

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.)

Editorial Notes

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Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.)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 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 signifi-

¹ See References in Text note below.

cant 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 appropriations, the Administrator may transfer funds appropriated for such purposes to carry out this chapter to the Foundation. Amounts received by the Foundation under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the Foundation by private persons, State or local government agencies, or covered Native entities.

(Pub. L. 106-562, title II, § 208, as added Pub. L. 117-263, div. J, title C, § 10001(a), Dec. 23, 2022, 136 Stat. 3939.)

Editorial Notes

PRIOR PROVISIONS

A prior section 6407, Pub. L. 106-562, title II, § 208, Dec. 23, 2000, 114 Stat. 2804, required submission of reports documenting the effectiveness of the coral reef conservation grant program and describing activities undertaken to implement the national coral reef strategy, prior to repeal by Pub. L. 117-263, div. J, title C, § 10001(a), Dec. 23, 2022, 136 Stat. 3931.

§ 6408. Emergency assistance

(a) In general

Notwithstanding any other provision of law, from funds appropriated pursuant to the author-

ization of appropriations under section 6414 of this title, the Administrator may provide emergency assistance to any covered State or coral reef stewardship partnership to respond to immediate harm to coral reefs or coral reef ecosystems arising from any of the exigent circumstances described in subsection (b).

(b) Coral reef exigent circumstances

The Administrator shall develop a list of, and criteria for, circumstances that pose an exigent threat to coral reefs, including—

(1) new and ongoing outbreaks of disease;

(2) new and ongoing outbreaks of invasive or nuisance species;

(3) new and ongoing coral bleaching events;

(4) natural disasters;

(5) industrial or mechanical incidents, such as vessel groundings, hazardous spills, or coastal construction accidents; and

(6) such other circumstances as the Administrator determines appropriate.

(c) Annual report on exigent circumstances

On February 1 of each year, the Administrator shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report that—

(1) describes locations with exigent circumstances described in subsection (b) that were considered but declined for emergency assistance, and the rationale for the decision; and

(2) with respect to each instance in which emergency assistance under this section was provided—

(A) the location and a description of the exigent circumstances that prompted the emergency assistance, the entity that received the assistance, and the current and expected outcomes from the assistance;

(B) a description of activities of the National Oceanic and Atmospheric Administration that were curtailed as a result of providing the emergency assistance; and

(C) an assessment of whether further action is needed to restore the affected coral reef, recommendations for such restoration, and a cost estimate to implement such recommendations.

(Pub. L. 106-562, title II, § 209, as added Pub. L. 117-263, div. J, title C, § 10001(a), Dec. 23, 2022, 136 Stat. 3940.)

Editorial Notes

PRIOR PROVISIONS

A prior section 6408, Pub. L. 106-562, title II, § 209, Dec. 23, 2000, 114 Stat. 2805, authorized appropriations, prior to repeal by Pub. L. 117-263, div. J, title C, § 10001(a), Dec. 23, 2022, 136 Stat. 3931.

§ 6409. Coral Reef Disaster Fund

(a) Agreements

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.