

Editorial Notes

REFERENCES IN TEXT

The Administrative Procedure Act, referred to in subsec. (a)(4), is act June 11, 1946, ch. 324, 60 Stat. 237, which was classified to sections 1001 to 1011 of former Title 5, Executive Departments and Government Officers and Employees, and which was repealed and reenacted as subchapter II (§551 et seq.) of chapter 5, and chapter 7 (§701 et seq.), of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378. See Short Title note preceding section 551 of Title 5.

PRIOR PROVISIONS

A prior section 6404, Pub. L. 106-562, title II, §205, Dec. 23, 2000, 114 Stat. 2803, related to creation of a coral reef conservation fund, prior to repeal by Pub. L. 117-263, div. J, title C, §10001(a), Dec. 23, 2022, 136 Stat. 3931.

§ 6405. Coral reef stewardship partnerships**(a) In general**

To further community-based stewardship of coral reefs, coral reef stewardship partnerships for Federal and non-Federal coral reefs may be established in accordance with this section.

(b) Standards and procedures

The Administrator shall develop and adopt—

(1) standards for identifying individual coral reefs and ecologically significant units of coral reefs; and

(2) processes for adjudicating multiple applicants for stewardship of the same coral reef or ecologically significant unit of a reef to ensure no geographic overlap in representation among stewardship partnerships authorized by this section.

(c) Membership for Federal coral reefs

A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant unit of a coral reef that is fully or partially under the management jurisdiction of any Federal agency specified in section 6402(c) of this title shall, at a minimum, include the following:

(1) That Federal agency, a representative of which shall serve as chairperson of the coral reef stewardship partnership.

(2) A State or county's resource management agency to the extent that such partnership covers a reef within such States or county's jurisdiction.

(3) A coral reef research center designated under section 6411(b) of this title.

(4) A nongovernmental organization.

(5) A covered Native entity culturally affiliated with the subject reef or ecologically significant unit, if any.

(6) Such other members as the partnership considers appropriate, such as interested stakeholder groups and covered Native entities.

(d) Membership for non-Federal coral reefs**(1) In general**

A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef that is not under the management jurisdiction of any Federal agency specified in section 6402(c) of

this title shall, at a minimum, include the following:

(A) A State or county's resource management agency or a covered Native entity, a representative of which shall serve as the chairperson of the coral reef stewardship partnership.

(B) A coral reef research center designated under section 6411(b) of this title.

(C) A nongovernmental organization.

(D) Such other members as the partnership considers appropriate, such as interested stakeholder groups.

(2) Additional members**(A) In general**

Subject to subparagraph (B), a coral reef stewardship partnership described in paragraph (1) may also include representatives of one or more Federal agencies.

(B) Requests; approval

A representative of a Federal agency described in subparagraph (A) may become a member of a coral reef stewardship partnership described in paragraph (1) if—

(i) the representative submits a request to become a member to the chairperson of the partnership referred to in paragraph (1)(A); and

(ii) the chairperson consents to the request.

(e) Nonapplicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.)¹ shall not apply to coral reef stewardship partnerships under this section.

(Pub. L. 106-562, title II, §206, as added Pub. L. 117-263, div. J, title C, §10001(a), Dec. 23, 2022, 136 Stat. 3937.)

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REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

PRIOR PROVISIONS

A prior section 6405, Pub. L. 106-562, title II, §206, Dec. 23, 2000, 114 Stat. 2804, related to emergency assistance, prior to repeal by Pub. L. 117-263, div. J, title C, §10001(a), Dec. 23, 2022, 136 Stat. 3931.

§ 6406. Block grants**(a) In general**

In each fiscal year beginning in fiscal year 2023 and subject to the availability of appropriations, the Administrator shall provide block grants of financial assistance of not less than \$500,000 to each covered State to support management and restoration activities and further the implementation of coral reef action plans in effect under

¹ See References in Text note below.

section 6404 of this title by covered States and non-Federal coral reef stewardship partnerships in accordance with this section. The Administrator shall review each covered State's application for block grant funding to ensure that applications are consistent with applicable action plans and the National Coral Reef Resilience Strategy.

(b) Responsibilities of the Administrator

The Administrator is responsible for—

- (1) providing guidance on the proper documentation of expenditures authorized under this chapter;
- (2) issuing annual solicitations to covered States for awards under this section; and
- (3) determining the appropriate allocation of additional amounts among covered States in accordance with this section.

(c) Responsibilities of covered States

Each covered State is responsible for documenting and reporting—

- (1) such State's use of Federal funds received under this chapter; and
- (2) such expenditures of non-Federal funds made in furtherance of coral reef management and restoration as the Administrator determines appropriate.

(d) Cooperative agreements

Subject to the availability of appropriations, the Administrator may seek to enter into a cooperative agreement with a covered State to fund coral reef conservation and restoration activities in waters managed under the jurisdiction of such covered State that are consistent with the National Coral Reef Resilience Strategy and any applicable action plan under section 6404 of this title.

(e) All Islands Committee

The Administrator may enter into a cooperative agreement with the All Islands Committee of the Task Force to provide support for its activities.

(Pub. L. 106-562, title II, §207, as added Pub. L. 117-263, div. J, title C, §10001(a), Dec. 23, 2022, 136 Stat. 3938.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(1) and (c)(1), was in the original "this Act" which was translated as reading "this title", meaning title II of Pub. L. 106-562, to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 6406, Pub. L. 106-562, title II, §207, Dec. 23, 2000, 114 Stat. 2804, related to national program to conserve coral reefs and coral reef ecosystems, prior to repeal by Pub. L. 117-263, div. J, title C, §10001(a), Dec. 23, 2022, 136 Stat. 3931.

§ 6407. Coral Reef Stewardship Fund

(a) Agreement

The Administrator shall seek to enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the "Foundation"), authorizing the Foundation to receive, hold, and administer funds received under this section.

(b) Fund

(1) In general

The Foundation shall establish an account, which shall—

(A) be known as the "Coral Reef Stewardship Fund" (in this section referred to as the "Fund"); and

(B) serve as the successor to the account known before December 23, 2022, as the Coral Reef Conservation Fund and administered through a public-private partnership with the Foundation.

(2) Deposits

The Foundation shall deposit funds received under this section into the Fund.

(3) Purposes

The Fund shall be available solely to support coral reef stewardship activities that—

(A) further the purposes of this chapter; and

(B) are consistent with—

(i) the National Coral Reef Resilience Strategy; and

(ii) coral reef action plans in effect, if any, under section 6404 of this title covering a coral reef or ecologically significant component of a coral reef to be impacted by such activities, if applicable.

(4) Investment of amounts

(A) Investment of amounts

The Foundation shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(B) Interest and proceeds

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(5) Review of performance

The Administrator shall conduct a continuing review of all deposits into, and disbursements from, the Fund. Each review shall include a written assessment concerning the extent to which the Foundation has implemented the goals and requirements of—

(A) this section; and

(B) the National Coral Reef Resilience Strategy.

(c) Authorization to solicit donations

(1) In general

Pursuant to an agreement entered into under subsection (a), the Foundation may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, donations of services) to further the purposes of this chapter.

(2) Deposits in Fund

Notwithstanding section 3302 of title 31, any funds received as a gift shall be deposited and maintained in the Fund.

(d) Administration

Under an agreement entered into pursuant to subsection (a), and subject to the availability of