

Calendar No. 294

109TH CONGRESS
1ST SESSION**S. 1390****[Report No. 109–182]**

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

IN THE SENATE OF THE UNITED STATES

JULY 13, 2005

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

NOVEMBER 17, 2005

Reported by Mr. STEVENS, with amendments

[Omit the part struck through and insert the part printed in *italie*]**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”.

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 “40 percent” in paragraph (2)~~
 9 ~~and inserting “30 percent”; and~~

10 ~~(3) (2) by striking paragraph (3) and inserting~~
 11 ~~the following:~~

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

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

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

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

25 (1) by striking “or” after the semicolon in
 26 paragraph (9);

1 ~~(2) by redesignating paragraph (10) as para-~~
 2 ~~graph (12); and~~

3 (2) *by striking paragraph (10); and*

4 (3) by inserting after paragraph (9) the fol-
 5 lowing:

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

11 “(11) promoting and assisting entities to work
 12 with local communities, and all appropriate govern-
 13 mental and nongovernmental organizations, to sup-
 14 port community-based planning and management
 15 initiatives for the protection of coral reef ~~systems;~~
 16 ~~or~~ *systems.*”.

17 **SEC. 3. EMERGENCY RESPONSE.**

18 Section 206 of the Coral Reef Conservation Act of
 19 2000 (16 U.S.C. ~~6404~~ 6405) *is amended to read as follows:*

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

21 “(a) IN GENERAL.—The Administrator may under-
 22 take or authorize action necessary to prevent or minimize
 23 the destruction or loss of, or injury to, coral reefs or coral
 24 reef ecosystems from vessel impacts or other physical dam-

1 age to coral reefs, including damage from unforeseen or
 2 disaster-related circumstances.

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

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

9 “(1) be conducted in partnership with other
 10 Federal agencies, including the United States Coast
 11 Guard, the Federal Emergency Management Agen-
 12 cy, the U.S. Army Corps of Engineers, and the De-
 13 partment of the Interior; and

14 “(2) leverage resources of such other agencies,
 15 including funding or assistance authorized under
 16 other Federal laws, such as the Oil Pollution Act of
 17 1990, the Comprehensive Environmental Response,
 18 Compensation, and Liability Act, and the Federal
 19 Water Pollution Control Act.”.

20 **SEC. 4. NATIONAL PROGRAM.**

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

23 (1) by striking “and” after the semicolon in
 24 paragraph (3);

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

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

4 “(5) activities designed to minimize the likeli-
5 hood of vessel impacts or other physical damage to
6 coral reefs, including those activities ~~described~~ iden-
7 tified in section 210(b).”.

8 **SEC. 5. REPORT TO CONGRESS.**

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

12 **“SEC. 208. REPORT TO CONGRESS.**

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

19 “(1) a description of the funds obligated by
20 each participating Federal agency to advance coral
21 reef conservation during each of the 3 fiscal years
22 next preceding the fiscal year in which the report is
23 submitted;

24 “(2) a description of Federal interagency and
25 cooperative efforts with States and United States

1 territories to prevent or address overharvesting,
2 coastal runoff, or other anthropogenic impacts on
3 coral reefs, including projects undertaken with the
4 Department of Interior, Department of Agriculture,
5 the Environmental Protection Agency, and the
6 United States Army Corps of Engineers;

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

12 “(4) a description of Federal disaster response
13 actions taken pursuant to the National Response
14 Plan to address damage to coral reefs and coral reef
15 ecosystems; and

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

20 (b) CLERICAL AMENDMENT.—The table of contents
21 for the Coral Reef Conservation Act of 2000 (16 U.S.C.
22 6401 et seq.) is amended by striking the item relating to
23 section 208 and inserting the following:

“208. Report to Congress.”.

1 **SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDI-**
2 **NATION.**

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

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

8 “(1) to support partnerships between the public
9 and private sectors that further the purposes of this
10 Act and are consistent with the national coral reef
11 strategy under section 203; and

12 “(2) to address emergency response actions
13 under section 206.”;

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

21 (3) by striking “the grant program” in section
22 205(c) (16 U.S.C. 6404(c)) and inserting “any
23 grant program or emergency response action”;

24 (4) by redesignating sections 209 and 210 as
25 sections 212 and 213, respectively; and

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

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

2 “(a) IN GENERAL.—The Administrator may make
3 grants to entities who have received grants under section
4 204(c) to provide additional funds to such entities to work
5 with local communities and through appropriate Federal
6 and State entities to prepare and implement plans for the
7 increased protection of coral reef areas identified by the
8 community and ~~the best scientific information available~~
9 *scientific experts* as high priorities for focused attention.

10 The plans shall—

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

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

14 “(3) utilize watershed-based approaches;

15 “(4) provide for coordination with Federal and
16 State experts and managers; and

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

20 “(b) TERMS AND CONDITIONS.—The provisions of
21 subsections (b), (d), (f), and (h) of section 204 apply to
22 grants under subsection (a), except that, for the purpose
23 of applying section 204(b)(1) to grants under this section,
24 ~~‘25 percent’~~ *75 percent* shall be substituted for ‘50 per-
25 cent’.

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

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

5 “(1) the impacts to such resources;

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

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

10 “(4) the response action taken by the owner,
11 the Administrator, the Commandant of the Coast
12 Guard, or other Federal or State agency representa-
13 tives;

14 “(5) the status of the response action, including
15 the dates of vessel removal and mitigation or res-
16 toration and any actions taken to prevent future
17 grounding incidents; and

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

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

23 “(1) use information from any inventory main-
24 tained under subsection (a) or any other available
25 information source to identify coral reef areas out-
26 side designated National Marine Sanctuaries that

1 have a high incidence of vessel impacts, including
 2 groundings and anchor damage; and

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

6 **“SEC. 211. REGIONAL COORDINATION.**

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

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

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

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

“209. Community-based planning grants.

“210. Vessel grounding inventory.

“211. Regional coordination.”.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 212 of the Coral Reef Conservation Act of
3 2000 (formerly 16 U.S.C. 6408), as redesignated by sec-
4 tion 6, is amended—

5 (1) by striking “\$16,000,000 for each of fiscal
6 years 2001, 2002, 2003, and 2004,” in subsection
7 (a) and inserting “\$30,000,000 for fiscal year 2006,
8 \$32,000,000 for fiscal year 2007, \$34,000,000 for
9 fiscal year 2008, and \$35,000,000 for each of fiscal
10 years 2009 through 2012, of which no less than 30
11 percent per year (for each of fiscal years 2006
12 through 2012) shall be used for the grant program
13 under section 204 and up to 10 percent per year
14 shall be used for the Fund established under section
15 205,”;

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

18 (3) by striking subsection (c) and inserting the
19 following:

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

25 (4) by striking subsection (d).

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