

105TH CONGRESS
2D SESSION

H. R. 2233

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 1998

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To assist in the conservation of coral reefs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coral Reef Conserva-
3 tion Act of 1997”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are the following:

6 (1) To preserve, sustain, and restore the health
7 of coral reef ecosystems.

8 (2) To assist in the conservation and protection
9 of coral reefs by supporting conservation programs.

10 (3) To provide financial resources for those pro-
11 grams.

12 (4) To establish a formal mechanism for collect-
13 ing and allocating monetary donations from the pri-
14 vate sector to be used for coral reef conservation
15 projects.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) CORAL.—The term “coral” means species
19 of the phylum Cnidaria, including—

20 (A) all species of the orders Antipatharia
21 (black corals), Scleractinia (stony corals),
22 Gorgonacea (horny corals), Stolonifera
23 (organpipe corals and others), and
24 Coenothecalia (blue coral), of the class
25 Anthozoa; and

1 (B) all species of the order Hydrocorallina
2 (fire corals and hydrocorals), of the class
3 Hydrozoa.

4 (2) CORAL REEF.—The term “coral reef”
5 means any reef or shoal composed primarily of the
6 skeletal material of species of the order Scleractinia
7 (class Anthozoa).

8 (3) CORAL REEF ECOSYSTEM.—The term
9 “coral reef ecosystem” means the complex of species
10 associated with coral reefs and their environment
11 that—

12 (A) functions as an ecological unit in na-
13 ture; and

14 (B) is necessary for that function to con-
15 tinue.

16 (4) CORALS AND CORAL PRODUCTS.—The term
17 “corals and coral products” means any living or
18 dead specimens, parts, or derivatives, or any product
19 containing specimens, parts, or derivatives, of any
20 species referred to in paragraph (1).

21 (5) CONSERVATION.—The term “conservation”
22 means the use of methods and procedures necessary
23 to preserve or sustain corals and species associated
24 with coral reefs as diverse, viable, and self-perpet-
25 uating coral reef ecosystems, including all activities

1 associated with resource management, such as con-
2 servation, protection, restoration, and management
3 of habitat; habitat monitoring; assistance in the de-
4 velopment of management strategies for marine pro-
5 tected areas and marine resources consistent with
6 the National Marine Sanctuaries Act (16 U.S.C.
7 1431 et seq.) and the Magnuson-Stevens Fishery
8 Conservation and Management Act (16 U.S.C. 1801
9 et seq.); law enforcement through community par-
10 ticipation; conflict resolution initiatives; and commu-
11 nity outreach and education.

12 (6) FUND.—The term “Fund” means the Coral
13 Reef Conservation Fund established under section
14 5(a).

15 (7) SECRETARY.—The term “Secretary” means
16 the Secretary of Commerce.

17 **SEC. 4. CORAL REEF CONSERVATION ASSISTANCE.**

18 (a) IN GENERAL.—The Secretary, subject to the
19 availability of funds, shall use amounts in the Fund to
20 provide grants of financial assistance for projects for the
21 conservation of coral reefs for which final project propos-
22 als are approved by the Secretary in accordance with this
23 section.

24 (b) PROJECT PROPOSAL.—Any relevant natural re-
25 source management authority of a State or territory of

1 the United States or other government jurisdiction with
2 coral reefs whose activities directly or indirectly affect
3 coral reefs, or any nongovernmental organization or indi-
4 vidual with demonstrated expertise in the conservation of
5 coral reefs, may submit to the Secretary a project proposal
6 under this section. Each proposal shall include the follow-
7 ing:

8 (1) The name of the individual responsible for
9 conducting the project.

10 (2) A succinct statement of the purposes of the
11 project.

12 (3) A description of the qualifications of the in-
13 dividuals who will conduct the project.

14 (4) An estimate of the funds and time required
15 to complete the project.

16 (5) Evidence of support of the project by appro-
17 priate representatives of States or territories of the
18 United States or other government jurisdictions in
19 which the project will be conducted, if the Secretary
20 determines that the support is required for the suc-
21 cess of the project.

22 (6) Information regarding the source and
23 amount of matching funding available to the appli-
24 cant.

1 (7) Any other information the Secretary consid-
2 ers to be necessary for evaluating the eligibility of
3 the project for funding under this Act.

4 (c) PROJECT REVIEW AND APPROVAL.—

5 (1) IN GENERAL.—The Secretary shall review
6 each final project proposal to determine if it meets
7 the criteria set forth in subsection (d).

8 (2) CONSULTATION; APPROVAL OR DIS-
9 APPROVAL.—Not later than 6 months after receiving
10 a final project proposal, and subject to the availabil-
11 ity of funds, the Secretary shall—

12 (A) request written comments on the pro-
13 posal from each State or territory of the United
14 States or other government jurisdiction, includ-
15 ing the relevant regional fishery management
16 councils established under the Magnuson-Ste-
17 vens Fishery Conservation and Management
18 Act (16 U.S.C. 1801 et seq.), within which the
19 project is to be conducted;

20 (B) provide for the merit-based peer review
21 of the proposal and require standardized docu-
22 mentation of that peer review;

23 (C) after reviewing any written comments
24 and recommendations based on merit review,
25 approve or disapprove the proposal; and

1 (D) provide written notification of that ap-
2 proval or disapproval to the person who submit-
3 ted the proposal, and each of those States, ter-
4 ritories, and other government jurisdictions.

5 (d) CRITERIA FOR APPROVAL.—The Secretary may
6 approve a final project proposal under this section if the
7 project will enhance programs for conservation of coral
8 reefs by assisting efforts to—

9 (1) implement conservation programs;

10 (2) address the conflicts arising from the use of
11 environments near coral reefs or from the use of cor-
12 als, species associated with coral reefs, and coral
13 products;

14 (3) enhance compliance with laws that prohibit
15 or regulate the taking of corals, species associated
16 with coral reefs, and coral products or regulate the
17 use and management of coral reef ecosystems;

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

21 (5) promote cooperative projects on coral reef
22 conservation that involve foreign governments, af-
23 fected local communities, nongovernmental organiza-
24 tions, or others in the private sector.

1 (e) PROJECT SUSTAINABILITY.—In determining
2 whether to approve project proposals under this section,
3 the Secretary shall give priority to projects which promote
4 sustainable development and ensure effective, long-term
5 conservation of coral reefs.

6 (f) PROJECT REPORTING.—Each grantee under this
7 section shall provide periodic reports, as the Secretary
8 considers necessary, to the Secretary. Each report shall
9 include all information required by the Secretary for evalu-
10 ating the progress and success of the project.

11 (g) MATCHING FUNDS.—The Secretary may not ap-
12 prove a project proposal under this section unless the Sec-
13 retary determines that there are non-Federal matching
14 funds available to pay at least 50 percent of the total cost
15 of the project.

16 **SEC. 5. CORAL REEF CONSERVATION FUND.**

17 (a) ESTABLISHMENT.—There is established in the
18 general fund of the Treasury a separate account, to be
19 known as the “Coral Reef Conservation Fund”, which
20 shall consist of amounts deposited into the Fund by the
21 Secretary of the Treasury under subsection (b).

22 (b) DEPOSITS INTO THE FUND.—The Secretary of
23 the Treasury shall deposit into the Fund—

1 (1) all amounts received by the Secretary in the
2 form of monetary donations under subsection (d);
3 and

4 (2) other amounts appropriated to the Fund.

5 (c) USE.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 the Secretary may use amounts in the Fund without
8 further appropriation to provide assistance under
9 section 4.

10 (2) ADMINISTRATION.—Of amounts in the
11 Fund available for each fiscal year, the Secretary
12 may use not more than 3 percent to administer the
13 Fund.

14 (d) ACCEPTANCE AND USE OF MONETARY DONA-
15 TIONS.—The Secretary may accept and use monetary do-
16 nations to provide assistance under section 4. Amounts re-
17 ceived by the Secretary in the form of donations shall be
18 transferred to the Secretary of the Treasury for deposit
19 into the Fund.

20 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the Fund
22 \$1,000,000 for each of fiscal years 1998, 1999, 2000,

1 2001, and 2002 to carry out this Act, which may remain
2 available until expended.

Passed the House of Representatives November 13,
1997.

Attest:

ROBIN H. CARLE,

Clerk.