

106TH CONGRESS
2D SESSION

S. 2223

To establish a fund for the restoration of ocean and coastal resources, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2000

Mr. KERRY (for himself, Mr. HOLLINGS, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish a fund for the restoration of ocean and coastal
resources, 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 This Act may be cited as the “Coastal Stewardship
5 Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Title I—Ocean and Coast Conservation Fund

Sec. 101. Establishment of Ocean and Coast Conservation Fund.

Title II—Cooperative Living Marine Resource Conservation

Subtitle A—Cooperative Fisheries Research and Management

Sec. 201. Cooperative agreements.
 Sec. 202. Eligible projects.
 Sec. 203. Priority funding.
 Sec. 204. Allocation.
 Sec. 205. Expenditures.

Subtitle B—Cooperative Enforcement of Living Marine Resources
Laws

Sec. 251. Cooperative agreements.
 Sec. 252. Cooperative enforcement.

Title III—Cooperative Coastal Stewardship

Sec. 301. Definitions.
 Sec. 302. Restoration and preservation projects.
 Sec. 303. Review, revision, and approval of projects.
 Sec. 304. Allocation and disbursement of funds.
 Sec. 305. Database; report to Congress.
 Sec. 306. Guidelines.
 Sec. 307. Cooperative agreements; memoranda of understanding.
 Sec. 308. Expenditures.

Title IV—Coral Reef Protection

Sec. 401. Short title.
 Sec. 402. Findings.
 Sec. 403. Policy.
 Sec. 404. Purposes.
 Sec. 405. Definitions.
 Sec. 406. Coral reef restoration and conservation program.
 Sec. 407. National program.
 Sec. 408. Documentation of certain vessels.
 Sec. 409. Regulations; Coral Reef Conservation Fund.
 Sec. 410. Use of appropriated funds.

1 SEC. 2. FINDINGS.

2 The Congress finds:

3 (1) The oceans and coasts play a critical role in
4 maintaining global biodiversity, contribute more
5 than 30 percent of the Gross Domestic Product, pro-
6 vide an important source of food and a wealth of
7 other natural products, are critical to national secu-
8 rity, and are of considerable importance for recre-
9 ation and commerce.

10 (2) One half of the Nation's population lives
11 within 50 miles of the coast and if population trends
12 continue as expected, pressure on and conflicting de-

mands for ocean and coastal resources will increase,
as will vulnerability to coastal hazards.

(3) There is a national interest in the effective
management, beneficial use, and protection of ocean
and coastal resources.

(4) The Federal Government has a responsi-
bility to States and coastal communities to improve
coordination, strengthen partnerships and provide
fiscal resources to develop coherent plans, policies,
standards, methods, and programs for using, man-
aging, and protecting ocean and coastal resources.

TITLE I—OCEAN AND COAST CONSERVATION FUND

SEC. 101. ESTABLISHMENT OF OCEAN AND COAST CON- SERVATION FUND.

(a) IN GENERAL.—There is established in the Treas-
ury of the United States a fund, which shall be known
as the Ocean and Coast Conservation Fund, into which
the Secretary of the Treasury shall transfer each fiscal
year amounts equivalent to \$375,000,000, of which for
each fiscal year—

(1) \$100,000,000 shall be available to carry out
subtitle A of title II;

(2) \$25,000,000 shall be available to carry out
subtitle B of title II;

1 (3) \$225,000,000 shall be available to carry out
2 title III; and

3 (4) \$25,000,000 shall be available to carry out
4 title IV.

5 (b) PAYMENT.—The Secretary of Commerce shall,
6 without further appropriation, make payments in each fis-
7 cal year from the Ocean and Coastal Conservation Fund
8 under this Act.

9 (c) FUNDS TO REMAIN AVAILABLE.—Any amount
10 paid or otherwise made available under this section shall
11 remain available until expended.

12 **TITLE II—COOPERATIVE LIVING**
13 **MARINE RESOURCE CON-**
14 **SERVATION**

15 **SUBTITLE A—COOPERATIVE FISHERIES**
16 **RESEARCH AND MANAGEMENT**

17 **SEC. 201. COOPERATIVE AGREEMENTS.**

18 The Secretary of Commerce shall, within 90 days
19 after the date of enactment of this Act, if requested by
20 the Governor of a State represented on an Interstate Ma-
21 rine Fishery Commission, enter into cooperative agree-
22 ments on a sole-source basis with any appropriate State,
23 Marine Fisheries Commission, Regional Fishery Manage-
24 ment Council, or other regional or tribal entity charged
25 with management of living marine resources for the pur-

pose of undertaking eligible fisheries projects required for the effective management of United States fisheries.

SEC. 202. ELIGIBLE PROJECTS.

The Secretary of Commerce shall make funds available under this section for the support of projects to address critical needs identified in fishery management reports or plans developed and approved by a State, Marine Fisheries Commission, Regional Fishery Management Council, or other regional or tribal entity, and that pertain to—

(1) the collection and analysis of fishery data and information, including data on landings, fishing effort, biology, habitat, economics and social sciences, including those information needs identified by such entities pursuant to section 401 of the Magnuson-Stevens Fishery Conservation and Management Act; or

(2) the development of measures to promote innovative or cooperative management of fisheries.

SEC. 203. PRIORITY FUNDING.

In making funds available under this subtitle the Secretary of Commerce shall give priority to eligible projects that meet any of the following criteria:

(1) Establishment of observer programs.

1 (2) Cooperative research projects developed
2 among states, academic institutions, and the fishing
3 industry, to obtain data or other information nec-
4 essary to meet national or regional management pri-
5 orities.

6 (3) Projects to reduce harvesting capacity in a
7 fishery conducted in a manner consistent with sec-
8 tion 312(b) of the Magnuson-Stevens Fishery Con-
9 servation and Management Act (16 U.S.C.
10 1861a(b)).

11 (4) Projects designed to identify ecosystem im-
12 pacts of fishing, including the relationship between
13 fishing harvest and marine mammal population
14 abundance.

15 (5) Projects for the identification, conservation,
16 or restoration of fish habitat.

17 **SEC. 204. ALLOCATION.**

18 The Secretary of Commerce shall allocate funds to
19 entities eligible under section 201 for uses under section
20 202 based on demonstrated management, conservation,
21 and research needs for living marine resources. Such allo-
22 cations shall, to the extent practicable, be consistent with
23 the distribution of funds for fisheries information de-
24 scribed in the report requested under section 405(a) of

1 the Magnuson-Stevens Fishery Conservation and Manage-
 2 ment Act (16 U.S.C. 1881(a)).

3 **SEC. 205. EXPENDITURES**

4 (a) ADMINISTRATIVE EXPENSES AND STAFFING.—
 5 From the amounts authorized by section 101(a)(1) to be
 6 available to carry out this subtitle, \$2,000,000 shall be
 7 made available to the Secretary of Commerce for the ad-
 8 ministration of this title for fiscal year 2000 and each year
 9 thereafter.

10 (b) TECHNICAL PROJECT ASSISTANCE.—The Sec-
 11 retary is authorized to withhold an amount not to exceed
 12 25 percent for work performed by the Secretary to assist
 13 eligible entities in the performance of the approved
 14 projects, including costs for the direct collection of Federal
 15 data and establishment of infrastructure and coordination
 16 necessary to integrate existing regional information sys-
 17 tems and to improve the effectiveness and accuracy of
 18 such information.

19 SUBTITLE B—COOPERATIVE ENFORCEMENT
 20 OF LIVING MARINE RESOURCE LAWS

21 **SEC. 251. COOPERATIVE AGREEMENTS.**

22 The Secretary of Commerce shall, within 90 days
 23 after the date of enactment of this Act, if requested by
 24 the Governor of a State represented on an Interstate Com-
 25 mission, enter into an agreement under section 311(a) of

1 the Magnuson-Stevens Fishery Conservation and Manage-
 2 ment Act (16 U.S.C. 1861(a)) with such State, that au-
 3 thorizes the deputization of State law enforcement officers
 4 with marine law enforcement responsibilities to perform
 5 duties of the Secretary relating to enforcement of any pro-
 6 visions of this Act or any other marine resource law en-
 7 forced by the Secretary. Following the execution of such
 8 an agreement, the Secretary shall, if requested by a State,
 9 enter into an agreement for a joint project as provided
 10 by the first section of Public Law 91–412 (15 U.S.C.
 11 1525).

12 **SEC. 252. COOPERATIVE ENFORCEMENT.**

13 (a) IN GENERAL.—The joint project agreements re-
 14 ferred to in the last sentence of section 251 are intended
 15 to provide a framework for enforcement and prosecution
 16 of Federal and State living marine resource laws and regu-
 17 lations in the Exclusive Economic Zone of the United
 18 States, including the National Marine Sanctuaries Act (16
 19 U.S.C. 1431 et seq.). The purpose of these joint projects
 20 is the prevention and detection of violations by Federally-
 21 deputized officers. The projects shall include the overt
 22 presence by marine law enforcement officers which will im-
 23 prove community-oriented policing and result in higher
 24 levels of voluntary compliance.

25 (b) EXPENDITURES.—

(1) Subject to the availability of appropriations, amounts available for funding and joint project agreements referred to in the last sentence of section 251 shall not exceed \$2,000,000 per year per State. These funds are intended to enhance enforcement and prosecution of Federal and State marine resource laws and are to be considered to be in addition to, not in lieu of, existing State funds for these services.

(2) The Secretary of Commerce may withhold an amount not to exceed 10 percent to be utilized for the direct Federal oversight and coordination of law enforcement and prosecutorial responsibilities under joint project agreements referred to in the last sentence of section 251. The Secretary may enter into a cooperative agreement, as provided by the first section of Public Law 91–412 (15 U.S.C. 1525), on a sole-source basis with an appropriate marine fisheries commission to assist in such oversight and coordination.

TITLE III—COOPERATIVE COASTAL STEWARDSHIP

SEC. 301. DEFINITIONS.

In this title:

1 (1) COASTAL STATE.—The term “coastal
2 State” has the meaning given to that term by sec-
3 tion 304(4) of the Coastal Zone Management Act of
4 1972 (16 U.S.C. 1453).

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of Commerce.

7 (3) FUND.—The term “Fund” means the
8 Ocean and Coast Conservation Fund established by
9 section 101 of this Act.

10 (4) COASTAL POPULATION.—The term “coastal
11 population” means the population subdivisions, as
12 determined by the most recent official data of the
13 Census Bureau, contained in whole or in part within
14 the designated coastal boundary of a State as de-
15 fined in a State’s coastal zone management program
16 under the Coastal Zone Management Act (16 U.S.C.
17 1455) and shall, to the extent practicable, include an
18 estimate of the coastal population present on a sea-
19 sonal, transient basis.

20 **SEC. 302. RESTORATION AND PRESERVATION PROJECTS.**

21 (a) IN GENERAL.—In order to receive funds made
22 available under this title, a coastal State shall develop
23 ocean and coastal resource restoration and preservation
24 projects that—

25 (1) are consistent with the objectives of—

1 (A) the Coastal Zone Management Act;

2 (B) the National Estuarine Research Re-
3 serve System;

4 (C) State or Federal laws governing the
5 conservation or restoration of coastal or marine
6 fish habitat; or

7 (D) The National Marine Sanctuaries Act
8 (16 U.S.C. 1431 et seq.); and

9 (2) fall within the following project categories:

10 (A) Coastal wetland conservation or res-
11 toration projects.

12 (B) Cooperative projects to reduce, mon-
13 itor, or otherwise address coastal nonpoint pol-
14 lution or other coastal contaminants.

15 (C) Cooperative projects to address and
16 minimize the impacts of pathogenic contamina-
17 tion on water quality and living marine re-
18 sources.

19 (D) Projects to increase scientific under-
20 standing of the benefits of marine protected
21 areas and projects to create such areas.

22 (E) Education and interpretive projects re-
23 lated to conservation or restoration of coastal
24 and ocean resources.

1 (F) Removal of abandoned vessels or ma-
2 rine debris from federal or state waters, the
3 presence of which may adversely affect ocean or
4 coastal living resources or habitats.

5 (G) Projects with local communities to in-
6 ventory and map critical habitats for use in
7 local planning efforts.

8 (b) COOPERATIVE PROJECTS.—Restoration and pres-
9 ervation projects funded under this section shall—

10 (1) encourage enhanced coordination and
11 leveraging of Federal, State, and community restora-
12 tion and preservation programs, plans, and studies;
13 and

14 (2) encourage partnerships among public agen-
15 cies at all levels of government and between the pub-
16 lic and private sectors.

17 (c) EXCLUSIONS.—A coastal State may not receive
18 funds made available under this section for a project, pro-
19 gram, plan, study, or activity that includes—

20 (1) an activity that constitutes mitigation for
21 the adverse effects of an activity regulated or other-
22 wise governed by Federal or State law;

23 (2) an activity that constitutes satisfaction of li-
24 ability for natural resource damages or other envi-

1 environmental liability under any Federal or State law;
 2 or

3 (3) the acquisition of land or land rights from
 4 an unwilling seller.

5 **SEC. 303. REVIEW, REVISION, AND APPROVAL OF**
 6 **PROJECTS.**

7 (a) SUBMISSION OF PROJECTS FOR REVIEW.—The
 8 Governor of a coastal state shall submit a plan for each
 9 project developed by that State under section 302(a) to
 10 the Secretary. Each such plan shall include—

11 (1) a description of the project;

12 (2) an evaluation of whether the project meets
 13 the criteria in section 302(a);

14 (3) an estimate of the duration of the project;

15 (4) a budget that includes the annual and total
 16 cost of the project; and

17 (5) a list of all government and non-government
 18 agencies charged with administering funds allocated
 19 to the project pursuant to section 304(c) of this Act.

20 (b) REVIEW BY THE SECRETARY.—

21 (1) IN GENERAL.—The Secretary shall review
 22 each plan submitted under subsection (a) to deter-
 23 mine whether the project meets the requirements of
 24 this title and notify the Governor of that determina-
 25 tion within 60 days after the plan is submitted.

1 (2) PAST PERFORMANCE.—In determining
 2 whether a project or a revised project submitted by
 3 a coastal state under this section meets the require-
 4 ments of this title, the Secretary shall take into ac-
 5 count that State’s past performance in achieving the
 6 purposes of this title, including its progress in imple-
 7 menting and completing projects.

8 (3) FEDERALLY-APPROVED PROJECTS, PLANS,
 9 STUDIES, AND ACTIVITIES.—The Secretary shall ap-
 10 prove any restoration and preservation project, plan,
 11 study, or activity submitted by a coastal state under
 12 section 302 that—

13 (A) has been approved by any Federal
 14 agency;

15 (B) has not been fully funded;

16 (C) meets one or more of the criteria of
 17 section 302; and

18 (D) meets the requirements of the guide-
 19 lines and criteria established under section 306.

20 (c) PROJECTS NOT APPROVED.—

21 (1) REVISION ASSISTANCE.—If the Secretary
 22 determines that a State project does not meet the
 23 requirements of this title, the Secretary shall provide
 24 technical assistance to the Governor of that State in
 25 revising the project plan. The Governor shall, as

1 soon as possible after being notified of the Sec-
2 retary's determination—

3 (A) notify the Secretary that the State will
4 not resubmit its project plan for funding for the
5 calendar year; or

6 (B) revise the project, with or without the
7 assistance provided by the Secretary, and sub-
8 mit the revised plan for the project for review
9 by the Secretary.

10 (2) SECOND REVIEW.—The Secretary shall
11 promptly review any revised project plan submitted
12 in a timely manner (as determined by the Sec-
13 retary), and determine whether the revised project
14 meets the requirements of this title, and notify the
15 Governor of that determination within 30 days of
16 submission. If the Secretary determines that the re-
17 vised project meets the requirements of this title, the
18 Secretary shall allocate funds to the State in accord-
19 ance with this title.

20 (3) DISAPPROVED OR WITHDRAWN PLANS.—If
21 the Secretary determines that the revised project
22 does not meet the requirements of this title, or if the
23 Governor does not submit a revised project plan for
24 review within the time frame established by the Sec-
25 retary, then no funds available under this title may

1 be allocated from the Ocean and Coast Conservation
2 Fund for that project.

3 (d) APPROVED PROJECTS.—If the Secretary deter-
4 mines that a State project meets the requirements of this
5 title, including the guidelines and criteria established
6 under section 306, the Secretary shall allocate funds to
7 that State in accordance with this title for developing and
8 implementing such projects.

9 **SEC. 304. ALLOCATION AND DISBURSAL OF FUNDS.**

10 (a) FORMULA FOR ALLOCATION.—

11 (1) IN GENERAL.—The Secretary shall allocate
12 the amounts available for distribution under this
13 title from the Fund for any calendar year among the
14 several coastal states in accordance with the fol-
15 lowing formula:

16 (A) 30 percent shall be available for dis-
17 tribution on the basis of the ratio which the
18 coastline of each coastal state (including estua-
19 rine coastline) bears to the total coastline of all
20 coastal states; and

21 (B) 70 percent shall be available for dis-
22 tribution on the basis of the ratio which the
23 coastal population of each coastal state bears to
24 the total coastal population of all coastal states.

1 (2) FINALITY.—The allocation of funds by the
2 Secretary under paragraph (1) is final.

3 (b) NOTIFICATION.—As soon as the Secretary knows,
4 or can reasonably estimate, the amount that will be avail-
5 able for distribution under this title from the Fund for
6 a calendar year, the Secretary shall notify the Governor
7 of each coastal state of the amount available for allocation
8 to that State under subsection (a) for that calendar year
9 under this title.

10 (c) PAYMENT.—The Secretary shall grant funds for
11 approved projects from amounts available for allocation to
12 a coastal state under subsection (a) within 90 days after
13 notifying the Governor of that State that a project has
14 been approved. The Secretary may make payments in in-
15 stallments or in any manner authorized by title 31, United
16 States Code, and shall make such payments beginning not
17 later than December 31. The first payments under this
18 title may not be made before the date that is 1 year after
19 the date of enactment of this Act.

20 (d) SUBALLOCATION TO POLITICAL SUBDIVISIONS
21 AND NONPROFIT ENTITIES.—A State that receives funds
22 under subsection (c) may allocate a portion of those
23 funds—

24 (1) to any local government, area-wide agency
25 designated under section 204 of the Demonstration

1 Cities and Metropolitan Development Act of 1966
 2 (42 U.S.C. 3334), regional agency, or interstate
 3 agency; or

4 (2) to any nonprofit organization with expertise
 5 in coastal or marine issues, for the purpose of car-
 6 rying out a coastal habitat restoration and protec-
 7 tion project approved under section 303.

8 (e) REAPPORTIONMENT OF UNOBLIGATED
 9 AMOUNTS.—Except as provided in subsection (f), if any
 10 funds available for allocation to a coastal State for a cal-
 11 endar year are not obligated by the Secretary, the Sec-
 12 retary shall make those funds available to that State for
 13 each of the next 2 calendar years. If funds available for
 14 allocation to a coastal State remain unobligated for 3 cal-
 15 endar years, then the unobligated funds shall be added
 16 to the funds available for allocation to all coastal States
 17 under subsection (a) for the fourth calendar year after the
 18 calendar year for which they were first allocated to that
 19 State.

20 (f) FUNDS NOT PAID TO THE COASTAL STATES.—
 21 Any amount in the Fund available for allocation to a
 22 coastal State but not paid or obligated because that State
 23 did not have a plan approved under section 303 of the
 24 calendar year, or because the amount allocated to that
 25 State for the calendar year exceeded the amount obligated

1 or expended under its plan, shall be retained by the Fund
 2 and disposed of according to the law otherwise applicable
 3 to revenues from leases on the Outer Continental Shelf.

4 **SEC. 305. DATABASE; REPORT TO CONGRESS.**

5 (a) DATABASE OF RESTORATION AND PROTECTION
 6 PROJECT INFORMATION.—The Secretary shall maintain a
 7 database of information concerning coastal habitat res-
 8 toration and preservation projects funded under this title,
 9 including information on project techniques, project com-
 10 pletion, monitoring data, and other relevant information.

11 (b) REPORT.—The Secretary shall annually submit
 12 a report to the Committee on Commerce, Science, and
 13 Transportation of the United States Senate and the Com-
 14 mittee on Resources of the United States House of Rep-
 15 resentatives on the results of activities carried out under
 16 this title. The report shall include—

17 (1) a review and evaluation of each coastal
 18 state's restoration and preservation projects;

19 (2) a review of all funds allocated to coastal
 20 States and to the Department of Commerce under
 21 this title;

22 (3) quantitative data on coastal habitats re-
 23 stored and protected under this title, including the
 24 scope and number of projects approved and com-
 25 pleted;

1 (4) an estimate of the long-term success of
2 varying restoration and protection techniques used
3 in carrying out projects under this title; and

4 (5) a review of the extent to which information
5 described in paragraph (4) will be or has been incor-
6 porated in the selection and implementation of coast-
7 al habitat restoration and protection projects.

8 **SEC. 306. GUIDELINES.**

9 The Secretary shall publish guidelines and criteria for
10 the review, revision, and approval of projects under section
11 303, including Federally-approved projects under section
12 303(b)(3), in the Federal Register within 90 days after
13 the date of enactment of this Act. After a 60-day period
14 for public comment, the Secretary shall publish the guide-
15 lines in final form.

16 **SEC. 307. COOPERATIVE AGREEMENTS; MEMORANDA OF**
17 **UNDERSTANDING.**

18 In carrying out this title, the Secretary may—

19 (1) enter into cooperative agreements, financial
20 agreements, grant agreements, contractual agree-
21 ments, or other agreements with Federal, State, and
22 local government agencies and other persons and en-
23 tities to carry out this title; and

24 (2) execute such memoranda of understanding
25 as are necessary to reflect any such agreement.

1 **SEC. 308. EXPENDITURES.**

2 (a) ADMINISTRATIVE EXPENSES AND STAFFING.—

3 From the amounts authorized by section 101(a)(3) to be
 4 available to carry out this title \$7,500,000 shall be made
 5 available to the Secretary of Commerce for the administra-
 6 tion of this title for fiscal year 2000 and for each year
 7 thereafter.

8 (b) TECHNICAL PROJECT ASSISTANCE.—The Sec-
 9 retary may withhold up to 25 percent of the cost of an
 10 approved project for the cost of any technical or other as-
 11 sistance provided on that project to the State by the Sec-
 12 retary.

13 **TITLE IV—CORAL REEF**
 14 **PROTECTION**

15 **SEC. 401. SHORT TITLE.**

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

18 **SEC. 402. FINDINGS.**

19 The Congress finds the following:

20 (1) Coral reefs and coral reef ecosystems are
 21 considered the marine equivalent of tropical rain for-
 22 ests, containing some of the planet’s richest biologi-
 23 cal diversity, habitats, and systems and supporting
 24 thousands of fish, invertebrates, reef algae, plank-
 25 ton, sea grasses, and other species.

1 (2) Coral reefs and coral reef ecosystems have
2 great commercial, recreational, cultural, and aes-
3 thetic value to human communities as shoreline pro-
4 tection, areas of natural beauty, and sources of food,
5 pharmaceuticals, jobs, and revenues through a wide
6 variety of activities, including education, research,
7 tourism, and fishing.

8 (3) Studies indicate that coral reefs in the
9 United States and around the world are being de-
10 graded and severely threatened by human and envi-
11 ronmental impacts including land-based pollution,
12 overfishing, destructive fishing practices, vessel
13 groundings, and climate change.

14 (4) Since 1994, under the United States Coral
15 Reef Initiative, Federal agencies, State, local, terri-
16 torial, commonwealth, and local governments, non-
17 governmental organizations, and commercial inter-
18 ests have worked together to design and implement
19 additional management, education, monitoring, re-
20 search, and restoration efforts to conserve coral reef
21 ecosystems.

22 (5) 1997 was recognized as the Year of the
23 Reef to raise public awareness about the importance
24 of conserving coral reefs and to facilitate actions to
25 protect coral reef ecosystems.

1 (6) On October 21, 1997, the 105th Congress
2 passed House Concurrent Resolution 8, a concurrent
3 resolution recognizing the significance of maintain-
4 ing the health and stability of coral reef ecosystems
5 by promoting comprehensive stewardship for coral
6 reef ecosystems, discouraging unsustainable fisheries
7 or other practices harmful to coral reefs, encour-
8 aging research, monitoring, assessment of, and edu-
9 cation on coral reef ecosystems, improving coordina-
10 tion of coral reef efforts and activities of Federal
11 agencies, academic institutions, nongovernmental or-
12 ganizations, and industry, and promoting preserva-
13 tion and sustainable use of coral reef resources
14 worldwide.

15 (7) 1998 was declared to be the International
16 Year of the Ocean to raise public awareness and in-
17 crease actions to conserve and use in a sustainable
18 manner the broader ocean environment, including
19 coral reefs.

20 (8) On June 11, 1998, President William Jef-
21 ferson Clinton signed Executive Order 13089 (64
22 Fed. Reg. 323701) which recognizes the importance
23 of conserving coral reef ecosystems, establishes the
24 Coral Reef Task Force under the joint leadership of
25 the Departments of Commerce and Interior, and di-

1 rects Federal agencies whose actions may affect
2 United States coral reef ecosystems to take steps to
3 protect, manage, research, and restore such eco-
4 systems.

5 (9) The Nation benefits from—

6 (A) specific actions and programs involving
7 coral reefs and coral reef ecosystems including
8 National Marine Sanctuaries, National Wildlife
9 Refuges, National Parks, and other marine pro-
10 tected areas that conserve for future genera-
11 tions vital marine resources, ecosystems, and
12 habitats;

13 (B) the identification of coral habitats as
14 essential fish habitat under the Magnuson-Ste-
15 vens Fishery Conservation and Management
16 Act, which requires aggressive efforts to mini-
17 mize adverse effects on such habitat caused by
18 fishing;

19 (C) identification of other actions to en-
20 courage the conservation and enhancement of
21 such habitat; and

22 (D) State and territorial coastal manage-
23 ment programs for the protection, development,
24 and where possible, restoration and enhance-
25 ment of the resources of the Nation's coastal

1 zone for this and succeeding generations under
2 the Coastal Zone Management Act and other
3 related statutes.

4 (10) Legislation solely dedicated to the com-
5 prehensive and coordinated conservation, manage-
6 ment, protection, and restoration of coral reefs and
7 coral reef ecosystems would supplement Executive
8 Order 13089 and House Concurrent Resolution 8,
9 and complement the management, protection, and
10 conservation provided by such programs as those ad-
11 ministered under the National Marine Sanctuaries
12 Act, Coastal Zone Management Act, and Magnuson-
13 Stevens Fishery Conservation and Management Act,
14 as well as those administered by other Federal,
15 State, and territorial agencies.

16 **SEC. 403. POLICY.**

17 It is the policy of the United States—

18 (1) to conserve and protect the ecological integ-
19 rity of coral reef ecosystems;

20 (2) to maintain the health, natural conditions,
21 and dynamics of those ecosystems;

22 (3) to reduce and remove human stresses af-
23 fecting reefs;

24 (4) to restore coral reef ecosystems injured by
25 human activities; and

1 (5) to promote the long-term sustainable use of
2 coral reef ecosystems.

3 **SEC. 404. PURPOSES.**

4 The purposes of this title are—

5 (1) to preserve, sustain, and restore the health
6 of coral reef ecosystems;

7 (2) to assist in the conservation and protection
8 of coral reefs by supporting conservation programs;

9 (3) to provide financial resources for those pro-
10 grams; and

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

15 **SEC. 405. DEFINITIONS.**

16 In this title:

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

19 (A) all species of the orders Antipatharia
20 (black corals), Scleractinia (stony corals),
21 Alcyonacea (soft corals), Gorgonacea (horny
22 corals), Stolonifera (organ pipe corals and oth-
23 ers), and Helioporacea (blue coral) of the class
24 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, shoal, or other natural feature com-
 6 posed primarily of the solid skeletal structures in
 7 which stony corals are major framework constitu-
 8 ents, within all maritime areas and zones subject to
 9 the jurisdiction or control of the United States (e.g.
 10 Federal, State, territorial, or commonwealth waters),
 11 including in the south Atlantic, Caribbean, Gulf of
 12 Mexico, and Pacific Ocean.

13 (3) CORAL REEF ECOSYSTEM.—The term
 14 “coral reef ecosystem” means the interacting com-
 15 plex of species (including reef plants of the phyla
 16 Chlorophyta, Phaeophyta, and Rhodophyta) and
 17 nonliving variables associated with coral reefs and
 18 their habitats which—

19 (A) function as an ecological unit in na-
 20 ture; and

21 (B) are mutually dependent on this func-
 22 tion to continue.

23 (4) CONSERVATION.—The term “conservation”
 24 means the use of methods and procedures necessary
 25 to preserve or sustain coral reefs and coral reef eco-

1 systems as diverse, viable, and self-perpetuating eco-
2 systems, including—

3 (A) all activities associated with resource
4 management, such as assessment, science, con-
5 servation, protection, restoration, sustainable
6 use, management of habitat, and water quality;

7 (B) habitat monitoring;

8 (C) assistance in the development of man-
9 agement strategies for marine protected areas
10 and marine resources consistent with the Na-
11 tional Marine Sanctuaries Act (16 U.S.C. 1431
12 et seq.) and the Magnuson-Stevens Fishery
13 Conservation and Management Act (16 U.S.C.
14 1801 et seq.) and other Federal, State, and ter-
15 ritorial statutes;

16 (D) law enforcement;

17 (E) conflict resolution initiatives;

18 (F) community outreach and education;

19 and

20 (G) promotion of safe and ecologically
21 sound navigation.

22 (5) PERSON.—The term “person” has the
23 meaning given that term by section 1 of title 1,
24 United States Code, but includes departments, agen-

1 cies, and instrumentalities of the United States Gov-
2 ernment or any State or local government.

3 (6) FOUNDATION.—The term “foundation”
4 means any qualified non-profit organization that
5 specializes in natural resource conservation.

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

8 (8) STATE.—The term “State” means any
9 coastal State of the United States that contains
10 coral within its seaward boundaries, and American
11 Samoa, Guam, the Northern Mariana Islands, Puer-
12 to Rico, and the U.S. Virgin Islands, and any other
13 commonwealth, territory, or possession of the United
14 States that contains coral within its seaward bound-
15 aries.

16 **SEC. 406. CORAL REEF RESTORATION AND CONSERVATION**
17 **PROGRAM.**

18 (a) FINANCIAL ASSISTANCE.—The Secretary of Com-
19 merce subject to the availability of funds, may provide fi-
20 nancial assistance for projects that—

21 (1) provide for the restoration of degraded or
22 injured coral reefs or coral reef ecosystems, includ-
23 ing developing and implementing cost-effective meth-
24 ods to restore or enhance degraded or injured coral
25 reefs and coral reef ecosystems; or

(2) provide for the conservation of coral reefs or coral reef ecosystems through projects other than those under paragraph (1), that provide for the management, conservation, and protection of coral reefs and coral reef ecosystems, including mapping and assessment, management, protection (including enforcement), scientific research, and short-term and long-term monitoring that benefits the long-term conservation of coral reefs and coral reef ecosystems.

(b) MATCHING REQUIREMENTS.—

(1) 75-PERCENT FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any project under this section shall not exceed 75 percent of the total cost of such project. In calculating that percentage, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) EXCEPTIONS.—

(A) SMALL PROJECTS.—There are no matching requirements for grants under subsection (a) for projects costing not more than \$25,000.

(B) HIGHER LEVEL OF SUPPORT REQUIRED.—If the Secretary determines that a proposed project merits support and cannot be

1 undertaken without a higher rate of Federal
2 support, then the Secretary may approve grants
3 under this section with a matching requirement
4 other than that specified in paragraph (1).

5 (c) ELIGIBILITY.—Any relevant natural resource
6 management authority of a State or territory of the
7 United States or other government authority with jurisdic-
8 tion over coral reefs or whose activities directly or indi-
9 rectly affect coral reefs or coral reef ecosystems, or edu-
10 cational or non-governmental institutions with dem-
11 onstrated expertise in the conservation of coral reefs, may
12 submit a coral reef restoration or conservation proposal
13 to the Secretary under subsection (a).

14 (d) ALLOCATION.—The Secretary shall ensure that
15 financial assistance provided under subsection (a) during
16 a fiscal year is distributed so that—

17 (1) not less than 40 percent of the funds avail-
18 able are awarded for coral reef restoration and con-
19 servation projects in the Pacific Ocean;

20 (2) not less than 40 percent of the funds avail-
21 able are awarded for coral reef restoration and con-
22 servation projects in the Atlantic Ocean, the Gulf of
23 Mexico, and the Caribbean Sea; and

24 (3) remaining funds are awarded for coral reef
25 restoration and conservation projects that address

1 emerging priorities or threats identified by the Sec-
2 retary in consultation with the Coral Reef Task
3 Force under subsection (j).

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

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

8 (2) A succinct statement of the purposes of the
9 project.

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

12 (4) An estimate of the funds and time required
13 to complete the project.

14 (5) Evidence of support of the project by appro-
15 priate representatives of States or territories of the
16 United States or other government jurisdictions in
17 which the project will be conducted.

18 (6) Information regarding the source and
19 amount of matching funding available to the appli-
20 cant, as appropriate.

21 (7) A description of how the project meets one
22 or more of the criteria in subsection (g) of this sec-
23 tion.

1 (8) Any other information the Secretary con-
2 siders to be necessary for evaluating the eligibility of
3 the project for funding under this title.

4 (f) PROJECT REVIEW AND APPROVAL.—

5 (1) IN GENERAL.—The Secretary shall review
6 each final coral reef conservation project proposal to
7 determine if it meets the criteria set forth in sub-
8 section (g).

9 (2) REVIEW; APPROVAL OR DISAPPROVAL.—Not
10 later than 3 months after receiving a final project
11 proposal under this section, the Secretary shall—

12 (A) request written comments on the pro-
13 posal from each Federal, State or territorial
14 agency of the United States and other govern-
15 ment jurisdictions, including the relevant re-
16 gional fishery management councils established
17 under the Magnuson-Stevens Fishery Conserva-
18 tion and Management Act (16 U.S.C. 1801 et
19 seq.), or any National Marine Sanctuary, with
20 jurisdiction or management authority over coral
21 reefs or coral reef ecosystems in the area where
22 the project is to be conducted, including the ex-
23 tent to which the project is consistent with lo-
24 cally-established priorities;

1 (B) for projects costing less than \$25,000,
2 provide for expedited peer review of the pro-
3 posal;

4 (C) for projects costing \$25,000 or great-
5 er, provide for the regional, merit-based peer re-
6 view of the proposal and require standardized
7 documentation of that peer review;

8 (D) after considering any written com-
9 ments and recommendations based on the re-
10 views under subparagraphs (A) and (B), ap-
11 prove or disapprove the proposal; and

12 (E) provide written notification of that ap-
13 proval or disapproval to the person who sub-
14 mitted the proposal, and each of those States,
15 territories, and other government jurisdictions.

16 (g) CRITERIA FOR APPROVAL.—The Secretary may
17 approve a final project proposal under this section based
18 on the written comments received and the extent that the
19 project will enhance the conservation of coral reefs by—

20 (1) implementing coral reef conservation pro-
21 grams which promote sustainable development and
22 ensure effective, long-term conservation of coral
23 reefs;

24 (2) addressing, and to the extent practicable,
25 resolving the conflicts arising from the use of envi-

1 ronments near coral reefs or from the use of any liv-
2 ing or dead specimens, port, or derivatives, or any
3 product containing specimens, ports, or derivatives,
4 of any coral or coral reef ecosystem;

5 (3) enhancing compliance with laws that pro-
6 hibit or regulate the taking of corals, species associ-
7 ated with coral reefs, and coral products or regulate
8 the use and management of coral reef ecosystems;

9 (4) developing sound scientific information on
10 the condition of coral reef ecosystems or the threats
11 to such ecosystems;

12 (5) promoting cooperative projects on coral reef
13 conservation that involve affected local communities,
14 non-governmental organizations, or others in the pri-
15 vate sector; or

16 (6) increasing public knowledge and awareness
17 of coral reef ecosystems and issues regarding their
18 long term conservation.

19 (h) IMPLEMENTATION GUIDELINES.—Within 90 days
20 after the date of enactment of this Act, the Secretary shall
21 promulgate necessary guidelines for implementing this
22 section. In developing those guidelines, the Secretary shall
23 consult with regional and local entities, including States
24 and territories, involved in setting priorities for conserva-
25 tion of coral reefs.

1 (i) TECHNICAL ASSISTANCE.—The Secretary may
2 provide technical assistance to any State or Federal agen-
3 cy with jurisdiction over coral reefs and coral reef eco-
4 systems to further the purposes of this title.

5 (j) CORAL REEF TASK FORCE.—The Secretary shall
6 consult with the Coral Reef Task Force established under
7 Executive Order 13089 (64 Fed. Reg. 323701), to obtain
8 guidance in establishing coral reef conservation project
9 priorities under this section.

10 **SEC. 407. NATIONAL PROGRAM.**

11 (a) IN GENERAL.—The Secretary may conduct activi-
12 ties that further the conservation of coral reefs or coral
13 reef ecosystems on a regional, national, or international
14 scale, or that further public awareness and education re-
15 garding coral reefs and coral reef ecosystems on a re-
16 gional, national, or international scale. The activities
17 should, to the extent practicable, supplement and be con-
18 sistent with the programs, policies, and statutes of af-
19 fected States and territories, the National Marine Sanc-
20 tuaries Act, the Coastal Zone Management Act, and the
21 Magnuson-Stevens Fishery Conservation and Manage-
22 ment Act, other applicable Federal statutes, and, at a min-
23 imum, should include mapping and assessment, moni-
24 toring, management, and scientific research that benefits

1 the long-term conservation of coral reefs and coral reef
2 ecosystems.

3 (b) FINANCIAL ASSISTANCE.—The Secretary may
4 enter into joint projects with any Federal, State, terri-
5 torial, or local authority, or provide financial assistance
6 to any person for projects consistent with subsection (a),
7 including projects that—

8 (1) support, promote, and coordinate the as-
9 sessment of, scientific research on, monitoring of, or
10 restoration of coral reefs and coral reef ecosystems
11 of the United States;

12 (2) cooperate with global and regional programs
13 that conserve, manage, protect, and study coral reefs
14 and coral reef ecosystems; or

15 (3) enhance public awareness, understanding,
16 and appreciation of coral reefs and coral reef eco-
17 systems.

18 **SEC. 408. DOCUMENTATION OF CERTAIN VESSELS.**

19 Section 12102 of title 46, United States Code, is
20 amended by adding at the end thereof the following:

21 “(e) A vessel otherwise eligible to be documented
22 under this section may not be documented as a vessel of
23 the United States if—

1 “(1) the owner of the vessel has abandoned any
2 vessel on a coral reef located in waters subject to the
3 jurisdiction of the United States; and

4 “(2) the abandoned vessel remains on the coral
5 reef or was removed from the coral reef under sec-
6 tion 405 or 406 of the Coral Reef Protection Act of
7 2000 (or any other provision of law in *pari materia*
8 enacted after 1999), unless the owner of the vessel
9 has reimbursed the United States for environmental
10 damage caused by the vessel and the funds expended
11 to remove it.”.

12 **SEC. 409. REGULATIONS; CORAL REEF CONSERVATION**
13 **FUND.**

14 (a) **REGULATIONS.**—Within 90 days after the date of
15 enactment of this Act, the Secretary shall promulgate nec-
16 essary regulations for implementing this section. In devel-
17 oping those regulations, the Secretary shall consult with
18 regional and local entities, including States and territories,
19 involved in setting priorities for conservation of coral reefs.

20 (b) **FUND.**—The Secretary may enter into an agree-
21 ment with a foundation authorizing the foundation to re-
22 ceive, hold, and administer funds received by the founda-
23 tion pursuant to this section. The foundation shall invest,
24 reinvest, and otherwise administer the funds and maintain
25 such funds and any interest or revenues earned in a sepa-

1 rate interest bearing account, hereafter referred to as the
2 Fund, established by the foundation solely to support part-
3 nerships between the public and private sectors that fur-
4 ther the purposes of this title.

5 (c) AUTHORIZATION TO SOLICIT DONATIONS.—Con-
6 sistent with section 4 of the National Fish and Wildlife
7 Foundation Establishment Act (16 U.S.C. 3703), and
8 pursuant to the agreement entered into under subsection
9 (b) of this section, a foundation may accept, receive, so-
10 licit, hold, administer, and use any gift or donation to fur-
11 ther the purposes of this title. Such funds shall be depos-
12 ited and maintained in the Fund established by a founda-
13 tion under subsection (b) of this section.

14 (d) REVIEW OF PERFORMANCE.—The Secretary shall
15 conduct a continuing review of the grant program admin-
16 istered by a foundation under this section. Each review
17 shall include a written assessment concerning the extent
18 to which that foundation has implemented the goals and
19 requirements of this section.

20 (e) ADMINISTRATION.—Under the agreement entered
21 into pursuant to subsection (b) of this section, the Sec-
22 retary may transfer funds appropriated under section
23 361(b)(1) to a foundation. Amounts received by a founda-
24 tion under this subsection may be used for matching, in
25 whole or in part, contributions (whether in currency, serv-

1 ices, or property) made to the foundation by private per-
2 sons and State and local government agencies.

3 **SEC. 410. USE OF APPROPRIATED FUNDS.**

4 (a) RESTORATION AND CONSERVATION PROJECTS.—

5 Not more than \$15,000,000 of the amounts available to
6 carry out this title shall be used by the Secretary to sup-
7 port coral reef restoration and conservation projects under
8 section 406(a), of which not more than 20 percent shall
9 be used for technical assistance provided by the Secretary.

10 (b) NATIONAL PROGRAM.—Not more than
11 \$5,000,000 of the amounts available to carry out this title
12 shall be used by the Secretary to support coral reef con-
13 servation projects under section 407.

14 (c) ADMINISTRATION.—Not more than 1 percent of
15 the amounts made available under subsection (a) may be
16 used by the Secretary for administration of this title.

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