

106TH CONGRESS
2D SESSION

H. R. 1653

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, SEPTEMBER 22), 2000

Received

AN ACT

To complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

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

1 **TITLE I—PRIBILOF ISLANDS**

2 **SEC. 101. SHORT TITLE.**

3 This title may be referred to as the “Pribilof Islands
4 Transition Act”.

5 **SEC. 102. PURPOSE.**

6 The purpose of this title is to complete the orderly
7 withdrawal of the National Oceanic and Atmospheric Ad-
8 ministration from the civil administration of the Pribilof
9 Islands, Alaska.

10 **SEC. 103. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS**
11 **UNDER FUR SEAL ACT OF 1966.**

12 Public Law 89–702 (16 U.S.C. 1151 et seq.), popu-
13 larly known and referred to in this title as the Fur Seal
14 Act of 1966, is amended by amending section 206 (16
15 U.S.C. 1166) to read as follows:

16 **“SEC. 206. FINANCIAL ASSISTANCE.**

17 “(a) GRANT AUTHORITY.—

18 “(1) IN GENERAL.—Subject to the availability
19 of appropriations, the Secretary shall provide finan-
20 cial assistance to any city government, village cor-
21 poration, or tribal council of St. George, Alaska, or
22 St. Paul, Alaska.

23 “(2) USE FOR MATCHING.—Notwithstanding
24 any other provision of law relating to matching
25 funds, funds provided by the Secretary as assistance

1 under this subsection may be used by the entity as
2 non-Federal matching funds under any Federal pro-
3 gram that requires such matching funds.

4 “(3) RESTRICTION ON USE.—The Secretary
5 may not use financial assistance authorized by this
6 Act—

7 “(A) to settle any debt owed to the United
8 States;

9 “(B) for administrative or overhead ex-
10 penses; or

11 “(C) for contributions sought or required
12 from any person for costs or fees to clean up
13 any matter that was caused or contributed to
14 by such person on or after March 15, 2000.

15 “(4) FUNDING INSTRUMENTS AND PROCE-
16 DURES.—In providing assistance under this sub-
17 section the Secretary shall transfer any funds appro-
18 priated to carry out this section to the Secretary of
19 the Interior, who shall obligate such funds through
20 instruments and procedures that are equivalent to
21 the instruments and procedures required to be used
22 by the Bureau of Indian Affairs pursuant to title IV
23 of the Indian Self-Determination and Education As-
24 sistance Act (25 U.S.C. 450 et seq.).

1 “(5) PRO RATA DISTRIBUTION OF ASSIST-
2 ANCE.—In any fiscal year for which less than all of
3 the funds authorized under subsection (c)(1) are ap-
4 propriated, such funds shall be distributed under
5 this subsection on a pro rata basis among the enti-
6 ties referred to in subsection (c)(1) in the same pro-
7 portions in which amounts are authorized by that
8 subsection for grants to those entities.

9 “(b) SOLID WASTE ASSISTANCE.—

10 “(1) IN GENERAL.—Subject to the availability
11 of appropriations, the Secretary shall provide assist-
12 ance to the State of Alaska for designing, locating,
13 constructing, redeveloping, permitting, or certifying
14 solid waste management facilities on the Pribilof Is-
15 lands to be operated under permits issued to the
16 City of St. George and the City of St. Paul, Alaska,
17 by the State of Alaska under section 46.03.100 of
18 the Alaska Statutes.

19 “(2) TRANSFER.—The Secretary shall transfer
20 any appropriations received under paragraph (1) to
21 the State of Alaska for the benefit of rural and Na-
22 tive villages in Alaska for obligation under section
23 303 of Public Law 104–182, except that subsection
24 (b) of that section shall not apply to those funds.

1 “(3) LIMITATION.—In order to be eligible to re-
2 ceive financial assistance under this subsection, not
3 later than 180 days after the date of enactment of
4 this paragraph, each of the Cities of St. Paul and
5 St. George shall enter into a written agreement with
6 the State of Alaska under which such City shall
7 identify by its legal boundaries the tract or tracts of
8 land that such City has selected as the site for its
9 solid waste management facility and any supporting
10 infrastructure.

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary for fis-
13 cal years 2001, 2002, 2003, 2004, and 2005—

14 “(1) for assistance under subsection (a) a total
15 not to exceed—

16 “(A) \$9,000,000, for grants to the City of
17 St. Paul;

18 “(B) \$6,300,000, for grants to the
19 Tanadgusix Corporation;

20 “(C) \$1,500,000, for grants to the St.
21 Paul Tribal Council;

22 “(D) \$6,000,000, for grants to the City of
23 St. George;

24 “(E) \$4,200,000, for grants to the St.
25 George Tanaq Corporation; and

1 “(F) \$1,000,000, for grants to the St.
2 George Tribal Council; and

3 “(2) for assistance under subsection (b), for fis-
4 cal years 2001, 2002, 2003, 2004, and 2005 a total
5 not to exceed—

6 “(A) \$6,500,000 for the City of St. Paul;
7 and

8 “(B) \$3,500,000 for the City of St.
9 George.

10 “(d) LIMITATION ON USE OF ASSISTANCE FOR LOB-
11 BYING ACTIVITIES.—None of the funds authorized by this
12 section may be available for any activity a purpose of
13 which is to influence legislation pending before the Con-
14 gress, except that this subsection shall not prevent officers
15 or employees of the United States or of its departments,
16 agencies, or commissions from communicating to Members
17 of Congress, through proper channels, requests for legisla-
18 tion or appropriations that they consider necessary for the
19 efficient conduct of public business.

20 “(e) IMMUNITY FROM LIABILITY.—Neither the
21 United States nor any of its agencies, officers, or employ-
22 ees shall have any liability under this Act or any other
23 law associated with or resulting from the designing, locat-
24 ing, contracting for, redeveloping, permitting, certifying,

1 operating, or maintaining any solid waste management fa-
2 cility on the Pribilof Islands as a consequence of—

3 “(1) having provided assistance to the State of
4 Alaska under subsection (b); or

5 “(2) providing funds for, or planning, con-
6 structing, or operating, any interim solid waste man-
7 agement facilities that may be required by the State
8 of Alaska before permanent solid waste management
9 facilities constructed with assistance provided under
10 subsection (b) are complete and operational.

11 “(f) REPORT ON EXPENDITURES.—Each entity
12 which receives assistance authorized under subsection (c)
13 shall submit an audited statement listing the expenditure
14 of that assistance to the Committee on Appropriations and
15 the Committee on Resources of the House of Representa-
16 tives and the Committee on Appropriations and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate, on the last day of fiscal years 2002, 2004, and
19 2006.

20 “(g) CONGRESSIONAL INTENT.—Amounts authorized
21 under subsection (c) are intended by Congress to be pro-
22 vided in addition to the base funding appropriated to the
23 National Oceanic and Atmospheric Administration in fis-
24 cal year 2000.”.

1 **SEC. 104. DISPOSAL OF PROPERTY.**

2 Section 205 of the Fur Seal Act of 1966 (16 U.S.C.
3 1165) is amended—

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

6 “(c) Not later than 3 months after the date of the
7 enactment of the Pribilof Islands Transition Act, the Sec-
8 retary shall submit to the Committee on Commerce,
9 Science, and Transportation of the Senate and the Com-
10 mittee on Resources of the House of Representatives a re-
11 port that includes—

12 “(1) a description of all property specified in
13 the document referred to in subsection (a) that has
14 been conveyed under that subsection;

15 “(2) a description of all Federal property speci-
16 fied in the document referred to in subsection (a)
17 that is going to be conveyed under that subsection;
18 and

19 “(3) an identification of all Federal property on
20 the Pribilof Islands that will be retained by the Fed-
21 eral Government to meet its responsibilities under
22 this Act, the Convention, and any other applicable
23 law.”; and

24 (2) by striking subsection (g).

25 **SEC. 105. TERMINATION OF RESPONSIBILITIES.**

26 (a) FUTURE OBLIGATION.—

1 (1) IN GENERAL.—The Secretary of Commerce
2 shall not be considered to have any obligation to pro-
3 mote or otherwise provide for the development of
4 any form of an economy not dependent on sealing on
5 the Pribilof Islands, Alaska, including any obligation
6 under section 206 of the Fur Seal Act of 1966 (16
7 U.S.C. 1166) or section 3(c)(1)(A) of Public Law
8 104–91 (16 U.S.C. 1165 note).

9 (2) SAVINGS.—This subsection shall not affect
10 any cause of action under section 206 of the Fur
11 Seal Act of 1966 (16 U.S.C. 1166) or section
12 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165
13 note)—

14 (A) that arose before the date of the enact-
15 ment of this title; and

16 (B) for which a judicial action is filed be-
17 fore the expiration of the 5-year period begin-
18 ning on the date of the enactment of this title.

19 (3) RULE OF CONSTRUCTION.—Nothing in this
20 title shall be construed to imply that—

21 (A) any obligation to promote or otherwise
22 provide for the development in the Pribilof Is-
23 lands of any form of an economy not dependent
24 on sealing was or was not established by section
25 206 of the Fur Seal Act of 1966 (16 U.S.C.

1 1166), section 3(c)(1)(A) of Public Law 104–91
2 (16 U.S.C. 1165 note), or any other provision
3 of law; or

4 (B) any cause of action could or could not
5 arise with respect to such an obligation.

6 (4) CONFORMING AMENDMENT.—Section
7 3(c)(1) of Public Law 104–91 (16 U.S.C. 1165
8 note) is amended by striking subparagraph (A) and
9 redesignating subparagraphs (B) through (D) in
10 order as subparagraphs (A) through (C).

11 (b) PROPERTY CONVEYANCE AND CLEANUP.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 there are terminated all obligations of the Secretary
14 of Commerce and the United States to—

15 (A) convey property under section 205 of
16 the Fur Seal Act of 1966 (16 U.S.C. 1165);
17 and

18 (B) carry out cleanup activities, including
19 assessment, response, remediation, and moni-
20 toring, except for postremedial measures such
21 as monitoring and operation and maintenance
22 activities, related to National Oceanic and At-
23 mospheric Administration administration of the
24 Pribilof Islands, Alaska, under section 3 of
25 Public Law 104–91 (16 U.S.C. 1165 note) and

1 the Pribilof Islands Environmental Restoration
2 Agreement between the National Oceanic and
3 Atmospheric Administration and the State of
4 Alaska, signed January 26, 1996.

5 (2) APPLICATION.—Paragraph (1) shall apply
6 on and after the date on which the Secretary of
7 Commerce certifies that—

8 (A) the State of Alaska has provided writ-
9 ten confirmation that no further corrective ac-
10 tion is required at the sites and operable units
11 covered by the Pribilof Islands Environmental
12 Restoration Agreement between the National
13 Oceanic and Atmospheric Administration and
14 the State of Alaska, signed January 26, 1996,
15 with the exception of postremedial measures,
16 such as monitoring and operation and mainte-
17 nance activities;

18 (B) the cleanup required under section
19 3(a) of Public Law 104–91 (16 U.S.C. 1165
20 note) is complete;

21 (C) the properties specified in the docu-
22 ment referred to in subsection (a) of section
23 205 of the Fur Seal Act of 1966 (16 U.S.C.
24 1165(a)) can be unconditionally offered for con-
25 veyance under that section; and

1 (D) all amounts appropriated under sec-
2 tion 206(c)(1) of the Fur Seal Act of 1966, as
3 amended by this title, have been obligated.

4 (3) FINANCIAL CONTRIBUTIONS FOR CLEANUP
5 COSTS.—(A) On and after the date on which section
6 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165
7 note) is repealed pursuant to subsection (c), the Sec-
8 retary of Commerce may not seek or require finan-
9 cial contribution by or from any local governmental
10 entity of the Pribilof Islands, any official of such an
11 entity, or the owner of land on the Pribilof Islands,
12 for cleanup costs incurred pursuant to section 3(a)
13 of Public Law 104–91 (as in effect before such re-
14 peal), except as provided in subparagraph (B).

15 (B) Subparagraph (A) shall not limit the au-
16 thority of the Secretary of Commerce to seek or re-
17 quire financial contribution from any person for
18 costs or fees to clean up any matter that was caused
19 or contributed to by such person on or after March
20 15, 2000.

21 (4) CERTAIN RESERVED RIGHTS NOT CONDI-
22 TIONS.—For purposes of paragraph (2)(C), the fol-
23 lowing requirements shall not be considered to be
24 conditions on conveyance of property:

1 (A) Any requirement that a potential
2 transferee must allow the National Oceanic and
3 Atmospheric Administration continued access to
4 the property to conduct environmental moni-
5 toring following remediation activities.

6 (B) Any requirement that a potential
7 transferee must allow the National Oceanic and
8 Atmospheric Administration access to the prop-
9 erty to continue the operation, and eventual clo-
10 sure, of treatment facilities.

11 (C) Any requirement that a potential
12 transferee must comply with institutional con-
13 trols to ensure that an environmental cleanup
14 remains protective of human health or the envi-
15 ronment that do not unreasonably affect the
16 use of the property.

17 (D) Valid existing rights in the property,
18 including rights granted by contract, permit,
19 right-of-way, or easement.

20 (E) The terms of the documents described
21 in subsection (d)(2).

22 (c) REPEALS.—Effective on the date on which the
23 Secretary of Commerce makes the certification described
24 in subsection (b)(2), the following provisions are repealed:

1 (1) Section 205 of the Fur Seal Act of 1966
2 (16 U.S.C. 1165).

3 (2) Section 3 of Public Law 104–91 (16 U.S.C.
4 1165 note).

5 (d) SAVINGS.—

6 (1) IN GENERAL.—Nothing in this title shall af-
7 fect any obligation of the Secretary of Commerce, or
8 of any Federal department or agency, under or with
9 respect to any document described in paragraph (2)
10 or with respect to any lands subject to such a docu-
11 ment.

12 (2) DOCUMENTS DESCRIBED.—The documents
13 referred to in paragraph (1) are the following:

14 (A) The Transfer of Property on the
15 Pribilof Islands: Description, Terms, and Con-
16 ditions, dated February 10, 1984, between the
17 Secretary of Commerce and various Pribilof Is-
18 land entities.

19 (B) The Settlement Agreement between
20 Tanadgusix Corporation and the City of St.
21 Paul, dated January 11, 1988, and approved by
22 the Secretary of Commerce on February 23,
23 1988.

24 (C) The Memorandum of Understanding
25 between Tanadgusix Corporation, Tanaq Cor-

1 poration, and the Secretary of Commerce, dated
2 December 22, 1976.

3 (e) DEFINITIONS.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the definitions set forth in section 101 of
6 the Fur Seal Act of 1966 (16 U.S.C. 1151) shall
7 apply to this section.

8 (2) NATIVES OF THE PRIBILOF ISLANDS.—For
9 purposes of this section, the term “Natives of the
10 Pribilof Islands” includes the Tanadgusix Corpora-
11 tion, the St. George Tanaq Corporation, and the city
12 governments and tribal councils of St. Paul and St.
13 George, Alaska.

14 **SEC. 106. TECHNICAL AND CLARIFYING AMENDMENTS.**

15 (a) Section 3 of Public Law 104–91 (16 U.S.C. 1165
16 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et
17 seq.) are amended by—

18 (1) striking “(d)” and all that follows through
19 the heading for subsection (d) of section 3 of Public
20 Law 104–91 and inserting “**SEC. 212.**”; and

21 (2) moving and redesignating such subsection
22 so as to appear as section 212 of the Fur Seal Act
23 of 1966.

1 (b) Section 201 of the Fur Seal Act of 1966 (16
2 U.S.C. 1161) is amended by striking “on such Islands”
3 and insert “on such property”.

4 (c) The Fur Seal Act of 1966 (16 U.S.C. 1151 et
5 seq.) is amended by inserting before title I the following:

6 **“SECTION 1. SHORT TITLE.**

7 “This Act may be cited as the ‘Fur Seal Act of
8 1966’.”.

9 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 3 of Public Law 104–91 (16 U.S.C. 1165
11 note) is amended—

12 (1) by striking subsection (f) and inserting the
13 following:

14 “(f) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—There are authorized to be
16 appropriated \$10,000,000 for each of fiscal years
17 2001, 2002, 2003, 2004, and 2005 for the purposes
18 of carrying out this section.

19 “(2) LIMITATION.—None of the funds author-
20 ized by this subsection may be expended for the pur-
21 pose of cleaning up or remediating any landfills,
22 wastes, dumps, debris, storage tanks, property, haz-
23 ardous or unsafe conditions, or contaminants, in-
24 cluding petroleum products and their derivatives, left

1 by the Department of Defense or any of its compo-
2 nents on lands on the Pribilof Islands, Alaska.”; and

3 (2) by adding at the end the following:

4 “(g) LOW-INTEREST LOAN PROGRAM.—

5 “(1) CAPITALIZATION OF REVOLVING FUND.—

6 Of amounts authorized under subsection (f) for each
7 of fiscal years 2001, 2002, 2003, 2004, and 2005,
8 the Secretary may provide to the State of Alaska up
9 to \$2,000,000 per fiscal year to capitalize a revolv-
10 ing fund to be used by the State for loans under this
11 subsection.

12 “(2) LOW-INTEREST LOANS.—The Secretary
13 shall require that any revolving fund established
14 with amounts provided under this subsection shall be
15 used only to provide low-interest loans to Natives of
16 the Pribilof Islands to assess, respond to, remediate,
17 and monitor contamination from lead paint, asbes-
18 tos, and petroleum from underground storage tanks.

19 “(3) NATIVES OF THE PRIBILOF ISLANDS DE-
20 FINED.—The definitions set forth in section 101 of
21 the Fur Seal Act of 1966 (16 U.S.C. 1151) shall
22 apply to this section, except that the term ‘Natives
23 of the Pribilof Islands’ includes the Tanadgusix and
24 Tanaq Corporations.

1 “(4) REVERSION OF FUNDS.—Before the Sec-
 2 retary may provide any funds to the State of Alaska
 3 under this section, the State of Alaska and the Sec-
 4 retary must agree in writing that, on the last day of
 5 fiscal year 2011, and of each fiscal year thereafter
 6 until the full amount provided to the State of Alaska
 7 by the Secretary under this section has been repaid
 8 to the United States, the State of Alaska shall
 9 transfer to the Treasury of the United States monies
 10 remaining in the revolving fund, including principal
 11 and interest paid into the revolving fund as repay-
 12 ment of loans.”.

13 **TITLE II—CORAL REEF** 14 **CONSERVATION**

15 **SEC. 201. SHORT TITLE.**

16 This title may be cited as the “Coral Reef Conserva-
 17 tion Act of 2000”.

18 **SEC. 202. PURPOSES.**

19 The purposes of this title are—

20 (1) to preserve, sustain, and restore the condi-
 21 tion of coral reef ecosystems;

22 (2) to promote the wise management and sus-
 23 tainable use of coral reef ecosystems to benefit local
 24 communities and the Nation;

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

4 (4) to assist in the preservation of coral reefs
5 by supporting conservation programs, including
6 projects that involve affected local communities and
7 nongovernmental organizations;

8 (5) to provide financial resources for those pro-
9 grams and projects; and

10 (6) to establish a formal mechanism for col-
11 lecting and allocating monetary donations from the
12 private sector to be used for coral reef conservation
13 projects.

14 **SEC. 203. NATIONAL CORAL REEF ACTION STRATEGY.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Administrator shall sub-
17 mit to the Committee on Commerce, Science, and Trans-
18 portation of the Senate and to the Committee on Re-
19 sources of the House of Representatives and publish in
20 the Federal Register a national coral reef action strategy,
21 consistent with the purposes of this title. The Adminis-
22 trator shall periodically review and revise the strategy as
23 necessary. In developing this national strategy, the Sec-
24 retary may consult with the Coral Reef Task Force estab-
25 lished under Executive Order 13089 (June 11, 1998).

1 (b) GOALS AND OBJECTIVES.—The action strategy
2 shall include a statement of goals and objectives as well
3 as an implementation plan, including a description of the
4 funds obligated each fiscal year to advance coral reef con-
5 servation. The action strategy and implementation plan
6 shall include discussion of—

- 7 (1) coastal uses and management;
- 8 (2) water and air quality;
- 9 (3) mapping and information management;
- 10 (4) research, monitoring, and assessment;
- 11 (5) international and regional issues;
- 12 (6) outreach and education;
- 13 (7) local strategies developed by the States or
14 Federal agencies, including regional fishery manage-
15 ment councils; and
- 16 (8) conservation, including how the use of ma-
17 rine protected areas to serve as replenishment zones
18 will be developed consistent with local practices and
19 traditions.

20 **SEC. 204. CORAL REEF CONSERVATION PROGRAM.**

21 (a) GRANTS.—The Secretary, through the Adminis-
22 trator and subject to the availability of funds, shall provide
23 grants of financial assistance for projects for the conserva-
24 tion of coral reefs (hereafter in this title referred to as

1 “coral conservation projects”), for proposals approved by
2 the Administrator in accordance with this section.

3 (b) MATCHING REQUIREMENTS.—

4 (1) 50 PERCENT.—Except as provided in para-
5 graph (2), Federal funds for any coral conservation
6 project under this section may not exceed 50 percent
7 of the total cost of such project. For purposes of this
8 paragraph, the non-Federal share of project costs
9 may be provided by in-kind contributions and other
10 noncash support.

11 (2) WAIVER.—The Administrator may waive all
12 or part of the matching requirement under para-
13 graph (1) if the Administrator determines that no
14 reasonable means are available through which appli-
15 cant can meet the matching requirement and the
16 probable benefit of such project outweighs the public
17 interest in such matching requirement.

18 (c) ELIGIBILITY.—Any natural resource management
19 authority of a State or other government authority with
20 jurisdiction over coral reefs or whose activities directly or
21 indirectly affect coral reefs, or coral reef ecosystems, or
22 educational or nongovernmental institutions with dem-
23 onstrated expertise in the conservation of coral reefs, may
24 submit to the Administrator a coral conservation proposal
25 under subsection (e).

1 (d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The
2 Administrator shall ensure that funding for grants award-
3 ed under subsection (b) during a fiscal year are distributed
4 in the following manner:

5 (1) No less than 40 percent of funds available
6 shall be awarded for coral conservation projects in
7 the Pacific Ocean within the maritime areas and
8 zones subject to the jurisdiction or control of the
9 United States.

10 (2) No less than 40 percent of the funds avail-
11 able shall be awarded for coral conservation projects
12 in the Atlantic Ocean, the Gulf of Mexico, and the
13 Caribbean Sea within the maritime areas and zones
14 subject to the jurisdiction or control of the United
15 States.

16 (3) Remaining funds shall be awarded for
17 projects that address emerging priorities or threats,
18 including international priorities or threats, identi-
19 fied by the Administrator. When identifying emerg-
20 ing threats or priorities, the Administrator may con-
21 sult with the Coral Reef Task Force.

22 (e) PROJECT PROPOSALS.—Each proposal for a
23 grant under this section shall include the following:

24 (1) The name of the individual or entity respon-
25 sible for conducting the project.

1 (2) A description of the qualifications of the in-
2 dividuals who will conduct the project.

3 (3) A succinct statement of the purposes of the
4 project.

5 (4) An estimate of the funds and time required
6 to complete the project.

7 (5) Evidence of support for the project by ap-
8 propriate representatives of States or other govern-
9 ment jurisdictions in which the project will be con-
10 ducted.

11 (6) Information regarding the source and
12 amount of matching funding available to the appli-
13 cant.

14 (7) A description of how the project meets one
15 or more of the criteria in subsection (g).

16 (8) Any other information the Administrator
17 considers to be necessary for evaluating the eligi-
18 bility of the project for funding under this title.

19 (f) PROJECT REVIEW AND APPROVAL.—

20 (1) IN GENERAL.—The Administrator shall re-
21 view each coral conservation project proposal to de-
22 termine if it meets the criteria set forth in sub-
23 section (g).

1 (2) REVIEW; APPROVAL OR DISAPPROVAL.—Not
2 later than 6 months after receiving a project pro-
3 posal under this section, the Administrator shall—

4 (A) request and consider written comments
5 on the proposal from each Federal agency,
6 State government, or other government jurisdic-
7 tion, including the relevant regional fishery
8 management councils established under the
9 Magnuson-Stevens Fishery Conservation and
10 Management Act (16 U.S.C. 1801 et seq.), or
11 any National Marine Sanctuary, with jurisdic-
12 tion or management authority over coral reef
13 ecosystems in the area where the project is to
14 be conducted, including the extent to which the
15 project is consistent with locally-established pri-
16 orities;

17 (B) provide for the merit-based peer review
18 of the proposal and require standardized docu-
19 mentation of that peer review;

20 (C) after considering any written com-
21 ments and recommendations based on the re-
22 views under subparagraphs (A) and (B), ap-
23 prove or disapprove the proposal; and

24 (D) provide written notification of that ap-
25 proval or disapproval to the person who sub-

1 mitted the proposal, and each of those States
2 and other government jurisdictions that pro-
3 vided comments under subparagraph (A).

4 (g) CRITERIA FOR APPROVAL.—The Administrator
5 may not approve a project proposal under this section un-
6 less the project is consistent with the coral reef action
7 strategy under section 203 and will enhance the conserva-
8 tion of coral reefs by—

9 (1) implementing coral conservation programs
10 which promote sustainable development and ensure
11 effective, long-term conservation of coral reefs;

12 (2) addressing the conflicts arising from the use
13 of environments near coral reefs or from the use of
14 corals, species associated with coral reefs, and coral
15 products;

16 (3) enhancing compliance with laws that pro-
17 hibit or regulate the taking of coral products or spe-
18 cies associated with coral reefs or regulate the use
19 and management of coral reef ecosystems;

20 (4) developing sound scientific information on
21 the condition of coral reef ecosystems or the threats
22 to such ecosystems, including factors that cause
23 coral disease;

24 (5) promoting and assisting to implement coop-
25 erative coral reef conservation projects that involve

1 affected local communities, nongovernmental organi-
2 zations, or others in the private sector;

3 (6) increasing public knowledge and awareness
4 of coral reef ecosystems and issues regarding their
5 long term conservation;

6 (7) mapping the location and distribution of
7 coral reefs;

8 (8) developing and implementing techniques to
9 monitor and assess the status and condition of coral
10 reefs;

11 (9) developing and implementing cost-effective
12 methods to restore degraded coral reef ecosystems;
13 or

14 (10) promoting ecologically sound navigation
15 and anchorages near coral reefs.

16 (h) PROJECT REPORTING.—Each grantee under this
17 section shall provide periodic reports as required by the
18 Administrator. Each report shall include all information
19 required by the Administrator for evaluating the progress
20 and success of the project.

21 (i) CORAL REEF TASK FORCE.—The Administrator
22 may consult with the Coral Reef Task Force to obtain
23 guidance in establishing coral conservation project prior-
24 ities under this section.

1 (j) IMPLEMENTATION GUIDELINES.—Within 180
2 days after the date of enactment of this Act, the Adminis-
3 trator shall promulgate necessary guidelines for imple-
4 menting this section. In developing those guidelines, the
5 Administrator shall consult with State, regional, and local
6 entities involved in setting priorities for conservation of
7 coral reefs and provide for appropriate public notice and
8 opportunity for comment.

9 **SEC. 205. CORAL REEF CONSERVATION FUND.**

10 (a) FUND.—The Administrator may enter into an
11 agreement with a nonprofit organization that promotes
12 coral reef conservation authorizing such organization to
13 receive, hold, and administer funds received pursuant to
14 this section. The organization shall invest, reinvest, and
15 otherwise administer the funds and maintain such funds
16 and any interest or revenues earned in a separate interest
17 bearing account, hereafter referred to as the Fund, estab-
18 lished by such organization solely to support partnerships
19 between the public and private sectors that further the
20 purposes of this Act and are consistent with the national
21 coral reef action strategy under section 203.

22 (b) AUTHORIZATION TO SOLICIT DONATIONS.—Pur-
23 suant to an agreement entered into under subsection (a)
24 of this section, an organization may accept, receive, solicit,
25 hold, administer, and use any gift to further the purposes

1 of this title. Any moneys received as a gift shall be depos-
2 ited and maintained in the Fund established by the orga-
3 nization under subsection (a).

4 (c) REVIEW OF PERFORMANCE.—The Administrator
5 shall conduct a continuing review of the grant program
6 administered by an organization under this section. Each
7 review shall include a written assessment concerning the
8 extent to which that organization has implemented the
9 goals and requirements of this section and the national
10 coral reef action strategy under section 203.

11 (d) ADMINISTRATION.—Under an agreement entered
12 into pursuant to subsection (a), the Administrator may
13 transfer funds appropriated to carry out this title to an
14 organization. Amounts received by an organization under
15 this subsection may be used for matching, in whole or in
16 part, contributions (whether in money, services, or prop-
17 erty) made to the organization by private persons and
18 State and local government agencies.

19 **SEC. 206. EMERGENCY ASSISTANCE.**

20 The Administrator may make grants to any State,
21 local, or territorial government agency with jurisdiction
22 over coral reefs for emergencies to address unforeseen or
23 disaster-related circumstance pertaining to coral reefs or
24 coral reef ecosystems.

1 **SEC. 207. NATIONAL PROGRAM.**

2 (a) IN GENERAL.—Subject to the availability of ap-
3 propriations, the Secretary may conduct activities to con-
4 serve coral reefs and coral reef ecosystems, that are con-
5 sistent with this title, the National Marine Sanctuaries
6 Act, the Coastal Zone Management Act of 1972, the Mag-
7 nuson-Stevens Fishery Conservation and Management
8 Act, the Endangered Species Act of 1973, and the Marine
9 Mammal Protection Act of 1972.

10 (b) AUTHORIZED ACTIVITIES.—Activities authorized
11 under subsection (a) include—

12 (1) mapping, monitoring, assessment, restora-
13 tion, and scientific research that benefit the under-
14 standing, sustainable use, and long-term conserva-
15 tion of coral reefs and coral reef ecosystems;

16 (2) enhancing public awareness, education, un-
17 derstanding, and appreciation of coral reefs and
18 coral reef ecosystems;

19 (3) providing assistance to States in removing
20 abandoned fishing gear, marine debris, and aban-
21 doned vessels from coral reefs to conserve living ma-
22 rine resources; and

23 (4) cooperative conservation and management
24 of coral reefs and coral reef ecosystems with local,
25 regional, or international programs and partners.

1 **SEC. 208. EFFECTIVENESS REPORTS.**

2 (a) GRANT PROGRAM.—Not later than 3 years after
3 the date of enactment of this Act, the Administrator shall
4 submit to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on Re-
6 sources of the House of Representatives a report that doc-
7 uments the effectiveness of the grant program under sec-
8 tion 204 in meeting the purposes of this title. The report
9 shall include a State-by-State summary of Federal and
10 non-Federal contributions toward the costs of each
11 project.

12 (b) NATIONAL PROGRAM.—Not later than 2 years
13 after the date on which the Administrator publishes the
14 national coral reef strategy under section 203 and every
15 2 years thereafter, the Administrator shall submit to the
16 Committee on Commerce, Science, and Transportation of
17 the Senate and the Committee on Resources of the House
18 of Representatives a report describing all activities under-
19 taken to implement that strategy, under section 203, in-
20 cluding a description of the funds obligated each fiscal
21 year to advance coral reef conservation.

22 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated to the Secretary to carry out this title \$16,000,000
25 for each of fiscal years 2001, 2002, 2003, and 2004, which
26 may remain available until expended.

1 (b) ADMINISTRATION.—Of the amounts appropriated
2 under subsection (a), not more than the lesser of
3 \$1,000,000 or 10 percent of the amounts appropriated,
4 may be used for program administration or for overhead
5 costs incurred by the National Oceanic and Atmospheric
6 Administration or the Department of Commerce and as-
7 sessed as an administrative charge.

8 (c) CORAL REEF CONSERVATION PROGRAM.—From
9 the amounts appropriated under subsection (a), there shall
10 be made available to the Secretary \$8,000,000 for each
11 of fiscal years 2001, 2002, 2003, and 2004 for coral reef
12 conservation activities under section 204.

13 (d) NATIONAL CORAL REEF ACTIVITIES.—From the
14 amounts appropriated under subsection (a), there shall be
15 made available to the Secretary \$8,000,000 for each of
16 fiscal years 2001, 2002, 2003, and 2004 for activities
17 under section 207.

18 **SEC. 210. DEFINITIONS.**

19 In this title:

20 (1) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the National
22 Oceanic and Atmospheric Administration.

23 (2) CONSERVATION.—The term “conservation”
24 means the use of methods and procedures necessary
25 to preserve or sustain corals and associated species

1 as diverse, viable, and self-perpetuating coral reef
2 ecosystems, including all activities associated with
3 resource management, such as assessment, conserva-
4 tion, protection, restoration, sustainable use, and
5 management of habitat; mapping; habitat moni-
6 toring; assistance in the development of management
7 strategies for marine protected areas and marine re-
8 sources consistent with the National Marine Sanc-
9 tuaries Act (16 U.S.C. 1431 et seq.) and the Mag-
10 nuson-Stevens Fishery Conservation and Manage-
11 ment Act (16 U.S.C. 1801 et seq.); law enforcement;
12 conflict resolution initiatives; community outreach
13 and education; and that promote safe and eco-
14 logically sound navigation.

15 (3) CORAL.—The term “coral” means species
16 of the phylum Cnidaria, including—

17 (A) all species of the orders Antipatharia
18 (black corals), Scleractinia (stony corals),
19 Gorgonacea (horny corals), Stolonifera
20 (organpipe corals and others), Alcyonacea (soft
21 corals), and Coenothecalia (blue coral), of the
22 class Anthozoa; and

23 (B) all species of the order Hydrocorallina
24 (fire corals and hydrocorals) of the class
25 Hydrozoa.

1 (4) CORAL REEF.—The term “coral reef”
2 means any reefs or shoals composed primarily of
3 corals.

4 (5) CORAL REEF ECOSYSTEM.—The term
5 “coral reef ecosystem” means coral and other spe-
6 cies of reef organisms (including reef plants) associ-
7 ated with coral reefs, and the nonliving environ-
8 mental factors that directly affect coral reefs, that
9 together function as an ecological unit in nature.

10 (6) CORAL PRODUCTS.—The term “coral prod-
11 ucts” means any living or dead specimens, parts, or
12 derivatives, or any product containing specimens,
13 parts, or derivatives, of any species referred to in
14 paragraph (3).

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

17 (8) STATE.—The term “State” means any
18 State of the United States that contains a coral reef
19 ecosystem within its seaward boundaries, American
20 Samoa, Guam, the Northern Mariana Islands, Puer-
21 to Rico, and the Virgin Islands, and any other terri-
22 tory or possession of the United States, or separate
23 sovereign in free association with the United States,
24 that contains a coral reef ecosystem within its sea-
25 ward boundaries.

1 **TITLE III—MISCELLANEOUS**

2 **SEC. 301. GREAT LAKES FISHERY ACT OF 1956.**

3 Section 3(a) of the Great Lakes Fishery Act of 1956
4 (16 U.S.C. 932(a)) is amended by adding at the end the
5 following:

6 “(3) Individuals serving as such Commissioners shall
7 not be considered to be Federal employees while per-
8 forming such service, except for purposes of injury com-
9 pensation or tort claims liability as provided in chapter
10 81 of title 5, United States Code, and chapter 171 of title
11 28, United States Code.”.

12 **SEC. 302. TUNA CONVENTIONS ACT OF 1950.**

13 Section 3 of the Tuna Conventions Act of 1950 (16
14 U.S.C. 952) is amended by inserting before “Of such
15 Commissioners—” the following: “Individuals serving as
16 such Commissioners shall not be considered to be Federal
17 employees while performing such service, except for pur-
18 poses of injury compensation or tort claims liability as pro-
19 vided in chapter 81 of title 5, United States Code, and
20 chapter 171 of title 28, United States Code.”.

21 **SEC. 303. ATLANTIC TUNAS CONVENTION ACT OF 1975.**

22 Section 3(a)(1) of the Atlantic Tunas Convention Act
23 of 1975 (16 U.S.C. 971a(a)(1)) is amended by inserting
24 before “The Commissioners” the following: “Individuals
25 serving as such Commissioners shall not be considered to

1 be Federal employees while performing such service, ex-
 2 cept for purposes of injury compensation or tort claims
 3 liability as provided in chapter 81 of title 5, United States
 4 Code, and chapter 171 of title 28, United States Code.”.

5 **SEC. 304. NORTH PACIFIC ANADROMOUS STOCKS ACT OF**
 6 **1992.**

7 (a) CLERICAL AMENDMENT.—Public Law 102–587
 8 is amended by striking title VIII (106 Stat. 5098 et seq.).

9 (b) TREATMENT COMMISSIONERS.—Section 804(a)
 10 of the North Pacific Anadromous Stocks Act of 1992 (16
 11 U.S.C. 5003(a)) is amended by inserting before “Of the
 12 Commissioners—” the following: “Individuals serving as
 13 such Commissioners shall not be considered to be Federal
 14 employees while performing such service, except for pur-
 15 poses of injury compensation or tort claims liability as pro-
 16 vided in chapter 81 of title 5, United States Code, and
 17 chapter 171 of title 28, United States Code.”.

18 **SEC. 305. HIGH SEAS FISHING COMPLIANCE ACT OF 1995.**

19 Section 103(4) of the High Seas Fishing Compliance
 20 Act of 1995 (16 U.S.C. 5502(4)) is amended by inserting
 21 “or subject to the jurisdiction of the United States” after
 22 “United States”.

23 **SEC. 306. REIMBURSEMENT OF EXPENSES.**

24 Notwithstanding section 3302 (b) and (c) of title 31,
 25 United States Code, all amounts received by the United

1 States in settlement of, or judgment for, damage claims
 2 arising from the October 9, 1992, allision of the vessel
 3 ZACHARY into the National Oceanic and Atmospheric
 4 Administration research vessel DISCOVERER, and from
 5 the disposal of marine assets, and all amounts received
 6 by the United States from the disposal of marine assets
 7 of the National Oceanic and Atmospheric
 8 Administration—

9 (1) shall be retained as an offsetting collection
 10 in the Operations, Research and Facilities account
 11 of the National Oceanic and Atmospheric Adminis-
 12 tration;

13 (2) shall be deposited into that account upon
 14 receipt by the United States Government; and

15 (3) shall be available only for obligation for Na-
 16 tional Oceanic and Atmospheric Administration hy-
 17 drographic and fisheries vessel operations.

18 **SEC. 307. TECHNICAL CORRECTIONS TO NATIONAL MARINE**

19 **SANCTUARIES ACT.**

20 (a) CROSS REFERENCE CORRECTION.—Section
 21 304(f)(2) of the National Marine Sanctuaries Act (16
 22 U.S.C. 1434(f)(2)) is amended by striking “paragraph
 23 (2)” and inserting “subparagraphs (A) and (B) of para-
 24 graph (1)”.

1 (b) SHORT TITLE CORRECTION.—Section 317 of
2 such Act (16 U.S.C. 1445 note) is amended by striking
3 “The” and inserting “the ‘’.

4 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-
5 fect January 1, 2001.

6 **TITLE IV—STUDY OF EASTERN**
7 **GRAY WHALE POPULATION**

8 **SEC. 401. STUDY OF THE EASTERN GRAY WHALE POPU-**
9 **LATION.**

10 (a) STUDY.—Not later than 180 days after the date
11 of enactment of this Act and subject to the availability
12 of appropriations, the Secretary of Commerce shall initiate
13 a study of the environmental and biological factors respon-
14 sible for the significant increase in mortality events of the
15 eastern gray whale population, and the other potential im-
16 pacts these factors may be having on the eastern gray
17 whale population.

18 (b) CONSIDERATION OF WESTERN POPULATION IN-
19 FORMATION.—The Secretary should ensure that, to the
20 greatest extent practicable, information from current and
21 future studies of the western gray whale population is con-
22 sidered in the study under this section, so as to better
23 understand the dynamics of each population and to test
24 different hypotheses that may lead to an increased under-

1 standing of the mechanism driving their respective popu-
 2 lation dynamics.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
 4 tion to other amounts authorized under this title, there
 5 are authorized to be appropriated to the Secretary to carry
 6 out this section—

7 (1) \$290,000 for fiscal year 2001; and

8 (2) \$500,000 for each of fiscal years 2002
 9 through 2004.

10 **TITLE V—MISCELLANEOUS**

11 **SEC. 501. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.**

12 Notwithstanding paragraphs (1) through (3) of sec-
 13 tions 208(a) of the American Fisheries Act (title II of divi-
 14 sion C of the Omnibus Consolidated and Emergency Sup-
 15 plemental Appropriations Act, 1999 (Public Law 105–
 16 277; 112 Stat. 2681–624)), the catcher vessel HAZEL
 17 LORRAINE (United States Official Number 592211) and
 18 the catcher vessel PROVIDIAN (United States Official
 19 Number 1062183) shall be considered to be vessels that
 20 are eligible to harvest the directed fishing allowance under
 21 section 206(b)(1) of that Act pursuant to a Federal fish-
 22 ing permit in the same manner as, and subject to the same
 23 requirements and limitations on that harvesting as apply

- 1 to, catcher vessels that are eligible to harvest that directed
- 2 fishing allowance under section 208(a) of that Act.

Passed the House of Representatives October 31,
2000.

Attest:

JEFF TRANDAHL,

Clerk.