of any provision of this Act, or any regulation or permit issued under this Act, and the district courts shall have jurisdiction to grant such relief.

“(k) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this Act includes the internal waters of the United States, the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, the Exclusive Economic Zone of the United States as described in Presidential Proclamation 5030 of March 10, 1983, and the continental shelf, consistent with international law.

“(l) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this Act, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with Rule 4 of the Federal Rules of Civil Procedure.

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

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

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

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

“(4) where some or all of the coral reef(s) or components thereof that are the subject of the action are not within the territory covered by any United States district court,

such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.”

#### SEC. 13. PERMITS.

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

##### “SEC. 212. PERMITS.

“(a) IN GENERAL.—The Secretary may allow for the conduct of activities that would otherwise be prohibited by this Act or regulations issued thereunder through, in accordance with such regulations, issuance of coral reef conservation permits.

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

“(1) the activity proposed to be conducted is compatible with one or more of the purposes in section 202(b) of this Act;

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

“(3) there is no practicable alternative to conducting the activity in a manner that destroys, causes the loss of, or injures any coral reef or any component thereof.

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

“(d) FEES.—

“(1) ASSESSMENT AND COLLECTION.—Subject to any regulations issued under this Act, the Secretary may assess and collect fees as specified in this subsection.

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

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

“(B) if the permit is approved, all costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity and educating the public about the activity and coral reef resources related to the activity.

“(3) USE OF FEES.—Amounts collected by the Secretary in the form of fees under this section shall be collected and available for use only to the extent provided in advance in appropriations Acts and may be used by the Secretary for issuing and administering permits under this section.

“(4) WAIVER OR REDUCTION OF FEES.—For any fee assessed under paragraph (2) of this subsection, the Secretary may—

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

“(B) waive or reduce the fee.

(e) FISHING.—Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activities not prohibited by this Act or regulations issued thereunder.”

#### SEC. 14. COORDINATION WITH STATES AND TERRITORIES.

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

##### “SEC. 213. COORDINATION WITH STATES AND TERRITORIES.

“(a) RESPONSE AND RESTORATION ACTIVITIES.—The Secretary shall, when appropriate, enter into a written agreement with any affected State regarding the manner in which response and restoration activities will be conducted within the affected State’s waters.

“(b) COOPERATIVE ENFORCEMENT AGREEMENTS.—All cooperative enforcement

agreements in place between the Secretary and States affected by sections 208(d) through 212 of this Act shall be updated to include enforcement of this Act where appropriate.”

#### SEC. 15. REGULATIONS.

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

##### “SEC. 214. REGULATIONS.

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

#### SEC. 16. EFFECTIVENESS REPORT.

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

##### “SEC. 215. EFFECTIVENESS REPORT.

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

#### SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

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

##### “SEC. 216. AUTHORIZATION OF APPROPRIATIONS.

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

“(b) ADMINISTRATION.—Of the amounts appropriated under subsection (a), not more than 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.”

#### SEC. 18. DEFINITIONS.

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

##### “SEC. 217. DEFINITIONS.

“In this title:

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

(2) CONSERVATION.—The term ‘conservation’ means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in

the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

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

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

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

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

“(5) CORAL REEF COMPONENT.—The term ‘coral reef component’ means any part of a coral reef, including individual living or dead corals, associated sessile invertebrates and plants, and any adjacent or associated seagrasses.

“(6) CORAL REEF ECOSYSTEM.—The term ‘coral reef ecosystem’ means the system of coral reefs and geographically associated species and habitats, including but not limited to mangroves and seagrass habitats, their living marine resources, the people, the environment, and the processes that control its dynamics.

“(7) CORAL PRODUCTS.—The term ‘coral products’ means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

“(8) DAMAGES.—The term ‘damages’ includes—

“(A) compensation for—

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

“(ii) the lost services of, or the value of the lost use of, the coral reef or component thereof, or the cost of activities to minimize or prevent threats of, equivalent injury to, or destruction of coral reefs or components thereof, pending restoration or replacement or the acquisition of an equivalent coral reef or component thereof;

“(B) the reasonable cost of damage assessments under section 210;

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

“(D) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources;

“(E) the reasonable cost of curation, conservation and loss of contextual information of any coral encrusted archeological, historical, and cultural resource;

“(F) the cost of legal actions under section 210, undertaken by the United States, associated with the destruction or loss of, or injury to, a coral reef or component thereof, including the costs of attorney time and expert witness fees; and

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

“(9) EMERGENCY ACTIONS.—The term ‘emergency actions’ means all necessary actions to prevent or minimize the additional destruction or loss of, or injury to, coral reefs or components thereof, or to minimize the

risk of such additional destruction, loss, or injury.

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

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

“(12) **PERSON.**—The term ‘person’ means any individual; private or public corporation, partnership, trust, institution, association, or any other public or private entity, whether foreign or domestic; private person or entity, or any officer, employee, agent, Department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

“(13) **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 210.

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

“(A) for purposes of sections 201 through 208 and sections 215 through 217, the Secretary of Commerce; and

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

“(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) the waters surrounding Wake Island under the jurisdiction of the Secretary of the Interior, as set forth in Executive Order 11048 (27 Fed. Reg. 8851 (Sept. 4, 1962)); or

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

“(15) **SERVICE.**—Within section 217(7), the term ‘service’ means function(s), ecological or otherwise, performed by a coral reef, or component thereof.

“(16) **STATE.**—The term ‘State’ means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

“(17) **TERRITORIAL SEA.**—The term ‘Territorial Sea’ means the waters of the Territorial Sea of the United States under Presidential Proclamation 5928, dated December 27, 1988.”

#### SEC. 19. JUDICIAL REVIEW.

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

##### “SEC. 218. JUDICIAL REVIEW.

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

“(1) review of all other final agency actions of the Secretary taken pursuant to sections 211(c)(1) and 211(c)(2) may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district; any such complaint must be filed within thirty days of the date such final agency action is taken; and

“(2) review of all other final agency actions of the Secretary under this Act may be had only by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the federal judicial district in which such person resides or transacts business which is directly affected by the action taken; such petition shall be filed within 120 days from the date such final agency action is taken.

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

(c) In any judicial proceeding under subsection (a), the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.”

#### SEC. 20. THE DEPARTMENT OF THE INTERIOR PROGRAM.

(a) **DEFINITIONAL AMENDMENTS AND CLARIFICATIONS.**—

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

(2) With respect to the authorities under the Act of August 8, 1956 (16 U.S.C. 742a et seq.), as amended, commonly known as the Fish and Wildlife Act of 1956; and under Public Law 95-616 (16 U.S.C. 742l), as amended, commonly known as the Fish and Wildlife Improvement Act of 1978, references in such Acts to “wildlife” or “fish and wildlife” shall be construed to include coral reef ecosystems (as such term is defined in section 217(b) of the Coral Reef Conservation Act of 2000, as amended).

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

“(d) **CORAL REEFS.**—The Secretary of the Interior is authorized to extend to the governments of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands, and their agencies and instrumentalities, financial and technical assistance for the conservation of coral reef ecosystems (as such term is defined in the Coral Reef Conservation Act of 2000 [Pub. L. No. 106-562, 114 Stat. 2794 (2000)], as amended) under the jurisdiction of such governments.”

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

##### “SEC. 219. DEPARTMENT OF THE INTERIOR.

**CORAL REEF CONSERVATION ASSISTANCE.**—The Secretary of the Interior may provide technical and financial assistance to States, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico and the Virgin Islands, for management and conservation of coral reef ecosystems, including implementation of Local Action Strategies. The Secretary shall coordinate coral reef conservation activities under the Act of March 10, 1934 (16 U.S.C. 666b), as amended, commonly known as the Fish and Wildlife Coordination Act, Public Law 95-616 (16 U.S.C. 742l), as amended, commonly known as the Fish and Wildlife Improvement Act of 1978, Public Law 96-597 (48 U.S.C. 1469d), as amended, with those coral reef conservation activities of other agencies and partners, including those activities carried out through the U.S. Coral Reef Task Force.”

S. 1584. A bill to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1584

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the ‘Hydrographic Services Improvement Act Amendments of 2007’.

#### SEC. 2. REDESIGNATIONS.

The Hydrographic Services Improvement Act of 1998 is amended by redesignating sections 302 through 306 (33 U.S.C. 892d) as sections 303 through 307, respectively.

#### SEC. 3. ADDITION OF FINDINGS AND PURPOSES.

The Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.) is amended by inserting a new section 302 as follows:

##### “SEC. 302. FINDINGS AND PURPOSES

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

“(1) in 2007, the Nation celebrates the 200th anniversary of its oldest scientific agency, the Survey of the Coast, which was authorized by Congress and created by President Thomas Jefferson in 1807 to conduct surveys of the coast and provide nautical charts for safe passage through the Nation’s ports and along its extensive coastline;

“(2) these mission requirements and capabilities, which today are located in the National Oceanic and Atmospheric Administration, evolved over time to include research, development, operations, products, and services associated with hydrographic, geodetic, shoreline and baseline surveying; cartography, mapping, and charting; tides, currents, and water level observations; maintenance of a national spatial reference system, and associated products and services;

“(3) there is a need to maintain federal expertise and capability in hydrographic data and services to support a safe and efficient marine transportation system for the enhancement and promotion of international trade and interstate commerce vital to the Nation’s economic prosperity and for myriad other commercial and recreational activities;

“(4) the Nation’s marine transportation system is becoming increasingly congested, the volume of international maritime commerce is expected to double within the next 20 years, and nearly half of the cargo transiting U.S. waters is oil, refined petroleum products, or other hazardous substances;

“(5) in addition to commerce, hydrographic data and services support other national needs for the Great Lakes and coastal waters, the territorial sea, the Exclusive Economic Zone, and the continental shelf of the United States, including emergency response; homeland security; marine resource conservation; coastal resiliency to sea-level rise, coastal inundation, and other hazards; ocean and coastal science advancement; and improved and integrated ocean and coastal mapping and observations for an integrated ocean observing system;

“(6) the National Oceanic and Atmospheric Administration, in cooperation with other agencies and the States, serves as the Nation’s leading civil authority for establishing and maintaining national standards and datasets for hydrographic data and services;

By Mr. INOUE (for himself and Mr. STEVENS) (by request):

“(7) the Director of the National Oceanic and Atmospheric Administration’s Office of Coast Survey serves as the U.S. National Hydrographer and the primary U.S. representative to the international hydrographic community, including the International Hydrographic Organization;

“(8) the hydrographic expertise, data, and services of the National Oceanic and Atmospheric Administration provide the underlying and authoritative basis for baseline and boundary demarcation, including the establishment of marine and coastal territorial limits and jurisdiction, such as the Exclusive Economic Zone; and

“(9) research, development and application of new technologies will further increase efficiency, promote the Nation’s competitiveness, provide social and economic benefits, enhance safety and environmental protection, and reduce risks.

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

“(1) augment the ability of the National Oceanic and Atmospheric Administration to fulfill its responsibilities under this and other authorities;

“(2) provide more accurate and up-to-date hydrographic data and services in support of safe and efficient international trade and interstate commerce, including hydrographic surveys; electronic navigational charts; real-time tide, water level, and current information and forecasting; shoreline surveys; and geodesy and three-dimensional positioning data;

“(3) support homeland security, emergency response, ecosystem approaches to marine management, and coastal resiliency by providing hydrographic data and services with many other useful operational, scientific, engineering, and management applications, including storm surge, tsunami, coastal flooding, erosion, and pollution trajectory monitoring, predictions, and warnings; marine and coastal geographic information systems; habitat restoration; long-term sea-level trends; and more accurate environmental assessments and monitoring;

“(4) promote improved integrated ocean and coastal mapping and observations through increased coordination and cooperation;

“(5) provide for and support research and development in hydrographic data, services and related technologies to enhance the efficiency, accuracy and availability of hydrographic data and services and thereby promote the Nation’s scientific and technological competitiveness; and

“(6) provide national and international leadership for hydrographic and related services, sciences, and technologies.”

#### SEC. 4. CHANGES IN DEFINITIONS.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892), as redesignated by section 2, is amended—

(1) by amending paragraph (3) to read as follows:

“(3) HYDROGRAPHIC DATA.—The term ‘hydrographic data’ means information acquired through hydrographic, bathymetric, or shoreline surveying; geodetic, geospatial, or geomagnetic measurements; tide, water level, and current observations, or other methods, that is used in providing hydrographic services.”;

(2) by amending paragraph (4)(A) to read as follows:

“(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data.”; and

“(3) by amending paragraph (5) to read as follows:

“(5) COAST AND GEODETIC SURVEY ACT.—The term ‘Coast and Geodetic Survey Act’ means the Act entitled ‘An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes’, approved August 6, 1947 (33 U.S.C. 883a et seq.).”

#### SEC. 5. CHANGES IN FUNCTIONS OF THE ADMINISTRATOR.

Section 304 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a), as redesignated by section 2, is amended—

(1) in subsection (a)—

(A) in the stem by striking “To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947,” and inserting “To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act.”;

(B) in paragraph (1) by striking “data;” and inserting “data and provide hydrographic services.”;

(2) by amending subsection (b) to read as follows:

“(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act, subject to the availability of appropriations—

“(1) the Administrator may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

“(2) the Administrator shall design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency;

“(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, the Administrator may acquire hydrographic data and provide hydrographic services to support the conservation and management of coastal and ocean resources;

“(4) where appropriate, the Administrator may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining Mission Assignments as defined in section 741 of title 6, United States Code;

“(5) the Administrator shall have the authority to create, support and maintain such joint centers, and to enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act;

“(6) notwithstanding paragraph (5), the Administrator may award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 1101 et seq.).”

#### SEC. 6. CHANGES TO QUALITY ASSURANCE PROGRAM.

Section 305 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892b), as redesignated by section 2, is amended in subsections (b)(1)(A) and (b)(2) by striking “303(a)(3)” and inserting “304(a)(3)”.

#### SEC. 7. CHANGES IN HYDROGRAPHIC SERVICES REVIEW PANEL.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c), as redesignated by section 2, is amended—

(1) in subsection (b)(1) by striking “303” and inserting “304”;

(2) by amending subsection (c)(1)(A) to read as follows:

“(A) The panel shall consist of 15 voting members who shall be appointed by the Administrator. The Co-directors of the Joint Hydrographic Institute and no more than two employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields relating to hydrographic data and hydrographic services, as defined in this Act, and other disciplines as determined appropriate by the Administrator.”;

(3) in subsections (c)(1)(C), (c)(3), and (e) by striking “Secretary” and inserting “Administrator”;

(4) by amending subsection (d) to read as follows:

“(d) COMPENSATION.—Voting members of the panel shall be reimbursed for actual and reasonable expenses, such as travel and per diem, incurred in the performance of such duties.”

#### SEC. 8. CHANGES TO AUTHORIZATION OF APPROPRIATIONS.

Section 307 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), as redesignated by section 2, is amended to read as follows:

“There are authorized to be appropriated to the Administrator \$168,771,000 in fiscal year 2008 and thereafter such sums as may be necessary for each of fiscal years 2009 through 2012 for the purposes of carrying out this Act.”

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 224—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE ISRAELI-PALESTINIAN PEACE PROCESS

Mrs. FEINSTEIN (for herself, Mr. LUGAR, Mr. DODD, Mr. HAGEL, Mr. BAUCUS, Mr. BYRD, Mr. SUNUNU, Mr. WHITEHOUSE, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 224

Whereas ending the violence and terror that have devastated the State of Israel, the West Bank, and Gaza since September 2000 is in the vital interests of the United States, Israel, and the Palestinian people;

Whereas the ongoing Israeli-Palestinian conflict strengthens extremists and opponents of peace throughout the region;

Whereas more than 7 years of violence, terror, and military engagement have demonstrated that armed force alone will not solve the Israeli-Palestinian dispute;

Whereas the vast majority of Israelis and Palestinians want to put an end to decades of confrontation and conflict and live in peaceful coexistence, mutual dignity, and security, based on a just, lasting, and comprehensive peace;

Whereas on May 24, 2006, addressing a Joint Session of the United States Congress, Prime Minister of Israel Ehud Olmert reiterated the Government of Israel’s position that “In a few years, [the Palestinians] could be living in a Palestinian state, side by side in peace and security with Israel, a Palestinian state which Israel and the international community would help thrive”;

Whereas, in his speech before the Palestinian Legislative Council on February 18, 2006, Palestinian Authority President Mahmoud Abbas said, "We are confident that there is no military solution to the conflict. Negotiations between us as equal partners should put a long-due end to the cycle of violence . . . Let us live in two neighboring states";

Whereas, in June 2002, the President of the United States presented his vision of "two states, living side by side in peace and security", and has since repeatedly reaffirmed this position;

Whereas a robust and high-level American diplomatic presence on the ground is critical to bringing Israelis and Palestinians together to make the tough decisions necessary to achieving a permanent resolution to the conflict;

Whereas June 2007 marks the 40th anniversary of the Six-Day War between Israel and a coalition of Arab states;

Whereas all parties should use the occasion of this anniversary to redouble their efforts to achieve peace; and

Whereas achieving Israeli-Palestinian peace could have significant positive impacts on security and stability in the region: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms its commitment to a true and lasting solution to the Israeli-Palestinian conflict, based on the establishment of 2 states, the State of Israel and Palestine, living side by side in peace and security, and with recognized borders;

(2) denounces the use of violence and terror and reaffirms its unwavering commitment to Israel's security;

(3) calls on President Bush to pursue a robust diplomatic effort to engage the State of Israel and the Palestinian Authority, begin negotiations, and make a 2-state settlement a top priority;

(4) urges President Bush to consider appointing as Special Envoy for Middle East Peace an individual who has held cabinet rank or someone equally qualified, with an extensive knowledge of foreign affairs generally and the Middle East region in particular;

(5) calls on the Hamas-led Palestinian Authority to recognize the State of Israel's right to exist, to renounce and end all terror and incitement, and to accept past agreements and obligations with the State of Israel;

(6) calls on moderate Arab states in the region to intensify their diplomatic efforts toward a 2-state solution and welcomes the Arab League Peace Initiative; and

(7) calls on Israeli and Palestinian leaders to embrace efforts to achieve peace and refrain from taking any actions that would prejudice the outcome of final status negotiations.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator LUGAR, Senator DODD, and Senator HAGEL to introduce a resolution calling for a lasting solution to the Israeli-Palestinian dispute.

Our resolution reaffirms the Senate's commitment to a true and lasting solution to the Israeli-Palestinian conflict, based on the establishment of two States, Israel and Palestine, living side by side in peace and security, and with recognized borders; denounces the use of violence and terror and reaffirms our unwavering commitment to Israel's security; calls on President Bush to pursue a robust diplomatic effort to engage the Israelis and Palestinians, re-

invigorate negotiations, and make a two-state settlement a top priority; urges President Bush to consider appointing a high-level Special Envoy for Middle East Peace; calls on the Hamas-led Palestinian Authority to recognize Israel's right to exist, renounce and end all terror and incitement, and accept past agreements and obligations with Israel; calls on moderate Arab states in the region to intensify their diplomatic efforts toward a two-state solution and welcomes the Arab League Peace Initiative, and; calls on Israeli and Palestinian leaders to embrace efforts to achieve peace and refrain from taking any actions that would prejudice the outcome of final status negotiations.

Senator BAUCUS, Senator BYRD, Senator WHITEHOUSE and Senator SUNUNU have also joined us as original cosponsors.

We are this week marking the the 40th anniversary of the start of the Six-Day War between Israel and a coalition of Arab states which lasted from June 5 to June 10, 1967. Israel's stunning triumph in that conflict, when its very existence was at stake, sent a powerful and unambiguous message to its neighbors and the international community that the existence of a Jewish homeland in the Middle East was a fact that could not be denied.

Since then, Israel, with the support and active engagement of the United States, has signed peace agreements with two of its adversaries from that war, first with Egypt in 1979 and then with Jordan in 1994.

Both treaties greatly enhanced Israel's security and brought hope to its people.

Yet a comprehensive Israeli-Palestinian peace agreement has remained elusive, resulting in the loss of numerous innocent lives and destroying the hopes and dreams of Israelis and Palestinians alike.

Since September 2000 and the start of the second Intifada, violence and terror have engulfed the region and devastated the prospects for peace.

It has become quite clear to me that the current impasse is not sustainable. There is no military solution to this conflict. The lack of any movement in the peace process only emboldens the opponents of peace, strengthens the hands of the extremists, and puts the vital interests of Israel, the Palestinian people, and the United States at risk.

Yet the vast majority of Israelis and Palestinians have made it clear that they want to end this conflict and live side by side in peaceful coexistence, mutual dignity, and security.

We owe it to them and ourselves to do everything in our power to make this vision a reality.

Indeed, a just resolution of the Israeli-Palestinian dispute and a comprehensive Arab-Israeli peace agreement should be our top priorities in the region.

They will open the door to new opportunities, enabling us to tackle other

seemingly intractable challenges in the region: the civil war in Iraq, the influence of Syria and Hezbollah in Lebanon, and Iran's uranium enrichment program.

As the Iraq Study Group report argued, "The United States will not be able to achieve its goals in the Middle East unless the United States deals directly with the Arab-Israeli conflict."

We cannot achieve these goals by sitting on the sidelines or sending low-level envoys to the region.

We need a vigorous and sustained high level American presence on the ground in the Middle East to make this happen.

I know that Secretary of State Rice is personally committed to bringing both sides together so they will take on the tough issues and find the right solutions, and she has my full support.

She has already made four trips to the region and I hope she will return again soon.

President Bush should also become engaged in this process and consider appointing a Special Envoy for Middle East peace who has extensive experience dealing with this issue and has served in a high-level government capacity.

We all know what a final peace agreement will look like. The drafters of the Geneva accord showed us that with courage and determination, the tough decisions can be made that will bring peace and prosperity to both sides.

While it is critical that the United States take a leadership role on this issue, it is also critical that moderate voices in the Arab world be a voice for peace.

That is why the Arab League Peace Initiative is important. It is an example where Arab leaders have stepped forward Hamas must also step forward and fulfill the demands of the international community by recognizing Israel's right to exist, renouncing and end all terror and incitement, and accepting past agreements between Israel and the Palestinian Authority.

Now is as good a time as ever to work for peace. There will always be excuses for those who don't want peace. But it is incumbent on those who wish for peace to work through the difficult issues.

As a United States Senator, I have stood by Israel and the Israeli people and will continue to do so. We will not waiver in our efforts to ensure their safety, stability, and prosperity. Achieving a just and lasting peace in the Middle East is the cornerstone of that endeavor.

I urge my colleagues to support this resolution.

SENATE RESOLUTION 225—DESIGNATING THE MONTH OF AUGUST 2007 AS "NATIONAL MEDICINE ABUSE AWARENESS MONTH"

Mr. BIDEN (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary: