

106TH CONGRESS
1ST SESSION

S. 725

To preserve and protect coral reefs, and other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Ms. SNOWE (for herself, and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To preserve and protect coral reefs, and 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.**

4 This Act may be cited as the “Coral Reef Conserva-
5 tion Act of 1999”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this title are:

8 (1) To preserve, sustain, and restore the health
9 of coral reef ecosystems;

10 (2) To assist in the conservation and protection
11 of coral reefs by supporting conservation programs;

1 (3) To provide financial resources for those pro-
2 grams; and

3 (4) To establish a formal mechanism for col-
4 lecting and allocating monetary donations from the
5 private sector to be used for coral reef conservation
6 projects.

7 **SEC. 3. DEFINITIONS.**

8 In this title:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the National
11 Oceanic and Atmospheric Administration.

12 (2) CORAL.—The term “coral” means species
13 of the phylum Cnidaria, including—

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

20 (B) all species of the order Hydrocorallina
21 (fire corals and hydrocorals), of the class
22 Hydrozoa.

23 (3) CORAL REEF.—The term “coral reef”
24 means those species (including reef plants), habitats,
25 and other natural resources associated with any

1 reefs or shoals composed primarily of corals within
2 all maritime areas and zones subject to the jurisdic-
3 tion or control of the United States (e.g., Federal,
4 State, territorial, or commonwealth waters), includ-
5 ing in the south Atlantic, Caribbean, Gulf of Mexico,
6 and Pacific Ocean.

7 (4) CORALS AND CORAL PRODUCTS.—The term
8 “corals and coral products” means any living or
9 dead specimens, parts, or derivatives, or any product
10 containing specimens, parts, or derivatives, of any
11 species referred to in paragraph (2).

12 (5) CONSERVATION.—The term “conservation”
13 means the use of methods and procedures necessary
14 to preserve or sustain corals and species associated
15 with coral reefs as diverse, viable, and self-perpet-
16 uating coral reefs, including all activities associated
17 with resource management, such as assessment, con-
18 servation, protection, restoration, sustainable use,
19 and management of habitat; habitat monitoring; as-
20 sistance in the development of management strate-
21 gies for marine protected areas and marine re-
22 sources consistent with the National Marine Sanc-
23 tuaries Act (16 U.S.C. 1431 et seq.) and the Mag-
24 nuson-Stevens Fishery Conservation and Manage-
25 ment Act (16 U.S.C.1801 et seq.); law enforcement;

1 conflict resolution initiatives; and community out-
2 reach and education.

3 (6) ORGANIZATION.—The term “organization”
4 means any qualified non-profit organization that
5 promotes coral reef conservation.

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

8 **SEC. 4. CORAL REEF CONSERVATION PROGRAM.**

9 (a) GRANTS.—The Secretary, through the Adminis-
10 trator and subject to the availability of funds, shall provide
11 grants of financial assistance for projects for the conserva-
12 tion of coral reefs, hereafter called coral conservation
13 projects, for proposals approved by the Administrator in
14 accordance with this section.

15 (b) MATCHING REQUIREMENTS.—

16 (1) Except as provided in paragraph (2), Fed-
17 eral funds for any coral conservation project under
18 this section may not exceed 50 percent of the total
19 cost of such project. For purposes of this paragraph,
20 the non-Federal share of project costs may be pro-
21 vided by in-kind contributions and other noncash
22 support.

23 (2) The Administrator may waive all or part of
24 the matching requirement under paragraph (1) if—

1 (A) the project costs are \$25,000 or less;

2 or

3 (B) the Administrator determines that no
4 reasonable means are available through which
5 applicant can meet the matching requirement
6 and the probable benefit of such project out-
7 weighs the public interest in such matching re-
8 quirement.

9 (c) ELIGIBILITY.—Any relevant natural resource
10 management authority of a State or territory of the
11 United States or other government authority with jurisdic-
12 tion over coral reefs or whose activities directly or indi-
13 rectly affect coral reefs, or educational or non-govern-
14 mental institutions with demonstrated expertise in the
15 conservation of coral reefs, may submit to the Adminis-
16 trator a coral conservation proposal submitted under sub-
17 section (e) of this section.

18 (d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The
19 Administrator shall ensure that funding for grants award-
20 ed under subsection (b) of this section during a fiscal year
21 are distributed in the following manner—

22 (1) no less than 40 percent of funds available
23 shall be awarded for coral conservation projects in
24 the Pacific Ocean;

1 (2) no less than 40 percent of the funds avail-
2 able shall be awarded for coral conservation projects
3 in the Atlantic Ocean, Gulf of Mexico, and the Car-
4 ibbean Sea; and

5 (3) remaining funds shall be awarded for
6 projects that address emerging priorities or threats,
7 including international priorities or threats, identi-
8 fied by the Administrator in consultation with the
9 Coral Reef Task Force under subsection (i).

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

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

14 (2) A succinct statement of the purposes of the
15 project.

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

18 (4) An estimate of the funds and time required
19 to complete the project.

20 (5) Evidence of support of the project by appro-
21 priate representatives of States or territories of the
22 United States or other government jurisdictions in
23 which the project will be conducted.

1 (6) Information regarding the source and
2 amount of matching funding available to the appli-
3 cant, as appropriate.

4 (7) A description of how the project meets one
5 or more of the criteria in subsection (g) of this sec-
6 tion.

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

10 (f) PROJECT REVIEW AND APPROVAL.—

11 (1) IN GENERAL.—The Administrator shall re-
12 view each final coral conservation project proposal to
13 determine if it meets the criteria set forth in sub-
14 section (g).

15 (2) REVIEW; APPROVAL OR DISAPPROVAL.—Not
16 later than 3 months after receiving a final project
17 proposal under this section, the Administrator
18 shall—

19 (A) request written comments on the pro-
20 posal from each State or territorial agency of
21 the United States or other government jurisdic-
22 tion, including the relevant regional fishery
23 management councils established under the
24 Magnuson-Stevens Fishery Conservation and
25 Management Act (16 U.S.C. 1801 et seq.), or

1 any National Marine Sanctuary, with jurisdic-
2 tion or management authority over coral reefs
3 or coral reef ecosystems in the area where the
4 project is to be conducted, including the extent
5 to which the project is consistent with locally-
6 established priorities;

7 (B) for projects costing more than
8 \$25,000, provide for the regional, merit-based
9 peer review of the proposal and require stand-
10 ardized documentation of that peer review;

11 (C) after considering any written com-
12 ments and recommendations based on the re-
13 views under subparagraphs (A) and (B), ap-
14 prove or disapprove the proposal; and

15 (D) provide written notification of that ap-
16 proval or disapproval to the person who sub-
17 mitted the proposal, and each of those States,
18 territories, and other government jurisdictions.

19 (g) CRITERIA FOR APPROVAL.—The Administrator
20 may approve a final project proposal under this section
21 based on the extent that the project will enhance the con-
22 servation of coral reefs by—

23 (1) implementing coral conservation programs
24 which promote sustainable development and ensure
25 effective, long-term conservation of coral reefs.;

1 (2) addressing the conflicts arising from the use
2 of environments near coral reefs or from the use of
3 corals, species associated with coral reefs, and coral
4 products;

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) PROJECT REPORTING.—Each grantee under this
20 section shall provide periodic reports, as specified by the
21 Administrator. Each report shall include all information
22 required by the Secretary for evaluating the progress and
23 success of the project.

24 (i) CORAL REEF TASK FORCE.—The Administrator
25 may consult with the Coral Reef Task Force established

1 under Executive Order 13089 (June 11, 1998), to obtain
2 guidance in establishing coral conservation project prior-
3 ities under this section.

4 (j) IMPLEMENTATION GUIDELINES.—Within 90 days
5 after the date of enactment of this Act, the Administrator
6 shall promulgate necessary guidelines for implementing
7 this section. In developing those guidelines, the Adminis-
8 trator shall consult with regional and local entities in-
9 volved in setting priorities for conservation of coral reefs.

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

11 (a) FUND.—The Administrator may enter into an
12 agreement with an organization authorizing such organi-
13 zation to receive, hold and administer funds received pur-
14 suant to this section. The organization shall invest, rein-
15 vest and otherwise administer the funds and maintain
16 such funds and any interest or revenues earned in a sepa-
17 rate interest bearing account, hereafter referred to as the
18 Fund, established by such organization solely to support
19 partnerships between the public and private sectors that
20 further the purposes of this title.

21 (b) AUTHORIZATION TO SOLICIT DONATIONS.—Con-
22 sistent with 16 U.S.C. 3703, and pursuant to the agree-
23 ment entered into under subsection (a) of this section, an
24 organization may accept, receive, solicit, hold administer
25 and use any gift or donation to further the purposes of

1 this title. Such funds shall be deposited and maintained
2 in the Fund established by an organization under sub-
3 section (a) of this section.

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.

10 (d) ADMINISTRATION.—Under the agreement entered
11 into pursuant to subsection (a) of this section, the Admin-
12 istrator may transfer funds appropriated to carry out this
13 Act to an organization. Amounts received by an organiza-
14 tion under this subsection may be used for matching, in
15 whole or in part, contributions (whether in currency, serv-
16 ices, or property) made to the organization by private per-
17 sons and State and local government agencies.

18 **SEC. 6. EMERGENCY ASSISTANCE.**

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

24 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

25 (a) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) There are authorized to be appropriated to
2 the Secretary \$3,800,000 for each of fiscal years
3 2000, 2001, and 2002 for grants under section 4,
4 which may remain available until expended.

5 (2) There are authorized to be appropriated to
6 the Secretary \$200,000 for each of fiscal years
7 2000, 2001, and 2002 for emergency assistance
8 under section 6.

9 (b) USE OF AMOUNTS APPROPRIATED.—Not more
10 than 5 percent of the amounts appropriated under sub-
11 section (a) may be used by the Secretary, through the Ad-
12 ministrator, for administration of this title.

13 (c) LIMITATION.—Only amounts appropriated to im-
14 plement this title are subject to its requirements.

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