

109TH CONGRESS
1ST SESSION

S. 1390

AN ACT

To reauthorize the Coral Reef Conservation Act of 2000,
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.**

4 This Act may be cited as the “Coral Reef Conserva-
5 tion Amendments Act of 2005”.

1 **SEC. 2. EXPANSION OF CORAL REEF CONSERVATION PRO-**
2 **GRAM.**

3 (a) **PROJECT DIVERSITY.**—Section 204(d) of the
4 Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(d))
5 is amended—

6 (1) by striking “GEOGRAPHIC AND BIOLOGI-
7 CAL” in the heading and inserting “PROJECT”; and

8 (2) by striking paragraph (3) and inserting the
9 following:

10 “(3) Remaining funds shall be awarded for—

11 “(A) projects (with priority given to com-
12 munity-based local action strategies) that ad-
13 dress emerging priorities or threats, including
14 international and territorial priorities, or
15 threats identified by the Administrator in con-
16 sultation with the Coral Reef Task Force; and

17 “(B) other appropriate projects, as deter-
18 mined by the Administrator, including moni-
19 toring and assessment, research, pollution re-
20 duction, education, and technical support.”.

21 (b) **APPROVAL CRITERIA.**—Section 204(g) of that
22 Act (16 U.S.C. 6403(g)) is amended—

23 (1) by striking “or” after the semicolon in
24 paragraph (9);

25 (2) by striking paragraph (10); and

1 (3) by inserting after paragraph (9) the fol-
2 lowing:

3 “(10) promoting activities designed to minimize
4 the likelihood of vessel impacts on coral reefs, par-
5 ticularly those activities described in section 210(b),
6 including the promotion of ecologically sound naviga-
7 tion and anchorages near coral reefs; or

8 “(11) promoting and assisting entities to work
9 with local communities, and all appropriate govern-
10 mental and nongovernmental organizations, to sup-
11 port community-based planning and management
12 initiatives for the protection of coral reef systems.”.

13 **SEC. 3. EMERGENCY RESPONSE.**

14 Section 206 of the Coral Reef Conservation Act of
15 2000 (16 U.S.C. 6405) is amended to read as follows:

16 **“SEC. 206. EMERGENCY RESPONSE ACTIONS.**

17 “(a) IN GENERAL.—The Administrator may under-
18 take or authorize action necessary to prevent or minimize
19 the destruction or loss of, or injury to, coral reefs or coral
20 reef ecosystems from vessel impacts, derelict fishing gear,
21 vessel anchors and anchor chains, or damage from unfore-
22 seen or disaster-related circumstances.

23 “(b) ACTIONS AUTHORIZED.—Action authorized by
24 subsection (a) includes vessel removal and emergency re-
25 stabilization of the vessel and any impacted coral reef.

1 “(c) PARTNERING WITH OTHER FEDERAL AGEN-
2 CIES.—When possible, action by the Administrator under
3 this section should—

4 “(1) be conducted in partnership with other
5 Federal agencies, including the United States Coast
6 Guard, the Federal Emergency Management Agen-
7 cy, the U.S. Army Corps of Engineers, and the De-
8 partment of the Interior; and

9 “(2) leverage resources of other agencies.”.

10 **SEC. 4. NATIONAL PROGRAM.**

11 Section 207(b) of the Coral Reef Conservation Act
12 of 2000 (16 U.S.C. 6406) is amended—

13 (1) by striking “and” after the semicolon in
14 paragraph (3);

15 (2) by striking “partners.” in paragraph (4)
16 and inserting “partners; and”; and

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

18 “(5) activities designed to minimize the likeli-
19 hood of vessel impacts or other physical damage to
20 coral reefs, including those activities identified in
21 section 210(b).”.

22 **SEC. 5. REPORT TO CONGRESS.**

23 (a) IN GENERAL.—Section 208 of the Coral Reef
24 Conservation Act of 2000 (16 U.S.C. 6407) is amended
25 to read as follows:

1 **“SEC. 208. REPORT TO CONGRESS.**

2 “Not later than March 1, 2007, and every 3 years
3 thereafter, the Administrator shall submit to the Com-
4 mittee on Commerce, Science, and Transportation of the
5 Senate and the Committee on Resources of the House of
6 Representatives a report describing all activities under-
7 taken to implement the strategy, including—

8 “(1) a description of the funds obligated by
9 each participating Federal agency to advance coral
10 reef conservation during each of the 3 fiscal years
11 next preceding the fiscal year in which the report is
12 submitted;

13 “(2) a description of Federal interagency and
14 cooperative efforts with States and United States
15 territories to prevent or address overharvesting,
16 coastal runoff, or other anthropogenic impacts on
17 coral reefs, including projects undertaken with the
18 Department of Interior, Department of Agriculture,
19 the Environmental Protection Agency, and the
20 United States Army Corps of Engineers;

21 “(3) a summary of the information contained in
22 the vessel grounding inventory established under sec-
23 tion 210, including additional authorization or fund-
24 ing, needed for response and removal of such ves-
25 sels;”

1 “(4) a description of Federal disaster response
2 actions taken pursuant to the National Response
3 Plan to address damage to coral reefs and coral reef
4 ecosystems; and

5 “(5) an assessment of the condition of United
6 States coral reefs, accomplishments under this Act,
7 and the effectiveness of management actions to ad-
8 dress threats to coral reefs.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 for the Coral Reef Conservation Act of 2000 (16 U.S.C.
11 6401 et seq.) is amended by striking the item relating to
12 section 208 and inserting the following:

“208. Report to Congress.”.

13 **SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDI-**
14 **NATION.**

15 (a) IN GENERAL.—The Coral Reef Conservation Act
16 of 2000 (16 U.S.C. 6401 et seq.) is amended—

17 (1) by striking “organization solely” and all
18 that follows in section 205(a) (16 U.S.C. 6404(a))
19 and inserting “organization—

20 “(1) to support partnerships between the public
21 and private sectors that further the purposes of this
22 Act and are consistent with the national coral reef
23 strategy under section 203; and

24 “(2) to address emergency response actions
25 under section 206.”;

1 (2) by adding at the end of section 205(b) 16
2 U.S.C. 6404(b)) “The organization is encouraged to
3 solicit funding and in-kind services from the private
4 sector, including nongovernmental organizations, for
5 emergency response actions under section 206 and
6 for activities to prevent damage to coral reefs, in-
7 cluding activities described in section 210(b)(2).”;

8 (3) by striking “the grant program” in section
9 205(c) (16 U.S.C. 6404(c)) and inserting “any
10 grant program or emergency response action”;

11 (4) by redesignating sections 209 and 210 as
12 sections 212 and 213, respectively; and

13 (5) by inserting after section 208 the following:

14 **“SEC. 209. COMMUNITY-BASED PLANNING GRANTS.**

15 “(a) IN GENERAL.—The Administrator may make
16 grants to entities who have received grants under section
17 204(e) to provide additional funds to such entities to work
18 with local communities and through appropriate Federal
19 and State entities to prepare and implement plans for the
20 increased protection of coral reef areas identified by the
21 community and scientific experts as high priorities for fo-
22 cused attention. The plans shall—

23 “(1) support attainment of 1 or more of the cri-
24 teria described in section 204(g);

25 “(2) be developed at the community level;

1 “(3) utilize watershed-based approaches;

2 “(4) provide for coordination with Federal and
3 State experts and managers; and

4 “(5) build upon local approaches or models, in-
5 cluding traditional or island-based resource manage-
6 ment concepts.

7 “(b) **TERMS AND CONDITIONS.**—The provisions of
8 subsections (b), (d), (f), and (h) of section 204 apply to
9 grants under subsection (a), except that, for the purpose
10 of applying section 204(b)(1) to grants under this section,
11 ‘75 percent’ shall be substituted for ‘50 percent’.

12 **“SEC. 210. VESSEL GROUNDING INVENTORY.**

13 “(a) **IN GENERAL.**—The Administrator may main-
14 tain an inventory of all vessel grounding incidents involv-
15 ing coral reef resources, including a description of—

16 “(1) the impacts to such resources;

17 “(2) vessel and ownership information, if avail-
18 able;

19 “(3) the estimated cost of removal, mitigation,
20 or restoration;

21 “(4) the response action taken by the owner,
22 the Administrator, the Commandant of the Coast
23 Guard, or other Federal or State agency representa-
24 tives;

1 “(5) the status of the response action, including
2 the dates of vessel removal and mitigation or res-
3 toration and any actions taken to prevent future
4 grounding incidents; and

5 “(6) recommendations for additional naviga-
6 tional aids or other mechanisms for preventing fu-
7 ture grounding incidents.

8 “(b) IDENTIFICATION OF AT-RISK REEFS.—The Ad-
9 ministrators may—

10 “(1) use information from any inventory main-
11 tained under subsection (a) or any other available
12 information source to identify coral reef areas out-
13 side designated National Marine Sanctuaries that
14 have a high incidence of vessel impacts, including
15 groundings and anchor damage; and

16 “(2) identify appropriate measures, including
17 action by other agencies, to reduce the likelihood of
18 such impacts.

19 **“SEC. 211. REGIONAL COORDINATION.**

20 “The Administrator shall work in coordination and
21 collaboration with other Federal agencies, States, and
22 United States territorial governments to implement the
23 strategies developed under section 203, including regional
24 and local strategies, to address multiple threats to coral

1 reefs and coral reef ecosystems such as coastal runoff, ves-
 2 sel impacts, and overharvesting.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
 4 for the Coral Reef Conservation Act of 2000 (16 U.S.C.
 5 6401 et seq.) is amended—

6 (1) by redesignating the items relating to sec-
 7 tions 208 through 211 as relating to sections 211
 8 through 214; and

9 (2) by inserting the following after the item re-
 10 lating to section 207:

“209. Community-based planning grants.

“210. Vessel grounding inventory.

“211. Regional coordination.”.

11 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 212 of the Coral Reef Conservation Act of
 13 2000 (formerly 16 U.S.C. 6408), as redesignated by sec-
 14 tion 6, is amended—

15 (1) by striking “\$16,000,000 for each of fiscal
 16 years 2001, 2002, 2003, and 2004,” in subsection
 17 (a) and inserting “\$30,000,000 for fiscal year 2006,
 18 \$32,000,000 for fiscal year 2007, \$34,000,000 for
 19 fiscal year 2008, and \$35,000,000 for each of fiscal
 20 years 2009 through 2012, of which no less than 30
 21 percent per year (for each of fiscal years 2006
 22 through 2012) shall be used for the grant program
 23 under section 204 and up to 10 percent per year

1 shall be used for the Fund established under section
2 205,”;

3 (2) by striking “\$1,000,000” in subsection (b)
4 and inserting “\$2,000,000”; and

5 (3) by striking subsection (c) and inserting the
6 following:

7 “(c) COMMUNITY-BASED PLANNING GRANTS.—
8 There is authorized to be appropriated to the Adminis-
9 trator to carry out section 209 the sum of \$8,000,000 for
10 fiscal years 2007 through 2012, such sum to remain avail-
11 able until expended.”; and

12 (4) by striking subsection (d).

Passed the Senate December 15, 2005.

Attest:

Secretary.

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