

109TH CONGRESS  
1ST SESSION

# S. 1390

To reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 13, 2005

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

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## A BILL

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”.

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

8       (a) PROJECT DIVERSITY.—Section 204(d) of the  
9       Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(d))  
10      is amended—

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

3 (2) by striking “40 percent” in paragraph (2)  
4 and inserting “30 percent”; and

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

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

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

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

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

20 (1) by striking “or” after the semicolon in  
21 paragraph (9);

22 (2) by redesignating paragraph (10) as para-  
23 graph (12); and

24 (3) by inserting after paragraph (9) the fol-  
25 lowing:

1 “(10) activities designed to minimize the likeli-  
 2 hood of vessel impacts on coral reefs, particularly  
 3 those activities described in section 210(b), including  
 4 the promotion of ecologically sound navigation and  
 5 anchorages near coral reefs;

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

12 **SEC. 3. EMERGENCY RESPONSE.**

13 Section 206 of the Coral Reef Conservation Act of  
 14 2000 (16 U.S.C. 6404) is amended to read as follows:

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

16 “(a) IN GENERAL.—The Administrator may under-  
 17 take or authorize action necessary to prevent or minimize  
 18 the destruction or loss of, or injury to, coral reefs or coral  
 19 reef ecosystems from vessel impacts or other physical dam-  
 20 age to coral reefs, including damage from unforeseen or  
 21 disaster-related circumstances.

22 “(b) ACTIONS AUTHORIZED.—Action authorized by  
 23 subsection (a) includes vessel removal and emergency re-  
 24 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 such other agencies,  
 10 including funding or assistance authorized under  
 11 other Federal laws, such as the Oil Pollution Act of  
 12 1990, the Comprehensive Environmental Response,  
 13 Compensation, and Liability Act, and the Federal  
 14 Water Pollution Control Act.”.

15 **SEC. 4. NATIONAL PROGRAM.**

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

18           (1) by striking “and” after the semicolon in  
 19 paragraph (3);

20           (2) by striking “partners.” in paragraph (4)  
 21 and inserting “partners; and”; and

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

23           “(5) activities designed to minimize the likeli-  
 24 hood of vessel impacts or other physical damage to

1 coral reefs, including those activities described iden-  
2 tified in section 210(b).”.

3 **SEC. 5. REPORT TO CONGRESS.**

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

7 **“SEC. 208. REPORT TO CONGRESS.**

8 “Not later than March 1, 2007, and every 3 years  
9 thereafter, the Administrator shall submit to the Com-  
10 mittee on Commerce, Science, and Transportation of the  
11 Senate and the Committee on Resources of the House of  
12 Representatives a report describing all activities under-  
13 taken to implement the strategy, including—

14 “(1) a description of the funds obligated by  
15 each participating Federal agency to advance coral  
16 reef conservation during each of the 3 fiscal years  
17 next preceding the fiscal year in which the report is  
18 submitted;

19 “(2) a description of Federal interagency and  
20 cooperative efforts with States and United States  
21 territories to prevent or address overharvesting,  
22 coastal runoff, or other anthropogenic impacts on  
23 coral reefs, including projects undertaken with the  
24 Department of Interior, Department of Agriculture,

1 the Environmental Protection Agency, and the  
 2 United States Army Corps of Engineers;

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

8 “(4) a description of Federal disaster response  
 9 actions taken pursuant to the National Response  
 10 Plan to address damage to coral reefs and coral reef  
 11 ecosystems; and

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

16 (b) CLERICAL AMENDMENT.—The table of contents  
 17 for the Coral Reef Conservation Act of 2000 (16 U.S.C.  
 18 6401 et seq.) is amended by striking the item relating to  
 19 section 208 and inserting the following:

“208. Report to Congress.”.

20 **SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDI-**  
 21 **NATION.**

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

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

4           “(1) to support partnerships between the public  
 5           and private sectors that further the purposes of this  
 6           Act and are consistent with the national coral reef  
 7           strategy under section 203; and

8           “(2) to address emergency response actions  
 9           under section 206.”;

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

17          (3) by striking “the grant program” in section  
 18          205(c) (16 U.S.C. 6404(c)) and inserting “any  
 19          grant program or emergency response action”;

20          (4) by redesignating sections 209 and 210 as  
 21          sections 212 and 213, respectively; and

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

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

24       “(a) IN GENERAL.—The Administrator may make  
 25       grants to entities who have received grants under section

1 204(c) to provide additional funds to such entities to work  
 2 with local communities and through appropriate Federal  
 3 and State entities to prepare and implement plans for the  
 4 increased protection of coral reef areas identified by the  
 5 community and the best scientific information available as  
 6 high priorities for focused attention. The plans shall—

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

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

10 “(3) utilize watershed-based approaches;

11 “(4) provide for coordination with Federal and  
 12 State experts and managers; and

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

16 “(b) TERMS AND CONDITIONS.—The provisions of  
 17 subsections (b), (d), (f), and (h) of section 204 apply to  
 18 grants under subsection (a), except that, for the purpose  
 19 of applying section 204(b)(1) to grants under this section,  
 20 ‘25 percent’ shall be substituted for ‘50 percent’.

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

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

25 “(1) the impacts to such resources;



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

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

5           “(4) the response action taken by the owner,  
6     the Administrator, the Commandant of the Coast  
7     Guard, or other Federal or State agency representa-  
8     tives;

9           “(5) the status of the response action, including  
10    the dates of vessel removal and mitigation or res-  
11    toration and any actions taken to prevent future  
12    grounding incidents; and

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

16          “(b) IDENTIFICATION OF AT-RISK REEFS.—The Ad-  
17    ministrator may—

18          “(1) use information from any inventory main-  
19    tained under subsection (a) or any other available  
20    information source to identify coral reef areas out-  
21    side designated National Marine Sanctuaries that  
22    have a high incidence of vessel impacts, including  
23    groundings and anchor damage; and

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

4   **“SEC. 211. REGIONAL COORDINATION.**

5           “The Administrator shall work in coordination and  
6           collaboration with other Federal agencies, States, and  
7           United States territorial governments to implement the  
8           strategies developed under section 203, including regional  
9           and local strategies, to address multiple threats to coral  
10          reefs and coral reef ecosystems such as coastal runoff, ves-  
11          sel impacts, and overharvesting.”.

12          (b) CLERICAL AMENDMENT.—The table of contents  
13          for the Coral Reef Conservation Act of 2000 (16 U.S.C.  
14          6401 et seq.) is amended—

15                 (1) by redesignating the items relating to sec-  
16          tions 208 through 211 as relating to sections 211  
17          through 214; and

18                 (b) by inserting the following after the item re-  
19          lating to section 207:

        “209. Community-based planning grants.  
        “210. Vessel grounding inventory.  
        “211. Regional coordination.”.

20   **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21          Section 212 of the Coral Reef Conservation Act of  
22          2000 (formerly 16 U.S.C. 6408), as redesignated by sec-  
23          tion 6, is amended—

1           (1) by striking “\$16,000,000 for each of fiscal  
2       years 2001, 2002, 2003, and 2004,” in subsection  
3       (a) and inserting “\$30,000,000 for fiscal year 2006,  
4       \$32,000,000 for fiscal year 2007, \$34,000,000 for  
5       fiscal year 2008, and \$35,000,000 for each of fiscal  
6       years 2009 through 2012, of which no less than 30  
7       percent per year (for each of fiscal years 2006  
8       through 2012) shall be used for the grant program  
9       under section 204 and up to 10 percent per year  
10      shall be used for the Fund established under section  
11      205,”;

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

14           (3) by striking subsection (c) and inserting the  
15      following:

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

21           (4) by striking subsection (d).

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