

Calendar No. 506

112TH CONGRESS
2D SESSION**S. 46****[Report No. 112–210]**

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

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. INOUE (for himself, Mr. ROCKEFELLER, Mr. KERRY, Ms. SNOWE, Mr. NELSON of Florida, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 12, 2012

Reported by Mr. ROCKEFELLER, without amendment

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; TABLE OF CONTENTS.**
- 4 (a) SHORT TITLE.—This Act may be cited as the
- 5 “Coral Reef Conservation Amendments Act of 2011”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of Coral Reef Conservation Act of 2000.
- Sec. 3. Purposes.
- Sec. 4. National coral reef action strategy.
- Sec. 5. Coral reef conservation program.
- Sec. 6. Coral reef conservation fund.
- Sec. 7. Agreements; redesignations.
- Sec. 8. Emergency assistance.
- Sec. 9. National program.
- Sec. 10. Study of trade in corals.
- Sec. 11. International coral reef conservation activities.
- Sec. 12. Community-based planning grants.
- Sec. 13. Vessel grounding inventory.
- Sec. 14. Prohibited activities.
- Sec. 15. Destruction of coral reefs.
- Sec. 16. Enforcement.
- Sec. 17. Permits.
- Sec. 18. Regional, State, and Territorial coordination.
- Sec. 19. Regulations.
- Sec. 20. Effectiveness and assessment report.
- Sec. 21. Authorization of appropriations.
- Sec. 22. Judicial review.
- Sec. 23. Definitions.

3 **SEC. 2. AMENDMENT OF CORAL REEF CONSERVATION ACT**
 4 **OF 2000.**

5 Except as otherwise expressly provided, whenever in
 6 this Act an amendment or repeal is expressed in terms
 7 of an amendment to or repeal of a section or other provi-
 8 sion, the reference shall be considered to be made to a
 9 section or other provision of the Coral Reef Conservation
 10 Act of 2000 (16 U.S.C. 6401 et seq.).

11 **SEC. 3. PURPOSES.**

12 Section 202 (16 U.S.C. 6401) is amended to read as
 13 follows:

1 **“SEC. 202. PURPOSES.**

2 “The purposes of this Act are—

3 “(1) to preserve, sustain, and restore the condi-
4 tion of coral reef ecosystems;

5 “(2) to promote the wise management and sus-
6 tainable use of coral reef ecosystems to benefit local
7 communities, the Nation, and the world;

8 “(3) to develop sound scientific information on
9 the condition of coral reef ecosystems and the
10 threats to such ecosystems;

11 “(4) to assist in the preservation of coral reef
12 ecosystems by supporting conservation programs, in-
13 cluding projects that involve affected local commu-
14 nities and nongovernmental organizations;

15 “(5) to provide financial resources for those
16 programs and projects;

17 “(6) to establish a formal mechanism for col-
18 lecting and allocating monetary donations from the
19 private sector to be used for coral reef conservation
20 projects; and

21 “(7) to provide mechanisms to prevent and
22 minimize damage to coral reefs.”.

23 **SEC. 4. NATIONAL CORAL REEF ACTION STRATEGY.**

24 Section 203 (16 U.S.C. 6402) is amended to read as
25 follows:

1 “(a) IN GENERAL.—Not later than 180 days after
2 the date of the enactment of the Coral Reef Conservation
3 Amendments Act of 2011, the Secretary shall submit to
4 the Senate Committee on Commerce, Science, and Trans-
5 portation and to the House of Representatives Committee
6 on Natural Resources and publish in the Federal Register
7 a national coral reef ecosystem action strategy, consistent
8 with the purposes of this title. The Secretary shall periodi-
9 cally review and revise the strategy as necessary. In devel-
10 oping this national strategy, the Secretary may consult the
11 Coral Reef Task Force established under Executive Order
12 13089 (June 11, 1998).

13 “(b) GOALS AND OBJECTIVES.—The action strategy
14 shall include a statement of goals and objectives as well
15 as an implementation plan, including a description of the
16 funds obligated each fiscal year to advance coral reef con-
17 servation. The action strategy and implementation plan
18 shall include discussion of—

19 “(1) coastal uses and management, including
20 land-based sources of pollution;

21 “(2) climate change;

22 “(3) water and air quality;

23 “(4) mapping and information management;

24 “(5) research, monitoring, and assessment;

25 “(6) international and regional issues;

1 “(7) outreach and education;

2 “(8) local strategies developed by the States or
3 Federal agencies, including regional fishery manage-
4 ment councils; and

5 “(9) conservation.”.

6 **SEC. 5. CORAL REEF CONSERVATION PROGRAM.**

7 (a) IN GENERAL.—Section 204 (16 U.S.C. 6403) is
8 amended—

9 (1) by striking “Secretary, through the Admin-
10 istrator and” in subsection (a) and inserting “Sec-
11 retary,”;

12 (2) by striking subsection (c) and inserting the
13 following:

14 “(c) ELIGIBILITY.—Any natural resource manage-
15 ment authority of a State or other government authority
16 with jurisdiction over coral reef ecosystems, or whose ac-
17 tivities directly or indirectly affect coral reef ecosystems,
18 or educational or nongovernmental institutions with dem-
19 onstrated expertise in the conservation of coral reef eco-
20 systems, may submit a coral conservation proposal to the
21 Secretary under subsection (e).”;

22 (3) by striking “GEOGRAPHIC AND BIOLOGI-
23 CAL” in the heading for subsection (d) and inserting
24 “PROJECT”;

1 (4) by striking paragraph (3) of subsection (d)
2 and inserting the following:

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

4 “(A) projects (with priority given to com-
5 munity-based local action strategies) that ad-
6 dress emerging priorities or threats, including
7 international and territorial priorities, or
8 threats identified by the Secretary; and

9 “(B) other appropriate projects, as deter-
10 mined by the Secretary, including monitoring
11 and assessment, research, pollution reduction,
12 education, and technical support.”;

13 (5) by striking subsection (g) and inserting the
14 following:

15 “(g) CRITERIA FOR APPROVAL.—The Secretary may
16 not approve a project proposal under this section unless
17 the project is consistent with the coral reef action strategy
18 under section 203 and will enhance the conservation of
19 coral reef ecosystems nationally or internationally by—

20 “(1) implementing coral conservation programs
21 which promote sustainable development and ensure
22 effective, long-term conservation of coral reef eco-
23 systems and biodiversity;

24 “(2) addressing the conflicts arising from the
25 use of environments near coral reef ecosystems or

1 from the use of corals, species associated with coral
2 reef ecosystems, and coral products;

3 “(3) enhancing compliance with laws that pro-
4 hibit or regulate the taking of coral products or spe-
5 cies associated with coral reef ecosystems or regulate
6 the use and management of coral reef ecosystems;

7 “(4) developing sound scientific information on
8 the condition of coral reef ecosystems or the threats
9 to such ecosystems and their biodiversity, including
10 factors that cause coral disease, ocean acidification,
11 and bleaching;

12 “(5) promoting and assisting the implementa-
13 tion of cooperative coral reef ecosystem conservation
14 projects that involve affected local communities, non-
15 governmental organizations, or others in the private
16 sector;

17 “(6) increasing public knowledge and awareness
18 of coral reef ecosystems and issues regarding their
19 long-term conservation, including how they function
20 to protect coastal communities;

21 “(7) mapping the location, distribution, and
22 biodiversity of coral reef ecosystems;

23 “(8) developing and implementing techniques to
24 monitor and assess the status and condition of coral
25 reef ecosystems and biodiversity;

1 “(9) developing and implementing cost-effective
2 methods to restore degraded coral reef ecosystems
3 and biodiversity;

4 “(10) responding to, or taking action to help
5 mitigate the effects of, coral disease, ocean acidifica-
6 tion, and bleaching events;

7 “(11) promoting activities designed to prevent
8 or minimize damage to coral reef ecosystems, includ-
9 ing the promotion of ecologically sound navigation
10 and anchorages; or

11 “(12) 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 and

17 (6) by striking “coral reefs” in subsection (j)
18 and inserting “coral reef ecosystems”.

19 (b) CONFORMING AMENDMENTS.—Subsections (b),
20 (d), (e), (f), (h), (i), and (j) of section 204 (16 U.S.C.
21 6403) are each amended by striking “Administrator” each
22 place it appears and inserting “Secretary”.

23 **SEC. 6. CORAL REEF CONSERVATION FUND.**

24 Section 205 (16 U.S.C. 6404) is amended—

1 (1) by striking subsection (a) and inserting the
2 following:

3 “(a) FUND.—The Secretary may enter into agree-
4 ments with nonprofit organizations promoting coral reef
5 ecosystem conservation by authorizing such organizations
6 to receive, hold, and administer funds received pursuant
7 to this section. Such organizations shall invest, reinvest,
8 and otherwise administer the funds and maintain such
9 funds and any interest or revenues earned in a separate
10 interest-bearing account (referred to in section 219(a) as
11 the Fund) established by such organizations solely to sup-
12 port partnerships between the public and private sectors
13 that further the purposes of this title and are consistent
14 with the national coral reef action strategy under section
15 203.”;

16 (2) by striking “the grant program” in sub-
17 section (c) and inserting “any grant program”; and

18 (3) by striking “Administrator” in subsections
19 (c) and (d) and inserting “Secretary”.

20 **SEC. 7. AGREEMENTS; REDESIGNATIONS.**

21 The Act (16 U.S.C. 6401 et seq.) is amended—

22 (1) by redesignating section 206 (16 U.S.C.
23 6405) as section 207;

24 (2) by redesignating section 207 (16 U.S.C.
25 6406) as section 208;

1 (3) by redesignating section 208 (16 U.S.C.
2 6407) as section 218;

3 (4) by redesignating section 209 (16 U.S.C.
4 6408) as section 219;

5 (5) by redesignating section 210 (16 U.S.C.
6 6409) as section 221; and

7 (6) by inserting after section 205 (16 U.S.C.
8 6404) the following:

9 **“SEC. 206. AGREEMENTS.**

10 “(a) IN GENERAL.—The Secretary may execute and
11 perform such contracts, leases, grants, cooperative agree-
12 ments, or other transactions as may be necessary to carry
13 out the purposes of this title.

14 “(b) COOPERATIVE AGREEMENTS.—In addition to
15 the general authority provided by subsection (a), the Sec-
16 retary may enter into, extend, or renegotiate agreements
17 with universities and research centers with national or re-
18 gional coral reef research institutes to conduct ecological
19 research and monitoring explicitly aimed at building ca-
20 pacity for more effective resource management. Pursuant
21 to any such agreements these institutes shall—

22 “(1) collaborate directly with governmental re-
23 source management agencies, non-profit organiza-
24 tions, and other research organizations;

1 “(2) build capacity within resource management
2 agencies to establish research priorities, plan inter-
3 disciplinary research projects and make effective use
4 of research results; and

5 “(3) conduct public education and awareness
6 programs for policy makers, resource managers, and
7 the general public on coral reef ecosystems, best
8 practices for coral reef and ecosystem management
9 and conservation, their value, and threats to their
10 sustainability.

11 “(c) USE OF OTHER AGENCIES’ RESOURCES.—For
12 purposes related to the conservation, preservation, protec-
13 tion, restoration, or replacement of coral reefs or coral reef
14 ecosystems and the enforcement of this title, the Secretary
15 is authorized to use, with their consent and with or with-
16 out reimbursement, the land, services, equipment, per-
17 sonnel, and facilities of any Department, agency, or in-
18 strumentality of the United States, or of any State, local
19 government, tribal government, Territory or possession, or
20 of any political subdivision thereof, or of any foreign gov-
21 ernment or international organization.

22 “(d) AUTHORITY TO UTILIZE GRANT FUNDS.—

23 “(1) Except as provided in paragraph (2), the
24 Secretary may apply for, accept, and obligate re-
25 search grant funding from any Federal source oper-

1 ating competitive grant programs where such fund-
2 ing furthers the purpose of this title.

3 “(2) The Secretary may not apply for, accept,
4 or obligate any grant funding under paragraph (1)
5 for which the granting agency lacks authority to
6 grant funds to Federal agencies, or for any purpose
7 or subject to conditions that are prohibited by law
8 or regulation.

9 “(3) Appropriated funds may be used to satisfy
10 a requirement to match grant funds with recipient
11 agency funds, except that no grant may be accepted
12 that requires a commitment in advance of appropria-
13 tions.

14 “(4) Funds received from grants shall be depos-
15 ited in the National Oceanic and Atmospheric Ad-
16 ministration account for the purpose for which the
17 grant was awarded.

18 “(e) TRANSFER OF FUNDS.—Under an agreement
19 entered into pursuant to subsection (a), and subject to the
20 availability of funds, the Secretary may transfer funds to,
21 and may accept transfers of funds from, Federal agencies,
22 instrumentalities and laboratories, State and local govern-
23 ments, Indian tribes (as defined in section 4 of the Indian
24 Self-Determination and Educational Assistance Act (25
25 U.S.C. 450(b)), organizations and associations rep-

1 resenting Native Americans, native Hawaiians, and Native
 2 Pacific Islanders, educational institutions, nonprofit orga-
 3 nizations, commercial organizations, and other public and
 4 private persons or entities, except that no more than 5
 5 percent of funds appropriated to carry out this section
 6 may be transferred. The 5 percent limitation shall not
 7 apply to section 204 or section 210.”.

8 **SEC. 8. EMERGENCY ASSISTANCE.**

9 Section 207 (formerly 16 U.S.C. 6405), as redesignig-
 10 nated by section 7 of this Act, is amended to read as fol-
 11 lows:

12 **“SEC. 207. EMERGENCY ASSISTANCE.**

13 “The Secretary, in cooperation with the Federal
 14 Emergency Management Agency, as appropriate, may pro-
 15 vide assistance to any State, local, or territorial govern-
 16 ment agency with jurisdiction over coral reef ecosystems
 17 to address any unforeseen or disaster-related circumstance
 18 pertaining to coral reef ecosystems.”.

19 **SEC. 9. NATIONAL PROGRAM.**

20 Section 208 (formerly 16 U.S.C. 6406), as redesignig-
 21 nated by section 7 of this Act, is amended to read as fol-
 22 lows:

23 **“SEC. 208. NATIONAL PROGRAM.**

24 “(a) IN GENERAL.—Subject to the availability of ap-
 25 propriations, the Secretary may conduct activities, includ-

1 ing with local, State, regional, or international programs
 2 and partners, as appropriate, to conserve coral reef eco-
 3 systems, that are consistent with this title, the National
 4 Marine Sanctuaries Act, the Coastal Zone Management
 5 Act of 1972, the Magnuson-Stevens Fishery Conservation
 6 and Management Act, the Endangered Species Act of
 7 1973, and the Marine Mammal Protection Act of 1972.

8 “(b) AUTHORIZED ACTIVITIES.—Activities author-
 9 ized under subsection (a) include—

10 “(1) mapping, monitoring, assessment, restora-
 11 tion, socioeconomic and scientific research that ben-
 12 efit the understanding, sustainable use, biodiversity,
 13 and long-term conservation of coral reef ecosystems;

14 “(2) enhancing public awareness, education, un-
 15 derstanding, and appreciation of coral reef eco-
 16 systems;

17 “(3) removing, and providing assistance to
 18 States in removing, abandoned fishing gear, marine
 19 debris, and abandoned vessels from coral reef eco-
 20 systems to conserve living marine resources;

21 “(4) responding to incidents and events that
 22 threaten and damage coral reef ecosystems;

23 “(5) conservation and management of coral reef
 24 ecosystems;

1 “(6) centrally archiving, managing, and distrib-
2 uting data sets and providing coral reef ecosystem
3 assessments and services to the general public with
4 local, regional, or international programs and part-
5 ners; and

6 “(7) activities designed to prevent or minimize
7 damage to coral reef ecosystems, including those ac-
8 tivities described in section 212 of this title.

9 “(c) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—
10 The Secretary, in coordination with similar efforts at other
11 Departments and agencies shall provide for the long-term
12 stewardship of environmental data, products, and informa-
13 tion via data processing, storage, and archive facilities
14 pursuant to this title. The Secretary may—

15 “(1) archive environmental data collected by
16 Federal, State, local agencies, and tribal organiza-
17 tions and federally funded research;

18 “(2) promote widespread availability and dis-
19 semination of environmental data and information
20 through full and open access and exchange to the
21 greatest extent possible, including in electronic for-
22 mat on the Internet;

23 “(3) develop standards, protocols, and proce-
24 dures for sharing Federal data with State and local

1 government programs and the private sector or aca-
 2 demia; and

3 “(4) develop metadata standards for coral reef
 4 ecosystems in accordance with Federal Geographic
 5 Data Committee guidelines.

6 “(d) EMERGENCY RESPONSE, STABILIZATION, AND
 7 RESTORATION.—

8 “(1) ESTABLISHMENT OF ACCOUNT.—The Sec-
 9 retary shall establish an account (to be called the
 10 Emergency Response, Stabilization, and Restoration
 11 Account) in the Damage Assessment Restoration
 12 Revolving Fund established by the Department of
 13 Commerce Appropriations Act, 1991 (33 U.S.C.
 14 2706 note), for implementation of this subsection for
 15 emergency actions. Amounts appropriated for the
 16 Account under section 219, and funds authorized by
 17 sections 213(d)(1)(C)(ii) and 214(f)(3)(B), shall be
 18 deposited into the Account and made available for
 19 use by the Secretary as specified in sections 213 and
 20 214.

21 “(2) DEPOSIT AND INVESTMENT OF CERTAIN
 22 FUNDS.—Any amounts received by the United
 23 States pursuant to sections 213(d)(1)(C)(ii) and
 24 212(f)(3)(B) shall be deposited into the Emergency
 25 Response, Stabilization and Restoration Account es-

1 tablished under paragraph (1). The Secretary of
2 Commerce may request the Secretary of the Treas-
3 ury to invest such portion of the Damage Assess-
4 ment Restoration Revolving Fund as is not, in the
5 judgment of the Secretary of Commerce, required to
6 meet the current needs of the fund. Such invest-
7 ments shall be made by the Secretary of the Treas-
8 ury in public debt securities, with maturities suitable
9 to the needs of the fund, as determined by the Sec-
10 retary of Commerce and bearing interest at rates de-
11 termined by the Secretary of the Treasury, taking
12 into consideration current market yields on out-
13 standing marketable obligations of the United States
14 of comparable maturity. Interest earned by such in-
15 vestments shall be available for use by the Secretary
16 without further appropriation and remain available
17 until expended.”.

18 **SEC. 10. STUDY OF TRADE IN CORALS.**

19 (a) IN GENERAL.—The Secretary of Commerce, in
20 consultation with the Secretary of the Interior, shall con-
21 duct a study on the economic, social, and environmental
22 values and impacts of the United States market in corals
23 and coral products.

24 (b) CONTENTS.—The study shall—

1 (1) assess the economic and other values of the
2 United States market in coral and coral products,
3 including import and export trade;

4 (2) identify primary coral species used in the
5 coral and coral product trade and locations of wild
6 harvest;

7 (3) assess the environmental impacts associated
8 with wild harvest of coral;

9 (4) assess the effectiveness of current public
10 and private programs aimed at promoting conserva-
11 tion in the coral and coral product trade;

12 (5) identify economic and other incentives for
13 coral reef conservation as part of the coral and coral
14 product trade; and

15 (6) identify additional actions, if necessary, to
16 ensure that the United States market in coral and
17 coral products does not contribute to the degrada-
18 tion of coral reef ecosystems.

19 (c) REPORT.—Not later than 30 months after the
20 date of enactment of this Act, the Secretary shall submit
21 to the Senate Committee on Commerce, Science, and
22 Transportation and the House of Representatives Com-
23 mittee on Natural Resources a report of the study.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to the Secretary to carry
 3 out this section \$100,000.

4 **SEC. 11. INTERNATIONAL CORAL REEF CONSERVATION AC-**
 5 **TIVITIES.**

6 The Act (16 U.S.C. 6401 et seq.) is amended by in-
 7 serting after section 208, as redesignated by section 7 of
 8 this Act, the following:

9 **“SEC. 209. INTERNATIONAL CORAL REEF CONSERVATION**
 10 **ACTIVITIES.**

11 “(a) INTERNATIONAL CORAL REEF CONSERVATION
 12 ACTIVITIES.—

13 “(1) IN GENERAL.—The Secretary shall carry
 14 out international coral reef conservation activities
 15 consistent with the purposes of this Act with respect
 16 to coral reef ecosystems in waters outside the United
 17 States jurisdiction. The Secretary shall develop and
 18 implement an international coral reef ecosystem
 19 strategy pursuant to subsection (b).

20 “(2) COORDINATION.—In carrying out this sub-
 21 section, the Secretary shall consult with the Sec-
 22 retary of State, the Administrator of the Agency for
 23 International Development, the Secretary of the In-
 24 terior, and other relevant Federal agencies, and rel-
 25 evant United States stakeholders, and shall take into

1 account coral reef ecosystem conservation initiatives
2 of other nations, international agreements, and
3 intergovernmental and nongovernmental organiza-
4 tions so as to provide effective cooperation and effi-
5 ciencies in international coral reef conservation. The
6 Secretary may consult with the Coral Reef Task
7 Force in carrying out this subsection.

8 “(b) INTERNATIONAL CORAL REEF ECOSYSTEM
9 STRATEGY.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of the Coral Reef Conserva-
12 tion Amendments Act of 2011, the Secretary shall
13 submit to the Senate Committee on Commerce,
14 Science, and Transportation and the House of Rep-
15 resentatives Committee on Natural Resources, and
16 publish in the Federal Register, an international
17 coral reef ecosystem strategy, consistent with the
18 purposes of this Act and the national strategy re-
19 quired pursuant to section 203(a). The Secretary
20 shall periodically review and revise this strategy as
21 necessary.

22 “(2) CONTENTS.—The strategy developed by
23 the Secretary under paragraph (1) shall—

24 “(A) identify coral reef ecosystems
25 throughout the world that are of high value for

1 United States marine resources, that support
2 high-seas resources of importance to the United
3 States such as fisheries, or that support other
4 interests of the United States;

5 “(B) summarize existing activities by Fed-
6 eral agencies and entities described in sub-
7 section (a)(2) to address the conservation of
8 coral reef ecosystems identified pursuant to
9 subparagraph (A);

10 “(C) establish goals, objectives, and spe-
11 cific targets for conservation of priority inter-
12 national coral reef ecosystems;

13 “(D) describe appropriate activities to
14 achieve the goals and targets for international
15 coral reef conservation, in particular those that
16 leverage activities already conducted under this
17 Act;

18 “(E) develop a plan to coordinate imple-
19 mentation of the strategy with entities de-
20 scribed in subsection (a)(2) in order to leverage
21 current activities under this Act and other con-
22 servation efforts globally;

23 “(F) identify appropriate partnerships,
24 grants, or other funding and technical assist-
25 ance mechanisms to carry out the strategy; and

1 “(G) develop criteria for prioritizing part-
2 nerships under subsection (c).

3 “(c) INTERNATIONAL CORAL REEF ECOSYSTEM
4 PARTNERSHIPS.—

5 “(1) IN GENERAL.—The Secretary shall estab-
6 lish an international coral reef ecosystem partner-
7 ship program to provide support, including funding
8 and technical assistance, for activities that imple-
9 ment the strategy developed pursuant to subsection
10 (b).

11 “(2) MECHANISMS.—The Secretary shall pro-
12 vide such support through existing authorities, work-
13 ing in collaboration with the entities described in
14 subsection (a)(2).

15 “(3) AGREEMENTS.—The Secretary may exe-
16 cute and perform such contracts, leases, grants, co-
17 operative agreements, or other transactions as may
18 be necessary to carry out the purposes of this sec-
19 tion.

20 “(4) TRANSFER OF FUNDS.—To implement this
21 section and subject to the availability of funds, the
22 Secretary may transfer funds to a foreign govern-
23 ment or international organization, and may accept
24 transfers of funds from such entities, except that no

1 more than 5 percent of funds appropriated to carry
 2 out this section may be transferred.

3 “(5) CRITERIA FOR APPROVAL.—The Secretary
 4 may not approve a partnership proposal under this
 5 section unless the partnership is consistent with the
 6 international coral reef conservation strategy devel-
 7 oped pursuant to subsection (b), and meets the cri-
 8 teria specified in that strategy.”.

9 **SEC. 12. COMMUNITY-BASED PLANNING GRANTS.**

10 The Act (16 U.S.C. 6401 et seq.) is amended by in-
 11 serting after section 209, as added by section 11 of this
 12 Act, the following:

13 **“SEC. 210. COMMUNITY-BASED PLANNING GRANTS.**

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

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

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

25 “(3) utilize watershed-based approaches;

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

3 “(5) build upon local approaches, strategies, or
4 models, including traditional or island-based re-
5 source management concepts.

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

11 **SEC. 13. VESSEL GROUNDING INVENTORY.**

12 The Act (16 U.S.C. 6401 et seq.) is amended by in-
13 serting after section 210, as added by section 12 of this
14 Act, the following:

15 **“SEC. 211. VESSEL GROUNDING INVENTORY.**

16 “(a) IN GENERAL.—The Secretary may maintain an
17 inventory of all vessel grounding incidents involving coral
18 reefs, including a description of—

19 “(1) the impacts to affected coral reef eco-
20 systems;

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

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

1 “(4) the response action taken by the owner,
2 the Secretary, the Commandant of the Coast Guard,
3 or other Federal or State agency representatives;

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

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

11 “(b) IDENTIFICATION OF AT-RISK REEFS.—The Sec-
12 retary may—

13 “(1) use information from any inventory main-
14 tained under subsection (a) or any other available
15 information source to identify coral reef ecosystems
16 that have a high incidence of vessel impacts, includ-
17 ing groundings and anchor damage;

18 “(2) identify appropriate measures, including
19 the acquisition and placement of aids to navigation,
20 moorings, designated anchorage areas, fixed anchors
21 and other devices, to reduce the likelihood of such
22 impacts; and

23 “(3) develop a strategy and timetable to imple-
24 ment such measures, including cooperative actions

1 with other government agencies and non-govern-
2 mental partners.”.

3 **SEC. 14. PROHIBITED ACTIVITIES.**

4 (a) IN GENERAL.—The Act (16 U.S.C. 6401 et seq.)
5 is amended by inserting after section 211, as added by
6 section 13 of this Act, the following:

7 **“SEC. 212. PROHIBITED ACTIVITIES AND SCOPE OF PROHI-**
8 **BITIONS.**

9 “(a) PROVISIONS AS COMPLEMENTARY.—The provi-
10 sions of this section are in addition to, and shall not affect
11 the operation of, other Federal, State, or local laws or reg-
12 ulations providing protection to coral reef ecosystems.

13 “(b) DESTRUCTION, LOSS, TAKING, OR INJURY.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), it is unlawful for any person to destroy,
16 take, cause the loss of, or injure any coral reef or
17 any component thereof.

18 “(2) EXCEPTIONS.—The destruction, loss, tak-
19 ing, or injury of a coral reef or any component
20 thereof is not unlawful if it—

21 “(A) was caused by the use of fishing gear
22 used in a manner permitted under the Magnu-
23 son-Stevens Fishery Conservation and Manage-
24 ment Act (16 U.S.C. 1801 et seq.) or other
25 Federal or State law;

1 “(B) was caused by an activity that is au-
2 thorized or allowed by Federal or State law (in-
3 cluding lawful discharges from vessels, such as
4 graywater, cooling water, engine exhaust, bal-
5 last water, or sewage from marine sanitation
6 devices), unless the destruction, loss, or injury
7 resulted from actions such as vessel groundings,
8 vessel scrapings, anchor damage, excavation not
9 authorized by Federal or State permit, or other
10 similar activities;

11 “(C) was the necessary result of bona fide
12 marine scientific research (including marine sci-
13 entific research activities approved by Federal,
14 State, or local permits), other than excessive
15 sampling or collecting, or actions such as vessel
16 groundings, vessel scrapings, anchor damage,
17 excavation, or other similar activities;

18 “(D) was caused by a Federal Government
19 agency—

20 “(i) during—

21 “(I) an emergency that posed an
22 unacceptable threat to human health
23 or safety or to the marine environ-
24 ment;

1 “(II) an emergency that posed a
2 threat to national security; or

3 “(III) an activity necessary for
4 law enforcement or search and rescue;
5 and

6 could not reasonably be avoided; or

7 “(E) was caused by an action taken by the
8 master of the vessel in an emergency situation
9 to ensure the safety of the vessel or to save a
10 life at sea.

11 “(c) INTERFERENCE WITH ENFORCEMENT.—It is
12 unlawful for any person to interfere with the enforcement
13 of this title by—

14 “(1) refusing to permit any officer authorized
15 to enforce this title to board a vessel (other than a
16 vessel operated by the Department of Defense or
17 United States Coast Guard) subject to such person’s
18 control for the purposes of conducting any search or
19 inspection in connection with the enforcement of this
20 title;

21 “(2) resisting, opposing, impeding, intimidating,
22 harassing, bribing, interfering with, or forcibly as-
23 saulting any person authorized by the Secretary to
24 implement this title or any such authorized officer in

1 the conduct of any search or inspection performed
2 under this title; or

3 “(3) submitting false information to the Sec-
4 retary or any officer authorized to enforce this title
5 in connection with any search or inspection con-
6 ducted under this title.

7 “(d) VIOLATIONS OF TITLE, PERMIT, OR REGULA-
8 TION.—It is unlawful for any person to violate any provi-
9 sion of this title, any permit issued pursuant to this title,
10 or any regulation promulgated pursuant to this title.

11 “(e) POSSESSION AND DISTRIBUTION.—It is unlaw-
12 ful for any person to possess, sell, deliver, carry, transport,
13 or ship by any means any coral taken in violation of this
14 title.”.

15 (b) EMERGENCY ACTION REGULATIONS.—The Sec-
16 retary of Commerce shall initiate a rulemaking proceeding
17 to prescribe the circumstances and conditions under which
18 the exception in section 212(b)(2)(E) of the Coral Reef
19 Conservation Act of 2000, as amended by subsection (a),
20 applies and shall issue a final rule pursuant to that rule-
21 making as soon as practicable but not later than 1 year
22 after the date of enactment of this Act. Nothing in this
23 subsection shall be construed to require the issuance of
24 such regulations before the exception provided by that sec-
25 tion is in effect.

1 **SEC. 15. DESTRUCTION OF CORAL REEFS.**

2 The Act (16 U.S.C. 6401 et seq.) is amended by in-
3 serting after section 212, as added by section 14 of this
4 Act, the following:

5 **“SEC. 213. DESTRUCTION, LOSS, OR TAKING OF, OR INJURY**
6 **TO, CORAL REEFS.**

7 “(a) LIABILITY.—

8 “(1) LIABILITY TO THE UNITED STATES.—Ex-
9 cept as provided in subsection (f), all persons who
10 engage in an activity that is prohibited under sub-
11 sections (b) or (d) of section 212, or create an immi-
12 nent risk thereof, are liable, jointly and severally, to
13 the United States for an amount equal to the sum
14 of—

15 “(A) response costs and damages resulting
16 from the destruction, loss, taking, or injury, or
17 imminent risk thereof, including damages re-
18 sulting from the response actions;

19 “(B) costs of seizure, forfeiture, storage,
20 and disposal arising from liability under this
21 section; and

22 “(C) interest on that amount calculated in
23 the manner described in section 1005 of the Oil
24 Pollution Act of 1990 (33 U.S.C. 2705).

25 “(2) LIABILITY IN REM.—

1 “(A) Any vessel used in an activity that is
2 prohibited under subsection (b) or (d) of section
3 212, or creates an imminent risk thereof, shall
4 be liable in rem to the United States for an
5 amount equal to the sum of—

6 “(i) response costs and damages re-
7 sulting from such destruction, loss, or in-
8 jury, or imminent risk thereof, including
9 damages resulting from the response ac-
10 tions;

11 “(ii) costs of seizure, forfeiture, stor-
12 age, and disposal arising from liability
13 under this section; and

14 “(iii) interest on that amount cal-
15 culated in the manner described in section
16 1005 of the Oil Pollution Act of 1990 (33
17 U.S.C. 2705).

18 “(B) The amount of liability shall con-
19 stitute a maritime lien on the vessel and may
20 be recovered in an action in rem in any district
21 court of the United States that has jurisdiction
22 over the vessel.

23 “(3) DEFENSES.—A person or vessel is not lia-
24 ble under this subsection if that person or vessel es-
25 tablishes that the destruction, loss, taking, or injury

1 was caused solely by an act of God, an act of war,
 2 or an act or omission of a third party (other than
 3 an employee or agent of the defendant or one whose
 4 act or omission occurs in connection with a contrac-
 5 tual relationship, existing directly or indirectly with
 6 the defendant), and the person or master of the ves-
 7 sel acted with due care.

8 “(4) NO LIMIT TO LIABILITY.—Nothing in sec-
 9 tions 30501 through 30512 or section 30706 of title
 10 46, United States Code, shall limit liability to any
 11 person under this title.

12 “(b) RESPONSE ACTIONS AND DAMAGE ASSESS-
 13 MENT.—

14 “(1) RESPONSE ACTIONS.—The Secretary may
 15 undertake or authorize all necessary actions to pre-
 16 vent or minimize the destruction, loss, or taking of,
 17 or injury to, coral reefs, or components thereof, or
 18 to minimize the risk or imminent risk of such de-
 19 struction, loss, or injury.

20 “(2) DAMAGE ASSESSMENT.—

21 “(A) The Secretary shall assess damages
 22 (as defined in section 221(8)) to coral reefs and
 23 shall consult with State officials regarding re-
 24 sponse and damage assessment actions under-
 25 taken for coral reefs within State waters.

1 “(B) There shall be no double recovery
 2 under this chapter for coral reef damages, in-
 3 cluding the cost of damage assessment, for the
 4 same incident.

5 “(c) COMMENCEMENT OF CIVIL ACTION FOR RE-
 6 SPONSE COSTS AND DAMAGES.—

7 “(1) COMMENCEMENT.—The Attorney General,
 8 upon the request of the Secretary, may commence a
 9 civil action against any person or vessel that may be
 10 liable under subsection (a) of this section for re-
 11 sponse costs, seizure, forfeiture, storage, or disposal
 12 costs, and damages, and interest on that amount
 13 calculated in the manner described in section 1005
 14 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).
 15 The Secretary, acting as trustee for coral reefs for
 16 the United States, shall submit a request for such
 17 an action to the Attorney General whenever a person
 18 or vessel may be liable for such costs or damages.

19 “(2) VENUE IN CIVIL ACTIONS.—A civil action
 20 under this title may be brought in the United States
 21 district court for any district in which—

22 “(A) the defendant is located, resides, or is
 23 doing business, in the case of an action against
 24 a person;

1 “(B) the vessel is located, in the case of an
2 action against a vessel;

3 “(C) the destruction, loss, or taking of, or
4 injury to a coral reef, or component thereof, oc-
5 curred or in which there is an imminent risk of
6 such destruction, loss, or injury; or

7 “(D) where some or all of the coral reef or
8 component thereof that is the subject of the ac-
9 tion is not within the territory covered by any
10 United States district court, such action may be
11 brought either in the United States district
12 court for the district closest to the location
13 where the destruction, loss, injury, or risk of in-
14 jury occurred, or in the United States District
15 Court for the District of Columbia.

16 “(d) USE OF RECOVERED AMOUNTS.—

17 “(1) IN GENERAL.—Any costs, including re-
18 sponse costs and damages recovered by the Sec-
19 retary under this section shall—

20 “(A) be deposited into an account or ac-
21 counts in the Damage Assessment Restoration
22 Revolving Fund established by the Department
23 of Commerce Appropriations Act, 1991 (33
24 U.S.C. 2706 note), or the Natural Resource
25 Damage Assessment and Restoration Fund es-

1 tablished by the Department of the Interior and
2 Related Agencies Appropriations Act, 1992 (43
3 U.S.C. 1474b), as appropriate given the loca-
4 tion of the violation;

5 “(B) be available for use by the Secretary
6 without further appropriation and remain avail-
7 able until expended; and

8 “(C) be for use, as the Secretary considers
9 appropriate—

10 “(i) to reimburse the Secretary or any
11 other Federal or State agency that con-
12 ducted activities under subsection (a) or
13 (b) of this section for costs incurred in
14 conducting the activity;

15 “(ii) to be transferred to the Emer-
16 gency Response, Stabilization and Restora-
17 tion Account established under section
18 208(d) to reimburse that account for
19 amounts used for authorized emergency ac-
20 tions; and

21 “(iii) after reimbursement of such
22 costs, to restore, replace, or acquire the
23 equivalent of any coral reefs, or compo-
24 nents thereof, including the reasonable
25 costs of monitoring, or to minimize or pre-

1 vent threats of equivalent injury to, or de-
2 struction of coral reefs, or components
3 thereof.

4 “(2) RESTORATION CONSIDERATIONS.—In de-
5 velopment of restoration alternatives under para-
6 graph (1)(C), the Secretary shall consider State and
7 territorial preferences and, if appropriate, shall
8 prioritize restoration projects with geographic and
9 ecological linkages to the injured resources.

10 “(e) STATUTE OF LIMITATIONS.—An action for re-
11 sponse costs or damages under subsection (c) shall be
12 barred unless the complaint is filed within 3 years after
13 the date on which the Secretary completes a damage as-
14 sessment and restoration plan for the coral reefs, or com-
15 ponents thereof, to which the action relates.

16 “(f) FEDERAL GOVERNMENT ACTIVITIES.—In the
17 event of threatened or actual destruction of, loss of, or
18 injury to a coral reef or component thereof resulting from
19 an incident caused by a component of any Department or
20 agency of the United States Government, the cognizant
21 Department or agency shall satisfy its obligations under
22 this section by promptly, in coordination with the Sec-
23 retary, taking appropriate actions to respond to and miti-
24 gate the harm and restoring or replacing the coral reef

1 or components thereof and reimbursing the Secretary for
2 all assessment costs.

3 “(g) UNIFORMED SERVICE OFFICERS AND EMPLOY-
4 EES.—No officer or employee of a uniformed service (as
5 defined in section 101 of title 10, United States Code)
6 shall be held liable under this section, either in such offi-
7 cer’s or employee’s personal or official capacity, for any
8 violation of section 212 occurring during the performance
9 of the officer’s or employee’s official governmental duties.

10 “(h) CONTRACT EMPLOYEES.—No contract employee
11 of a uniformed service (as so defined), serving as vessel
12 master or crew member, shall be liable under this section
13 for any violation of section 212 if that contract em-
14 ployee—

15 “(1) is acting as a contract employee of a uni-
16 formed service under the terms of an operating con-
17 tract for a vessel owned by a uniformed service, or
18 a time charter for pre-positioned vessels, special mis-
19 sion vessels, or vessels exclusively transporting mili-
20 tary supplies and materials; and

21 “(2) is engaged in an action or actions over
22 which such employee has been given no discretion
23 (e.g., anchoring or mooring at one or more des-
24 ignated anchorages or buoys, or executing specific
25 operational elements of a special mission activity), as

1 determined by the uniformed service controlling the
2 contract.”.

3 **SEC. 16. ENFORCEMENT.**

4 The Act (16 U.S.C. 6401 et seq.) is amended by in-
5 serting after section 213, as added by section 15 of this
6 Act, the following:

7 **“SEC. 214. ENFORCEMENT.**

8 “(a) IN GENERAL.—The Secretary shall conduct en-
9 forcement activities to carry out this title.

10 “(b) POWERS OF AUTHORIZED OFFICERS.—

11 “(1) IN GENERAL.—Any person who is author-
12 ized to enforce this title may—

13 “(A) board, search, inspect, and seize any
14 vessel or other conveyance suspected of being
15 used to violate this title, any regulation promul-
16 gated under this title, or any permit issued
17 under this title, and any equipment, stores, and
18 cargo of such vessel, except that such authority
19 shall not exist with respect to vessels owned or
20 time chartered by a uniformed service (as de-
21 fined in section 101 of title 10, United States
22 Code) as warships or naval auxiliaries;

23 “(B) seize wherever found any component
24 of coral reef taken or retained in violation of

1 this title, any regulation promulgated under
2 this title, or any permit issued under this title;

3 “(C) seize any evidence of a violation of
4 this title, any regulation promulgated under
5 this title, or any permit issued under this title;

6 “(D) execute any warrant or other process
7 issued by any court of competent jurisdiction;

8 “(E) exercise any other lawful authority;
9 and

10 “(F) arrest any person, if there is reason-
11 able cause to believe that such person has com-
12 mitted an act prohibited by section 212.

13 “(2) NAVAL AUXILIARY DEFINED.—In this sub-
14 section, the term ‘naval auxiliary’ means a vessel,
15 other than a warship, that is owned by or under the
16 exclusive control of a uniformed service and used at
17 the time of the destruction, take, loss or injury for
18 government, non-commercial service, including com-
19 bat logistics force vessels, pre-positioned vessels, spe-
20 cial mission vessels, or vessels exclusively used to
21 transport military supplies and materials.

22 “(c) CIVIL ENFORCEMENT AND PERMIT SANC-
23 TIONS.—

24 “(1) CIVIL ADMINISTRATIVE PENALTY.—Any
25 person subject to the jurisdiction of the United

1 States who violates this title or any regulation pro-
2 mulgated or permit issued hereunder, shall be liable
3 to the United States for a civil administrative pen-
4 alty of not more than \$200,000 for each such viola-
5 tion, to be assessed by the Secretary. Each day of
6 a continuing violation shall constitute a separate vio-
7 lation. In determining the amount of civil adminis-
8 trative penalty, the Secretary shall take into account
9 the nature, circumstances, extent, and gravity of the
10 prohibited acts committed and, with respect to the
11 violator, the degree of culpability, and any history of
12 prior violations, and such other matters as justice
13 may require. In assessing such penalty, the Sec-
14 retary may also consider information related to the
15 ability of the violator to pay.

16 “(2) PERMIT SANCTIONS.—For any person sub-
17 ject to the jurisdiction of the United States who has
18 been issued or has applied for a permit under this
19 title, and who violates this title or any regulation or
20 permit issued under this title, the Secretary may
21 deny, suspend, amend, or revoke in whole or in part
22 any such permit. For any person who has failed to
23 pay or defaulted on a payment agreement of any
24 civil penalty or criminal fine or liability assessed
25 pursuant to any natural resource law administered

1 by the Secretary, the Secretary may deny, suspend,
2 amend or revoke in whole or in part any permit
3 issued or applied for under this title.

4 “(3) IMPOSITION OF CIVIL JUDICIAL PEN-
5 ALTIES.—Any person who violates any provision of
6 this title, any regulation promulgated or permit
7 issued thereunder, shall be subject to a civil judicial
8 penalty not to exceed \$250,000 for each such viola-
9 tion. Each day of a continuing violation shall con-
10 stitute a separate violation. The Attorney General,
11 upon the request of the Secretary, may commence a
12 civil action in an appropriate district court of the
13 United States, and such court shall have jurisdiction
14 to award civil penalties and such other relief as jus-
15 tice may require. In determining the amount of a
16 civil penalty, the court shall take into account the
17 nature, circumstances, extent, and gravity of the
18 prohibited acts committed and, with respect to the
19 violator, the degree of culpability, any history of
20 prior violations, and such other matters as justice
21 may require. In imposing such penalty, the district
22 court may also consider information related to the
23 ability of the violator to pay.

24 “(4) NOTICE.—No penalty or permit sanction
25 shall be assessed under this subsection until after

1 the person charged has been given notice and an op-
2 portunity for a hearing.

3 “(5) IN REM JURISDICTION.—A vessel used in
4 violating this title, any regulation promulgated under
5 this title, or any permit issued under this title, shall
6 be liable in rem for any civil penalty assessed for
7 such violation. Such penalty shall constitute a mari-
8 time lien on the vessel and may be recovered in an
9 action in rem in the district court of the United
10 States having jurisdiction over the vessel.

11 “(6) COLLECTION OF PENALTIES.—If any per-
12 son fails to pay an assessment of a civil penalty
13 under this section after it has become a final and
14 unappealable order, or after the appropriate court
15 has entered final judgment in favor of the Secretary,
16 the Secretary shall refer the matter to the Attorney
17 General, who shall recover the amount assessed in
18 any appropriate district court of the United States
19 (plus interest at current prevailing rates from the
20 date of the final order). In such action, the validity
21 and appropriateness of the final order imposing the
22 civil penalty shall not be subject to review. Any per-
23 son who fails to pay, on a timely basis, the amount
24 of an assessment of a civil penalty shall be required
25 to pay, in addition to such amount and interest, at-

1 torney’s fees and costs for collection proceedings and
 2 a quarterly nonpayment penalty for each quarter
 3 during which such failure to pay persists. Such non-
 4 payment penalty shall be in an amount equal to 20
 5 percent of the aggregate amount of such person’s
 6 penalties and nonpayment penalties that are unpaid
 7 as of the beginning of such quarter.

8 “(7) COMPROMISE OR OTHER ACTION BY SEC-
 9 RETARY.—The Secretary may compromise, modify,
 10 or remit, with or without conditions, any civil admin-
 11 istrative penalty or permit sanction which is or may
 12 be imposed under this section and that has not been
 13 referred to the Attorney General for further enforce-
 14 ment action.

15 “(8) JURISDICTION.—The several district
 16 courts of the United States shall have jurisdiction
 17 over any actions brought by the United States aris-
 18 ing under this section. For the purpose of this sec-
 19 tion, American Samoa shall be included within the
 20 judicial district of the District Court of the United
 21 States for the District of Hawaii. Each violation
 22 shall be a separate offense and the offense shall be
 23 deemed to have been committed not only in the dis-
 24 trict where the violation first occurred, but also in
 25 any other district as authorized by law.

1 “(d) FORFEITURE.—

2 “(1) CRIMINAL FORFEITURE.—A person who is
3 convicted of an offense in violation of this title shall
4 forfeit to the United States—

5 “(A) any property, real or personal, consti-
6 tuting or traceable to the gross proceeds taken,
7 obtained, or retained, in connection with or as
8 a result of the offense, including, without limi-
9 tation, any coral reef or coral reef component
10 (or the fair market value thereof); and

11 “(B) any property, real or personal, used
12 or intended to be used, in any manner, to com-
13 mit or facilitate the commission of the offense,
14 including, without limitation, any vessel (includ-
15 ing the vessel’s equipment, stores, catch and
16 cargo), vehicle, aircraft, or other means of
17 transportation.

18 Pursuant to section 2461(c) of title 28, United
19 States Code, the provisions of section 413 of the
20 Controlled Substances Act (21 U.S.C. 853) other
21 than subsection (d) thereof shall apply to criminal
22 forfeitures under this section.

23 “(2) CIVIL FORFEITURE.—The property set
24 forth below shall be subject to forfeiture to the
25 United States in accordance with the provisions of

1 chapter 46 of title 18, United States Code, and no
2 property right shall exist in it:

3 “(A) Any property, real or personal, con-
4 stituting or traceable to the gross proceeds
5 taken, obtained, or retained, in connection with
6 or as a result of a violation of this title, includ-
7 ing, without limitation, any coral reef or coral
8 reef component (or the fair market value there-
9 of).

10 “(B) Any property, real or personal, used
11 or intended to be used, in any manner, to com-
12 mit or facilitate the commission of a violation of
13 this title, including, without limitation, any ves-
14 sel (including the vessel’s equipment, stores,
15 catch and cargo), vehicle, aircraft, or other
16 means of transportation.

17 “(3) APPLICATION OF THE CUSTOMS LAWS.—
18 All provisions of law relating to seizure, summary
19 judgment, and judicial forfeiture and condemnation
20 for violation of the customs laws, the disposition of
21 the property forfeited or condemned or the proceeds
22 from the sale thereof, the remission or mitigation of
23 such forfeitures, and the compromise of claims shall
24 apply to seizures and forfeitures incurred, or alleged
25 to have been incurred, under the provisions of this

1 title, insofar as applicable and not inconsistent with
2 the provisions hereof. For seizures and forfeitures of
3 property under this section by the Secretary, such
4 duties as are imposed upon the customs officer or
5 any other person with respect to the seizure and for-
6 feiture of property under the customs law may be
7 performed by such officers as are designated by the
8 Secretary or, upon request of the Secretary, by any
9 other agency that has authority to manage and dis-
10 pose of seized property.

11 “(4) PRESUMPTION.—For the purposes of this
12 section there is a rebuttable presumption that all
13 coral reefs, or components thereof, found on board
14 a vessel that is used or seized in connection with a
15 violation of this title or of any regulation promul-
16 gated under this title were taken, obtained, or re-
17 tained in violation of this title or of a regulation pro-
18 mulgated under this title.

19 “(e) PAYMENT OF STORAGE, CARE, AND OTHER
20 COSTS.—Any person assessed a civil penalty for a viola-
21 tion of this title or of any regulation promulgated under
22 this title and any claimant in a forfeiture action brought
23 for such a violation, shall be liable for the reasonable costs
24 incurred by the Secretary in storage, care, and mainte-

1 nance of any property seized in connection with the viola-
 2 tion.

3 “(f) EXPENDITURES.—

4 “(1) Notwithstanding section 3302 of title 31,
 5 United States Code, or section 311 of the Magnu-
 6 son-Stevens Fishery Conservation and Management
 7 Act (16 U.S.C. 1861), amounts received by the
 8 United States as civil penalties under subsection (c)
 9 of this section, forfeitures of property under sub-
 10 section (d) of this section, and costs imposed under
 11 subsection (e) of this section, shall—

12 “(A) be placed into an account;

13 “(B) be available for use by the Secretary
 14 without further appropriation; and

15 “(C) remain available until expended.

16 “(2) Amounts received under this section for
 17 forfeitures under subsection (d) and costs imposed
 18 under subsection (e) shall be used to pay the reason-
 19 able and necessary costs incurred by the Secretary
 20 to provide temporary storage, care, maintenance,
 21 and disposal of any property seized in connection
 22 with a violation of this title or any regulation pro-
 23 mulgated under this title.

24 “(3) Amounts received under this section as
 25 civil penalties under subsection (c) of this section

1 and any amounts remaining after the operation of
2 paragraph (2) of this subsection shall—

3 “(A) be used to stabilize, restore, or other-
4 wise manage the coral reef with respect to
5 which the violation occurred that resulted in the
6 penalty or forfeiture;

7 “(B) be transferred to the Emergency Re-
8 sponse, Stabilization, and Restoration Account
9 established under section 208(d) or an account
10 described in section 213(d)(1) of this title, to
11 reimburse such account for amounts used for
12 authorized emergency actions;

13 “(C) be used to conduct monitoring and
14 enforcement activities;

15 “(D) be used to conduct research on tech-
16 niques to stabilize and restore coral reefs;

17 “(E) be used to conduct activities that pre-
18 vent or reduce the likelihood of future damage
19 to coral reefs;

20 “(F) be used to stabilize, restore or other-
21 wise manage any other coral reef; or

22 “(G) be used to pay a reward to any per-
23 son who furnishes information leading to an as-
24 sessment of a civil penalty, or to a forfeiture of

1 property, for a violation of this title or any reg-
2 ulation promulgated under this title.

3 “(g) CRIMINAL ENFORCEMENT.—

4 “(1) Any person (other than a foreign govern-
5 ment or any entity of such government) who know-
6 ingly commits any act prohibited by section 212(c)
7 of this title shall be imprisoned for not more than
8 5 years and shall be fined not more than \$500,000
9 for individuals or \$1,000,000 for an organization;
10 except that if in the commission of any such offense
11 the individual uses a dangerous weapon, engages in
12 conduct that causes bodily injury to any officer au-
13 thorized to enforce the provisions of this title, or
14 places any such officer in fear of imminent bodily in-
15 jury, the maximum term of imprisonment is not
16 more than 10 years.

17 “(2) Any person (other than a foreign govern-
18 ment or any entity of such government) who know-
19 ingly violates subsection (b), (d), or (e) of section
20 212 shall be fined under title 18, United States
21 Code, or imprisoned not more than 5 years or both.

22 “(3) Any person (other than a foreign govern-
23 ment or any entity of such government) who violates
24 subsection (b), (d), or (e) of section 212, and who,
25 in the exercise of due care should know that such

1 person's conduct violates subsection (b), (d), or (e)
2 of section 212, shall be fined under title 18, United
3 States Code, or imprisoned not more than 1 year, or
4 both.

5 “(4) The several district courts of the United
6 States shall have jurisdiction over any actions
7 brought by the United States arising under this sub-
8 section. For the purpose of this subsection, Amer-
9 ican Samoa shall be included within the judicial dis-
10 trict of the District Court of the United States for
11 the District of Hawaii. Each violation shall be a sep-
12 arate offense and the offense shall be deemed to
13 have been committed not only in the district where
14 the violation first occurred, but also in any other
15 district as authorized by law. Any offenses not com-
16 mitted in any district are subject to the venue provi-
17 sions of section 3238 of title 18, United States
18 Code.

19 “(h) SUBPOENAS.—In the case of any investigation
20 or hearing under this section or any other natural resource
21 statute administered by the National Oceanic and Atmos-
22 pheric Administration which is determined on the record
23 in accordance with the procedures provided for under sec-
24 tion 554 of title 5, United States Code, the Secretary may
25 issue subpoenas for the attendance and testimony of wit-

1 nesses and the production of relevant papers, books, elec-
2 tronic files, and documents, and may administer oaths.

3 “(i) COAST GUARD AUTHORITY NOT LIMITED.—
4 Nothing in this section shall be considered to limit the au-
5 thority of the Coast Guard to enforce this or any other
6 Federal law under section 89 of title 14, United States
7 Code.

8 “(j) INJUNCTIVE RELIEF.—

9 “(1) If the Secretary determines that there is
10 an imminent risk of destruction or loss of or injury
11 to a coral reef, or that there has been actual de-
12 struction or loss of, or injury to, a coral reef which
13 may give rise to liability under section 213 of this
14 title, the Attorney General, upon request of the Sec-
15 retary, shall seek to obtain such relief as may be
16 necessary to abate such risk or actual destruction,
17 loss, or injury, or to restore or replace the coral reef,
18 or both. The district courts of the United States
19 shall have jurisdiction in such a case to order such
20 relief as the public interest and the equities of the
21 case may require.

22 “(2) Upon the request of the Secretary, the At-
23 torney General may seek to enjoin any person who
24 is alleged to be in violation of any provision of this
25 title, or any regulation or permit issued under this

1 title, and the district courts shall have jurisdiction to
 2 grant such relief.

3 “(k) AREA OF APPLICATION AND ENFORCE-
 4 ABILITY.—The area of application and enforceability of
 5 this title includes the internal waters of the United States,
 6 the territorial sea of the United States, as described in
 7 Presidential Proclamation 5928 of December 27, 1988,
 8 the Exclusive Economic Zone of the United States as de-
 9 scribed in Presidential Proclamation 5030 of March 10,
 10 1983, and the continental shelf, consistent with inter-
 11 national law.

12 “(l) NATIONWIDE SERVICE OF PROCESS.—In any ac-
 13 tion by the United States under this title, process may
 14 be served in any district where the defendant is found,
 15 resides, transacts business, or has appointed an agent for
 16 the service of process, and for civil cases may also be
 17 served in a place not within the United States in accord-
 18 ance with rule 4 of the Federal Rules of Civil Procedure.

19 “(m) VENUE IN CIVIL ACTIONS.—A civil action
 20 under this title may be brought in the United States dis-
 21 trict court for any district in which—

22 “(1) the defendant is located, resides, or is
 23 doing business, in the case of an action against a
 24 person;

1 “(2) the vessel is located, in the case of an ac-
2 tion against a vessel;

3 “(3) the destruction of, loss of, or injury to a
4 coral reef, or component thereof, occurred or in
5 which there is an imminent risk of such destruction,
6 loss, or injury; or

7 “(4) where some or all of the coral reef or com-
8 ponent thereof that is the subject of the action is not
9 within the territory covered by any United States
10 district court, such action may be brought either in
11 the United States district court for the district clos-
12 est to the location where the destruction, loss, in-
13 jury, or risk of injury occurred, or in the United
14 States District Court for the District of Columbia.

15 “(n) UNIFORMED SERVICE OFFICERS AND EMPLOY-
16 EES.—No officer or employee of a uniformed service (as
17 defined in section 101 of title 10, United States Code)
18 shall be held liable under this section, either in such offi-
19 cer’s or employee’s personal or official capacity, for any
20 violation of section 212 occurring during the performance
21 of the officer’s or employee’s official governmental duties.

22 “(o) CONTRACT EMPLOYEES.—No contract employee
23 of a uniformed service (as so defined), serving as vessel
24 master or crew member, shall be liable under this section

1 for any violation of section 212 if that contract em-
 2 ployee—

3 “(1) is acting as a contract employee of a uni-
 4 formed service under the terms of an operating con-
 5 tract for a vessel owned by a uniformed service, or
 6 a time charter for pre-positioned vessels, special mis-
 7 sion vessels, or vessels exclusively transporting mili-
 8 tary supplies and materials; and

9 “(2) is engaged in an action or actions over
 10 which such employee has been given no discretion
 11 (e.g., anchoring or mooring at one or more des-
 12 ignated anchorages or buoys, or executing specific
 13 operational elements of a special mission activity), as
 14 determined by the uniformed service controlling the
 15 contract.”.

16 **SEC. 17. PERMITS.**

17 The Act (16 U.S.C. 6401 et seq.) is amended by in-
 18 serting after section 214, as added by section 16 of this
 19 Act, the following:

20 **“SEC. 215. PERMITS.**

21 “(a) IN GENERAL.—The Secretary may allow for the
 22 conduct of—

23 “(1) bona fide research, and

24 “(2) activities that would otherwise be prohib-
 25 ited by this title or regulations issued thereunder,

1 through issuance of coral reef conservation permits in ac-
2 cordance with regulations issued under this title.

3 “(b) LIMITATION OF NON-RESEARCH ACTIVITIES.—

4 The Secretary may not issue a permit for activities other
5 than for bona fide research unless the Secretary finds—

6 “(1) the activity proposed to be conducted is
7 compatible with one or more of the purposes in sec-
8 tion 202(b) of this title;

9 “(2) the activity conforms to the provisions of
10 all other laws and regulations applicable to the area
11 for which such permit is to be issued; and

12 “(3) there is no practicable alternative to con-
13 ducting the activity in a manner that destroys,
14 causes the loss of, or injures any coral reef or any
15 component thereof.

16 “(c) TERMS AND CONDITIONS.—The Secretary may
17 place any terms and conditions on a permit issued under
18 this section that the Secretary deems reasonable.

19 “(d) FEES.—

20 “(1) ASSESSMENT AND COLLECTION.—Subject
21 to regulations issued under this title, the Secretary
22 may assess and collect fees as specified in this sub-
23 section.

24 “(2) AMOUNT.—Any fee assessed shall be equal
25 to the sum of—

1 “(A) all costs incurred, or expected to be
2 incurred, by the Secretary in processing the
3 permit application, including indirect costs; and

4 “(B) if the permit is approved, all costs in-
5 curred, or expected to be incurred, by the Sec-
6 retary as a direct result of the conduct of the
7 activity for which the permit is issued, including
8 costs of monitoring the conduct of the activity
9 and educating the public about the activity and
10 coral reef resources related to the activity.

11 “(3) USE OF FEES.—Amounts collected by the
12 Secretary in the form of fees under this section shall
13 be collected and available for use only to the extent
14 provided in advance in appropriations Acts and may
15 be used by the Secretary for issuing and admin-
16 istering permits under this section.

17 “(4) WAIVER OR REDUCTION OF FEES.—For
18 any fee assessed under paragraph (2) of this sub-
19 section, the Secretary may—

20 “(A) accept in-kind contributions in lieu of
21 a fee; or

22 “(B) waive or reduce the fee.

23 “(e) FISHING.—Nothing in this section shall be con-
24 sidered to require a person to obtain a permit under this

1 section for the conduct of any fishing activities not prohib-
2 ited by this title or regulations issued thereunder.”.

3 **SEC. 18. REGIONAL, STATE, AND TERRITORIAL COORDINA-**
4 **TION.**

5 The Act (16 U.S.C. 6401 et seq.) is amended by in-
6 serting after section 215, as added by section 17 of this
7 Act, the following:

8 **“SEC. 216. REGIONAL, STATE, AND TERRITORIAL COORDI-**
9 **NATION.**

10 “(a) REGIONAL COORDINATION.—The Secretary and
11 other Federal members of the Coral Reef Task Force shall
12 work in coordination and collaboration with other Federal
13 agencies, States, and United States territorial govern-
14 ments to implement the strategies developed under section
15 203, including regional and local strategies, to address
16 multiple threats to coral reefs and coral reef ecosystems.

17 “(b) RESPONSE AND RESTORATION ACTIVITIES.—
18 The Secretary shall enter into written agreements with
19 any States in which coral reefs are located regarding the
20 manner in which response and restoration activities will
21 be conducted within the affected State’s waters. Nothing
22 in this subsection shall be construed to limit Federal re-
23 sponse and restoration activity authority before any such
24 agreement is final.

1 “(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—
 2 All cooperative enforcement agreements in place between
 3 the Secretary and States affected by this title shall be up-
 4 dated to include enforcement of this title where appro-
 5 priate.”.

6 **SEC. 19. REGULATIONS.**

7 The Act (16 U.S.C. 6401 et seq.) is amended by in-
 8 serting after section 216, as added by section 18, the fol-
 9 lowing:

10 **“SEC. 217. REGULATIONS.**

11 “The Secretary may issue such regulations as are
 12 necessary and appropriate to carry out the purposes of
 13 this title. This title and any regulations promulgated
 14 under this title shall be applied in accordance with inter-
 15 national law. No restrictions shall apply to or be enforced
 16 against a person who is not a citizen, national, or resident
 17 alien of the United States (including foreign flag vessels)
 18 unless in accordance with international law.”.

19 **SEC. 20. EFFECTIVENESS AND ASSESSMENT REPORT.**

20 Section 218 (formerly 16 U.S.C. 6407), as redesign-
 21 nated by section 7 of this Act, is amended to read as fol-
 22 lows:

23 **“SEC. 218. EFFECTIVENESS AND ASSESSMENT REPORT.**

24 “(a) EFFECTIVENESS REPORT.—Not later than
 25 March 1, 2010, and every 3 years thereafter, the Secretary

1 shall submit to the Senate Committee on Commerce,
2 Science, and Transportation and the House of Represent-
3 atives Committee on Natural Resources a report describ-
4 ing all activities undertaken to implement the strategy, in-
5 cluding—

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

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

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

24 “(4) a description of Federal disaster response
25 actions taken pursuant to the National Response

1 Plan to address damage to coral reefs and coral reef
2 ecosystems.

3 “(b) ASSESSMENT REPORT.—Not later than March
4 1, 2013, and every 5 years thereafter, the Secretary will
5 submit to the Senate Committee on Commerce, Science,
6 and Transportation and the House of Representatives
7 Committee on Natural Resources an assessment of the
8 conditions of U.S. coral reefs, accomplishments under this
9 Act, and the effectiveness of management actions to ad-
10 dress threats to coral reefs.”.

11 **SEC. 21. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 219 (formerly 16 U.S.C. 6408), as redesign-
13 nated by section 7 of this Act, is amended—

14 (1) by striking “\$16,000,000 for each of fiscal
15 years 2001, 2002, 2003, and 2004,” in subsection
16 (a) and inserting “\$34,000,000 for fiscal year 2012,
17 \$36,000,000 for fiscal year 2013, \$38,000,000 for
18 fiscal year 2014, and \$40,000,000 for each of fiscal
19 years 2015 through 2016, of which no less than 24
20 percent per year (for each of fiscal years 2012
21 through 2016) shall be used for the grant program
22 under section 204, no less than 6 percent shall be
23 used for Fishery Management Councils, and up to
24 10 percent per year shall be used for the Fund es-
25 tablished under section 205(a),”;

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

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

5 “(c) COMMUNITY-BASED PLANNING GRANTS.—There
6 are authorized to be appropriated to the Secretary to carry
7 out section 210 \$10,000,000 for fiscal years 2012 through
8 2016, to remain available until expended.”; and

9 (4) by striking subsection (d) and inserting the
10 following:

11 “(d) INTERNATIONAL CORAL REEF CONSERVATION
12 PROGRAM.—There are authorized to be appropriated to
13 the Secretary to carry out section 209 \$8,000,000 for each
14 of fiscal years 2012 through 2016, to remain available
15 until expended.”.

16 **SEC. 22. JUDICIAL REVIEW.**

17 The Act (16 U.S.C. 6401 et seq.) is amended by in-
18 serting after section 219, as redesignated by section 7 of
19 this Act, the following:

20 **“SEC. 220. JUDICIAL REVIEW.**

21 “(a) IN GENERAL.—Chapter 7 of title 5, United
22 States Code, is not applicable to any action taken by the
23 Secretary under this title, except that—

24 “(1) review of any final agency action of the
25 Secretary taken pursuant to sections 214(c)(1) and

1 214(c)(2) may be had only by the filing of a com-
2 plaint by an interested person in the United States
3 District Court for the appropriate district; any such
4 complaint must be filed within 30 days of the date
5 such final agency action is taken; and

6 “(2) review of any final agency action of the
7 Secretary taken pursuant to section 215 may be had
8 by the filing of a petition for review by an interested
9 person in the Circuit Court of Appeals of the United
10 States for the federal judicial district in which such
11 person resides or transact business which is directly
12 affected by the action taken; such petition shall be
13 filed within 120 days from the date such final agen-
14 cy action is taken.

15 “(b) NO REVIEW IN ENFORCEMENT PRO-
16 CEEDINGS.—Final agency action with respect to which re-
17 view could have been obtained under subsection (a)(2)
18 shall not be subject to judicial review in any civil or crimi-
19 nal proceeding for enforcement.

20 “(c) COST OF LITIGATION.—In any judicial pro-
21 ceeding under subsection (a), the court may award costs
22 of litigation (including reasonable attorney and expert wit-
23 ness fees) to any prevailing party whenever it determines
24 that such award is appropriate.”.

1 **SEC. 23. DEFINITIONS.**

2 Section 221 (formerly 16 U.S.C. 6409), as redesign-
 3 nated by section 7 of this Act, is amended to read as fol-
 4 lows:

5 **“SEC. 221. DEFINITIONS.**

6 “In this title:

7 “(1) BIODIVERSITY.—The term ‘biodiversity’
 8 means the variability among living organisms from
 9 all sources including, inter alia, terrestrial, marine,
 10 and other aquatic ecosystems and the ecological
 11 complexes of which they are part, including diversity
 12 within species, between species, and of ecosystems.

13 “(2) BONA FIDE RESEARCH.—The term ‘bona
 14 fide research’ means scientific research on corals,
 15 the results of which are likely—

16 “(A) to be eligible for publication in a re-
 17 ferred scientific journal;

18 “(B) to contribute to the basic knowledge
 19 of coral biology or ecology; or

20 “(C) to identify, evaluate, or resolve con-
 21 servation problems.

22 “(3) CORAL.—The term ‘coral’ means species
 23 of the phylum Cnidaria, including—

24 “(A) all species of the orders Antipatharia
 25 (black corals), Scleractinia (stony corals),
 26 Gorgonacea (horny corals), Stolonifera

1 (organpipe corals and others), Alcyonacea (soft
 2 corals), and Helioporacea (blue coral) of the
 3 class Anthozoa; and

4 “(B) all species of the families Milleporidea
 5 (fire corals) and Stylasteridae (stylasterid
 6 hydrocorals) of the class Hydrozoa.

7 “(4) CORAL REEF.—The term ‘coral reef’
 8 means limestone structures composed in whole or in
 9 part of living corals, as described in paragraph (3),
 10 their skeletal remains, or both, and including other
 11 corals, associated sessile invertebrates and plants,
 12 and associated seagrasses.

13 “(5) CORAL REEF COMPONENT.—The term
 14 ‘coral reef component’ means any part of a coral
 15 reef, including individual living or dead corals, asso-
 16 ciated sessile invertebrates and plants, and any adja-
 17 cent or associated seagrasses.

18 “(6) CORAL REEF ECOSYSTEM.—The term
 19 ‘coral reef ecosystem’ means the system of coral
 20 reefs and geographically associated species, habitats,
 21 and environment, including any adjacent or associ-
 22 ated mangroves and seagrass habitats, and the proc-
 23 esses that control its dynamics.

24 “(7) CORAL PRODUCTS.—The term ‘coral prod-
 25 ucts’ means any living or dead specimens, parts, or

1 derivatives, or any product containing specimens,
2 parts, or derivatives, of any species referred to in
3 paragraph (3).

4 “(8) DAMAGES.—The term ‘damages’ in-
5 cludes—

6 “(A) compensation for—

7 “(i) the cost of replacing, restoring, or
8 acquiring the equivalent of the coral reef,
9 or component thereof; and

10 “(ii) the lost services of, or the value
11 of the lost use of, the coral reef or compo-
12 nent thereof, or the cost of activities to
13 minimize or prevent threats of, equivalent
14 injury to, or destruction of coral reefs or
15 components thereof, pending restoration or
16 replacement or the acquisition of an equiv-
17 alent coral reef or component thereof;

18 “(B) the reasonable cost of damage assess-
19 ments under section 213;

20 “(C) the reasonable costs incurred by the
21 Secretary in implementing section 208(d);

22 “(D) the reasonable cost of monitoring ap-
23 propriate to the injured, restored, or replaced
24 resources;

1 “(E) the reasonable cost of curation, con-
 2 servation and loss of contextual information of
 3 any coral encrusted archaeological, historical,
 4 and cultural resource;

5 “(F) the cost of legal actions under section
 6 213, undertaken by the United States, associ-
 7 ated with the destruction or loss of, or injury
 8 to, a coral reef or component thereof, including
 9 the costs of attorney time and expert witness
 10 fees; and

11 “(G) the indirect costs associated with the
 12 costs listed in subparagraphs (A) through (F)
 13 of this paragraph.

14 “(9) EMERGENCY ACTIONS.—The term ‘emer-
 15 gency actions’ means all necessary actions to prevent
 16 or minimize the additional destruction or loss of, or
 17 injury to, coral reefs or components thereof, or to
 18 minimize the risk of such additional destruction,
 19 loss, or injury.

20 “(10) EXCLUSIVE ECONOMIC ZONE.—The term
 21 ‘Exclusive Economic Zone’ means the waters of the
 22 Exclusive Economic Zone of the United States under
 23 Presidential Proclamation 5030, dated March 10,
 24 1983.

1 “(11) PERSON.—The term ‘person’ means any
2 individual, private or public corporation, partnership,
3 trust, institution, association, or any other public or
4 private entity, whether foreign or domestic, private
5 person or entity, or any officer, employee, agent, De-
6 partment, agency, or instrumentality of the Federal
7 Government, of any State or local unit of govern-
8 ment, or of any foreign government.

9 “(12) RESPONSE COSTS.—The term ‘response
10 costs’ means the costs of actions taken or authorized
11 by the Secretary to minimize destruction or loss of,
12 or injury to, a coral reef, or component thereof, or
13 to minimize the imminent risks of such destruction,
14 loss, or injury, including costs related to seizure, for-
15 feiture, storage, or disposal arising from liability
16 under section 213.

17 “(13) SECRETARY.—The term ‘Secretary’
18 means—

19 “(A) for purposes of sections 201 through
20 211, sections 218 through 220 (except as other-
21 wise provided in subparagraph (B)), and the
22 other paragraphs of this section, the Secretary
23 of Commerce, acting through the Administrator
24 of the National Oceanic and Atmospheric Ad-
25 ministration; and

1 “(B) for purposes of sections 212 through
 2 220—

3 “(i) the Secretary of the Interior for
 4 any coral reef or component thereof located
 5 in (I) the National Wildlife Refuge System,
 6 (II) the National Park System, and (III)
 7 the waters surrounding Wake Island under
 8 the jurisdiction of the Secretary of the In-
 9 terior, as set forth in Executive Order
 10 11048 (27 Fed. Reg. 8851 (September 4,
 11 1962)); or

12 “(ii) the Secretary of Commerce for
 13 any coral reef or component thereof located
 14 in any area not described in clause (i).

15 “(14) SERVICE.—The term ‘service’ means
 16 functions, ecological or otherwise, performed by a
 17 coral reef or component thereof.

18 “(15) STATE.—The term ‘State’ means any
 19 State of the United States that contains a coral reef
 20 ecosystem within its seaward boundaries, American
 21 Samoa, Guam, the Northern Mariana Islands, Puer-
 22 to Rico, and the Virgin Islands, and any other terri-
 23 tory or possession of the United States, or separate
 24 sovereign in free association with the United States,

1 that contains a coral reef ecosystem within its sea-
2 ward boundaries.

3 “(16) TERRITORIAL SEA.—The term ‘Terri-
4 torial Sea’ means the waters of the Territorial Sea
5 of the United States under Presidential Proclama-
6 tion 5928, dated December 27, 1988.”.

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S. 46

[Report No. 112-210]

A BILL

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

SEPTEMBER 12, 2012

Reported without amendment