

Union Calendar No. 103

111TH CONGRESS
1ST SESSION

H. R. 860

[Report No. 111-196]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Mr. ABERCROMBIE, Mr. FARR, Mr. HASTINGS of Florida, Mr. HINCHEY, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. HONDA, Mr. KIRK, Ms. LEE of California, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Ms. HIRONO, Mr. KLEIN of Florida, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on Natural Resources

JULY 10, 2009

Additional sponsors: Ms. CASTOR of Florida, Mr. PIERLUISI, and Mr. BACA

JULY 10, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 4, 2009]

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 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Coral Reef Conservation Act Reauthorization and En-*
 6 *hancement Amendments of 2009”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Amendment of Coral Reef Conservation Act of 2000.

TITLE I—AMENDMENTS TO THE CORAL REEF CONSERVATION ACT

Sec. 101. Short title.

Sec. 102. Expansion of Coral Reef Conservation Program.

Sec. 103. Emergency response.

Sec. 104. National program.

Sec. 105. Report to Congress.

Sec. 106. Fund; grants; grounding inventory; coordination.

Sec. 107. Clarification of definitions.

Sec. 108. Authorization of appropriations.

TITLE II—UNITED STATES CORAL REEF TASK FORCE

Sec. 201. United States Coral Reef Task Force.

**TITLE III—DEPARTMENT OF THE INTERIOR CORAL REEF
 AUTHORITIES**

Sec. 301. Amendments relating to Department of the Interior program.

Sec. 302. Clarification of definitions.

9 **SEC. 2. AMENDMENT OF CORAL REEF CONSERVATION ACT**
 10 **OF 2000.**

11 *Except as otherwise expressly provided, whenever in*
 12 *this Act an amendment or repeal is expressed in terms of*
 13 *an amendment to or repeal of a section or other provision,*
 14 *the reference shall be considered to be made to a section or*

1 *other provision of the Coral Reef Conservation Act of 2000*
2 *(16 U.S.C. 6401 et seq.).*

3 **TITLE I—AMENDMENTS TO THE**
4 **CORAL REEF CONSERVATION**
5 **ACT**

6 **SEC. 101. SHORT TITLE.**

7 *This title may be cited as the “Coral Reef Conservation*
8 *Amendments Act of 2009”.*

9 **SEC. 102. EXPANSION OF CORAL REEF CONSERVATION PRO-**
10 **GRAM.**

11 *(a) PROJECT DIVERSITY.—Section 204(d) (16 U.S.C.*
12 *6403(d)) is amended—*

13 *(1) in the heading by striking “GEOGRAPHIC*
14 *AND BIOLOGICAL” and inserting “PROJECT”; and*

15 *(2) by striking paragraph (3) and inserting the*
16 *following:*

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

18 *“(A) projects (with priority given to com-*
19 *munity-based local action strategies) that ad-*
20 *dress emerging priorities or threats, including*
21 *international and territorial priorities, or*
22 *threats identified by the Administrator in con-*
23 *sultation with the United States Coral Reef Task*
24 *Force; and*

1 “(B) other appropriate projects, as deter-
2 mined by the Administrator, including moni-
3 toring and assessment, research, pollution reduc-
4 tion, education, and technical support.”.

5 (b) *APPROVAL CRITERIA*.—Section 204(g) (16 U.S.C.
6 6403(g)) is amended—

7 (1) by striking “or” after the semicolon in para-
8 graph (9);

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

10 (3) by inserting after paragraph (9) the fol-
11 lowing:

12 “(10) promoting activities designed to minimize
13 the likelihood of vessel impacts on coral reefs, particu-
14 larly those areas identified under section 210(b), in-
15 cluding the promotion of ecologically sound naviga-
16 tion and anchorages near coral reefs; or

17 “(11) promoting and assisting entities to work
18 with local communities, and all appropriate govern-
19 mental and nongovernmental organizations, to sup-
20 port community-based planning and management
21 initiatives for the protection of coral reef ecosystems.”.

22 **SEC. 103. EMERGENCY RESPONSE.**

23 Section 206 (16 U.S.C. 6405) is amended to read as
24 follows:

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

2 “(a) *IN GENERAL.*—*The Administrator may under-*
3 *take or authorize action necessary—*

4 “(1) *to minimize the destruction of or injury to*
5 *a coral reef, or loss of an ecosystem function of a coral*
6 *reef, from—*

7 “(A) *vessel impacts, derelict fishing gear,*
8 *vessel anchors, and anchor chains; and*

9 “(B) *from unforeseen or disaster-related cir-*
10 *cumstances as a result of human activities; and*

11 “(2) *to stabilize, repair, recover, or restore a*
12 *coral reef that is destroyed or injured, or that has in-*
13 *curred the loss of an ecosystem function, as described*
14 *in paragraph (1).*

15 “(b) *VESSEL REMOVAL; STABILIZATION.*—*Action au-*
16 *thorized by subsection (a) includes vessel removal and emer-*
17 *gency stabilization of the vessel or any impacted coral reef.*

18 “(c) *PARTNERING WITH OTHER FEDERAL AND STATE*
19 *AGENCIES.*—*When possible, action by the Administrator*
20 *under this section should—*

21 “(1) *be conducted in partnership with other Gov-*
22 *ernment agencies as appropriate, including—*

23 “(A) *the Coast Guard, the Federal Emer-*
24 *gency Management Agency, the Army Corps of*
25 *Engineers, the Environmental Protection Agen-*
26 *cy, and the Department of the Interior; and*

1 “(B) agencies of States; and

2 “(2) leverage resources of other agencies.

3 “(d) *EMERGENCY RESPONSE ASSISTANCE BY OTHER*
4 *FEDERAL AND STATE AGENCIES.*—

5 “(1) *IN GENERAL.*—*The head of any other Fed-*
6 *eral or State agency may assist the Administrator in*
7 *emergency response actions under this section, using*
8 *funds available for operations of the agency con-*
9 *cerned.*

10 “(2) *REIMBURSEMENT.*—*The Administrator,*
11 *subject to the availability of appropriations, may re-*
12 *imburse a Federal or State agency for assistance pro-*
13 *vided under paragraph (1).*

14 “(e) *LIABILITY FOR COSTS AND DAMAGES TO CORAL*
15 *REEFS.*—

16 “(1) *TREATMENT OF CORAL REEFS UNDER NA-*
17 *TIONAL MARINE SANCTUARIES ACT.*—*For purposes of*
18 *the provisions set forth in paragraph (2), and subject*
19 *to paragraph (5), each of the terms ‘sanctuary re-*
20 *sources’, ‘resource’, ‘sanctuary resource managed*
21 *under law or regulations for that sanctuary’, ‘na-*
22 *tional marine sanctuary’, ‘sanctuary resources of the*
23 *national marine sanctuary’, and ‘sanctuary resources*
24 *of other national marine sanctuaries’ is deemed to in-*
25 *clude any coral reef that is subject to the jurisdiction*

1 *of the United States or any State, without regard to*
2 *whether such coral reef is located in a national ma-*
3 *rine sanctuary.*

4 “(2) *APPLICABLE PROVISIONS OF NATIONAL MA-*
5 *RINE SANCTUARIES ACT.*—*The provisions referred to*
6 *in paragraph (1) are the following provisions of the*
7 *National Marine Sanctuaries Act:*

8 “(A) *Paragraphs (6) and (7) of section 302*
9 *(16 U.S.C. 1432).*

10 “(B) *Paragraphs (1), (2), (3), and (4) of*
11 *section 306 (16 U.S.C. 1436).*

12 “(C) *Section 307 (16 U.S.C. 1437).*

13 “(D) *Section 312 (16 U.S.C. 1443).*

14 “(3) *EXEMPTIONS.*—*The destruction, loss, or in-*
15 *jury of a coral reef or any component thereof is not*
16 *unlawful if it was—*

17 “(A) *caused by the use of fishing gear in a*
18 *manner that is not prohibited under the Magnu-*
19 *son-Stevens Fishery Conservation and Manage-*
20 *ment Act (16 U.S.C. 1801 et seq.) or other Fed-*
21 *eral or State law; or*

22 “(B) *caused by an activity that is author-*
23 *ized by Federal or State law, including any law-*
24 *ful discharge from a vessel of graywater, cooling*
25 *water, engine exhaust, ballast water, or sewage*

1 *from a marine sanitation device, unless the de-*
2 *struction, loss, or injury is a result of a vessel*
3 *grounding, a vessel scraping, anchor damage, or*
4 *excavation that is not authorized by a Federal or*
5 *State permit;*

6 *“(C) the necessary result of bona fide ma-*
7 *rine scientific research (including marine sci-*
8 *entific research activities approved by Federal,*
9 *State, or local permits), other than—*

10 *“(i) sampling or collecting; and*

11 *“(ii) destruction, loss, or injury that is*
12 *a result of a vessel grounding, a vessel*
13 *scraping, anchor damage, or excavation*
14 *that is not authorized by a Federal or State*
15 *permit; or*

16 *“(D)(i) caused by a Federal Government*
17 *agency in—*

18 *“(I) an emergency that posed an*
19 *unacceptable threat to human health or*
20 *safety or to the marine environment;*

21 *“(II) an emergency that posed a*
22 *threat to national security; or*

23 *“(III) an activity necessary for*
24 *law enforcement purposes or search*
25 *and rescue; and*

1 “(ii) could not be avoided.

2 “(4) CLARIFICATION OF LIABILITY.—A person is
3 not liable under this subsection if that person estab-
4 lishes that—

5 “(A) the destruction or loss of, or injury to,
6 the coral reef or coral reef ecosystem was caused
7 solely by an act of God, an act of war, or an act
8 of omission of a third party, and the person
9 acted with due care;

10 “(B) the destruction, loss, or injury was
11 caused by an activity authorized by Federal or
12 State law; or

13 “(C) the destruction, loss, or injury was
14 negligible.

15 “(5) STATE CONSENT REQUIRED.—

16 “(A) IN GENERAL.—This subsection shall
17 not apply to any coral reef that is subject to the
18 jurisdiction of a State unless the Governor of
19 that State notifies the Secretary that the State
20 consents to that application.

21 “(B) REVOCATION OF CONSENT.—The gov-
22 ernor of a State may revoke consent under sub-
23 paragraph (A) by notifying the Secretary of such
24 revocation.

1 “(6) *CONSISTENCY WITH INTERNATIONAL LAWS*
2 *AND TREATIES.*—

3 “(A) *IN GENERAL.*—*Any action taken under*
4 *the authority of this subsection must be con-*
5 *sistent with otherwise applicable international*
6 *laws and treaties.*

7 “(B) *ACTIONS AUTHORIZED WITH RESPECT*
8 *TO VESSELS.*—*For purposes of subparagraph*
9 *(A), actions authorized under this subsection in-*
10 *clude vessel removal, and emergency re-stabiliza-*
11 *tion of a vessel and any coral reef that is im-*
12 *pacted by a vessel.*

13 “(7) *LIABILITY UNDER OTHER PROVISIONS.*—
14 *Nothing in this title shall alter the liability of any*
15 *person under any other provision of law.”.*

16 **SEC. 104. NATIONAL PROGRAM.**

17 (a) *PURPOSE OF ACT.*—*Section 202 (16 U.S.C. 6401)*
18 *is amended—*

19 (1) *by redesignating paragraphs (2) through (6)*
20 *as paragraphs (3) through (7), respectively, and by*
21 *inserting after paragraph (1) the following:*

22 “(2) *to promote the resilience of coral reef eco-*
23 *systems;”.*

24 (2) *by amending paragraph (4), as so redesign-*
25 *ated, to read as follows:*

1 “(4) to develop sound scientific information on
2 the condition of coral reef ecosystems and the threats
3 to such ecosystems including large-scale threats re-
4 lated to climate change, such as ocean acidification,
5 to benefit local communities and the Nation, and to
6 the extent practicable to support and enhance man-
7 agement and research capabilities at local manage-
8 ment agencies and local research and academic insti-
9 tutions;”; and

10 (3) by striking “and” after the semicolon at the
11 end of paragraph (6), as so redesignated, by striking
12 the period at the end of paragraph (7), as so redesign-
13 ated, and inserting “; and”, and by adding at the
14 end the following:

15 “(8) to recognize the benefits of healthy coral
16 reefs to island and coastal communities and to en-
17 courage Federal action to ensure, to the maximum ex-
18 tent practicable, the continued availability of those
19 benefits.”.

20 (b) GOALS AND OBJECTIVES OF NATIONAL CORAL
21 REEF ACTION STRATEGY.—Section 203(b)(8) (16 U.S.C.
22 6402(b)(8)) is amended to read as follows:

23 “(8) conservation, including resilience and the
24 consideration of island and local traditions and prac-
25 tices.”.

1 (c) *AMENDMENTS RELATING TO ACTIVITIES TO CON-*
2 *SERVE CORAL REEFS AND CORAL REEF ECOSYSTEMS.*—

3 *Section 207(b) (16 U.S.C. 6406(b)) is amended—*

4 (1) *in paragraph (3) by striking “and” after the*
5 *semicolon;*

6 (2) *in paragraph (4)—*

7 (A) *by striking “cooperative conservation”*
8 *and inserting “cooperative research, conserva-*
9 *tion,”; and*

10 (B) *by striking “partners.” and inserting*
11 *“partners, including academic institutions lo-*
12 *cated in States;”; and*

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

14 “*(5) improving and promoting the resilience of*
15 *coral reefs and coral reef ecosystems; and*

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

20 (d) *CRITERIA FOR APPROVAL OF PROJECT PRO-*
21 *POSALS.*—*Section 204(g) (16 U.S.C. 6403(g)) is further*

22 *amended by striking “or” after the semicolon at the end*
23 *of paragraph (10), by redesignating paragraph (11) as*
24 *paragraph (12), and by inserting after paragraph (10) the*
25 *following:*

1 “(11) improving and promoting the resilience of
2 coral reefs and coral reef ecosystems; or”.

3 (e) *DATA ARCHIVE, ACCESS, AND AVAILABILITY.*—Sec-
4 tion 207 (16 U.S.C. 6406) is amended—

5 (1) in subsection (b) (as amended by subsection
6 (b) of this section) by striking “and” after the semi-
7 colon at the end of paragraph (5), by striking the pe-
8 riod at the end of paragraph (6) and inserting “;
9 and”, and by adding at the end the following:

10 “(7) centrally archiving, managing, and distrib-
11 uting data sets and providing coral reef ecosystem as-
12 sessments and services to the general public with
13 local, regional, or international programs and part-
14 ners.”; and

15 (2) by adding at the end the following:

16 “(c) *DATA ARCHIVE, ACCESS, AND AVAILABILITY.*—
17 The Secretary, in coordination with similar efforts at other
18 Departments and agencies shall provide for the long-term
19 stewardship of environmental data, products, and informa-
20 tion via data processing, storage, and archive facilities pur-
21 suant to this title. The Secretary may—

22 “(1) archive environmental data collected by
23 Federal, State, local agencies and tribal organizations
24 and federally funded research;

1 “(2) promote widespread availability and dis-
2 semination of environmental data and information
3 through full and open access and exchange to the
4 greatest extent possible, including in electronic format
5 on the Internet;

6 “(3) develop standards, protocols and procedures
7 for sharing Federal data with State and local govern-
8 ment programs and the private sector or academia;
9 and

10 “(4) develop metadata standards for coral reef
11 ecosystems in accordance with Federal Geographic
12 Data Committee guidelines.”.

13 **SEC. 105. REPORT TO CONGRESS.**

14 Section 208 (16 U.S.C. 6407) is amended to read as
15 follows:

16 **“SEC. 208. REPORT TO CONGRESS.**

17 “Not later than March 1, 2010, and every 5 years
18 thereafter, the Administrator shall submit to the Committee
19 on Commerce, Science, and Transportation of the Senate
20 and the Committee on Natural Resources of the House of
21 Representatives a report describing all activities under-
22 taken to implement the strategy, including—

23 “(1) a description of the funds obligated by each
24 participating Federal agency to advance coral reef
25 conservation during each fiscal year of the 5-fiscal-

1 *year period preceding the fiscal year in which the re-*
2 *port is submitted;*

3 *“(2) a description of Federal interagency and co-*
4 *operative efforts with States and non-governmental*
5 *partner organizations to prevent or address overhar-*
6 *vesting, coastal runoff, or other anthropogenic im-*
7 *pacts on coral reef ecosystems, including projects un-*
8 *dertaken with the Department of the Interior, the De-*
9 *partment of Agriculture, the Environmental Protec-*
10 *tion Agency, and the Army Corps of Engineers;*

11 *“(3) a summary of the information contained in*
12 *the vessel grounding inventory established under sec-*
13 *tion 210, including additional authorization or fund-*
14 *ing, needed for response and removal of such vessels;*

15 *“(4) a description of Federal disaster response*
16 *actions taken pursuant to the National Response Plan*
17 *to address damage to coral reefs and coral reef eco-*
18 *systems; and*

19 *“(5) an assessment of the condition of United*
20 *States coral reefs, accomplishments under this Act,*
21 *and the effectiveness of management actions to ad-*
22 *dress threats to coral reefs, including actions taken to*
23 *address large-scale threats to coral reef ecosystems re-*
24 *lated to climate change.”.*

1 **SEC. 106. FUND; GRANTS; GROUNDING INVENTORY; CO-**
2 **ORDINATION.**

3 (a) *FUND; GRANTS; GROUNDING INVENTORY; COORDI-*
4 *NATION.—The Act (16 U.S.C. 6401 et seq.) is amended—*

5 (1) *in section 205(a) (16 U.S.C. 6404(a)), by*
6 *striking “organization solely” and all that follows*
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 under*
13 *section 206.”;*

14 (2) *by adding at the end of section 205(b) (16*
15 *U.S.C. 6404(b)) the following: “The organization is*
16 *encouraged to solicit funding and in-kind services*
17 *from the private sector, including nongovernmental*
18 *organizations, for emergency response actions under*
19 *section 206 and for activities to prevent damage to*
20 *coral reefs, including areas identified in section*
21 *210(b)(2).”;*

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

25 (4) *by redesignating sections 209 and 210 as sec-*
26 *tions 217 and 218, respectively; and*

1 (5) *by inserting after section 208 the following:*

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

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

11 “(1) *support attainment of one or more of the*
12 *criteria described in section 204(g);*

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

14 “(3) *utilize where applicable watershed-based or*
15 *ecosystem-based approaches;*

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

18 “(5) *build upon local approaches or models, in-*
19 *cluding traditional or island-based resource manage-*
20 *ment concepts; and*

21 “(6) *complement local action strategies or re-*
22 *gional plans for coral reef conservation.*

23 “(b) *TERMS AND CONDITIONS.—The provisions of sub-*
24 *sections (b), (d), (f), and (h) of section 204 apply to grants*
25 *under subsection (a), except that, for the purpose of apply-*

1 *ing section 204(b)(1) to grants under this section, ‘75 per-*
2 *cent’ shall be substituted for ‘50 percent’.*

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

4 *“(a) IN GENERAL.—The Administrator, in coordina-*
5 *tion with other Federal agencies, may maintain an inven-*
6 *tory of all vessel grounding incidents involving coral reefs,*
7 *including a description of—*

8 *“(1) the impacts to such resources;*

9 *“(2) vessel and ownership information, if avail-*
10 *able;*

11 *“(3) the estimated cost of removal, mitigation, or*
12 *restoration;*

13 *“(4) the response action taken by the owner, the*
14 *Administrator, the Commandant of the Coast Guard,*
15 *or other Federal or State agency representatives;*

16 *“(5) the status of the response action, including*
17 *the dates of vessel removal and mitigation or restora-*
18 *tion and any actions taken to prevent future ground-*
19 *ing incidents; and*

20 *“(6) recommendations for additional naviga-*
21 *tional aids or other mechanisms for preventing future*
22 *grounding incidents.*

23 *“(b) IDENTIFICATION OF AT-RISK REEFS.—The Ad-*
24 *ministrator may—*

1 “(1) use information from any inventory main-
2 tained under subsection (a) or any other available in-
3 formation source to identify all coral reef areas that
4 have a high incidence of vessel impacts, including
5 groundings and anchor damage;

6 “(2) identify appropriate measures, including
7 action by other agencies, to reduce the likelihood of
8 such impacts; and

9 “(3) develop a strategy and timetable to imple-
10 ment such measures, including cooperative actions
11 with other Government agencies and non-govern-
12 mental partners.

13 **“SEC. 211. REGIONAL, STATE, AND TERRITORIAL COORDI-**
14 **NATION.**

15 “(a) *REGIONAL COORDINATION.*—The Secretary and
16 other Federal members of the United States Coral Reef Task
17 Force shall work in coordination and collaboration with
18 other Federal agencies and States to implement the strate-
19 gies developed under section 203, including regional and
20 local strategies, to address multiple threats to coral reefs
21 and coral reef ecosystems such as coastal runoff, vessel im-
22 pacts, and overharvesting.

23 “(b) *RESPONSE AND RESTORATION ACTIVITIES.*—The
24 Secretary shall enter into written agreements with any
25 States in which coral reefs are located regarding the man-

1 *ner in which response and restoration activities will be con-*
2 *ducted within the affected State’s waters. Nothing in this*
3 *subsection shall be construed to limit Federal response and*
4 *restoration activity authority before any such agreement is*
5 *final.*

6 “(c) *COOPERATIVE ENFORCEMENT AGREEMENTS.*—*All*
7 *cooperative enforcement agreements in place between the*
8 *Secretary and States affected by this title shall be updated*
9 *to include enforcement of this title where appropriate.*

10 **“SEC. 212. AGREEMENTS.**

11 “(a) *IN GENERAL.*—*The Administrator may execute*
12 *and perform such contracts, leases, grants, or cooperative*
13 *agreements as may be necessary to carry out the purposes*
14 *of this title.*

15 “(b) *COOPERATIVE AGREEMENTS.*—*In addition to the*
16 *general authority provided by subsection (a), the Adminis-*
17 *trator may enter into, extend, or renegotiate agreements*
18 *with universities and research centers with established man-*
19 *agement-driven national or regional coral reef research in-*
20 *stitutes to conduct ecological research and monitoring ex-*
21 *plicitly aimed at building capacity for more effective re-*
22 *source management. Pursuant to any such agreements these*
23 *institutes shall—*

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

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

8 “(3) conduct public education and awareness
9 programs for policy makers, resource managers, and
10 the general public on coral reef ecosystems, best prac-
11 tices for coral reef and ecosystem management and
12 conservation, their value, and threats to their sustain-
13 ability.

14 “(c) *USE OF OTHER AGENCIES’ RESOURCES.*—For
15 purposes related to the conservation, preservation, protec-
16 tion, restoration, or replacement of coral reefs or coral reef
17 ecosystems and the enforcement of this title, the Adminis-
18 trator is authorized to use, with their consent and with or
19 without reimbursement, the land, services, equipment, per-
20 sonnel, and facilities of any Department, agency, or instru-
21 mentality of the United States, or of any State, local gov-
22 ernment, or Indian tribal government, or of any political
23 subdivision thereof, or of any foreign government or inter-
24 national organization.

1 **“SEC. 213. INTERNATIONAL CORAL REEF CONSERVATION**

2 **STRATEGY.**

3 *“(a) INTERNATIONAL CORAL REEF ECOSYSTEM*
4 *STRATEGY.—*

5 *“(1) IN GENERAL.—Not later than 1 year after*
6 *the date of enactment of the Coral Reef Conservation*
7 *Act Reauthorization and Enhancement Amendments*
8 *of 2009, the Secretary shall submit to the Senate*
9 *Committee on Commerce, Science, and Transporta-*
10 *tion and the House of Representatives Committee*
11 *on Natural Resources, and publish in the Federal*
12 *Register, an international coral reef ecosystem strat-*
13 *egy, consistent with the purposes of this title and the*
14 *national strategy required pursuant to section 203(a).*
15 *The Secretary shall periodically review and revise*
16 *this strategy as necessary.*

17 *“(2) CONTENTS.—The strategy developed by the*
18 *Secretary under paragraph (1) shall—*

19 *“(A) identify coral reef ecosystems through-*
20 *out the world that are of high value for United*
21 *States marine resources, that support high-seas*
22 *resources of importance to the United States such*
23 *as fisheries, or that support other interests of the*
24 *United States;*

25 *“(B) summarize existing activities by Fed-*
26 *eral agencies and entities described in subsection*

1 **(b)** to address the conservation of coral reef eco-
2 systems identified pursuant to subparagraph
3 **(A)**;

4 **“(C)** establish goals, objectives, and specific
5 targets for conservation of priority international
6 coral reef ecosystems;

7 **“(D)** describe appropriate activities to
8 achieve the goals and targets for international
9 coral reef conservation, in particular those that
10 leverage activities already conducted under this
11 title;

12 **“(E)** develop a plan to coordinate imple-
13 mentation of the strategy with entities described
14 in subsection **(b)** in order to leverage current ac-
15 tivities under this title and other conservation ef-
16 forts globally;

17 **“(F)** identify appropriate partnerships,
18 grants, or other funding and technical assistance
19 mechanisms to carry out the strategy; and

20 **“(G)** develop criteria for prioritizing part-
21 nerships under subsection **(c)**.

22 **“(b) COORDINATION.**—In carrying out this section, the
23 Secretary shall consult with the Secretary of State, the Ad-
24 ministrator of the Agency for International Development,
25 the Secretary of the Interior, and other relevant Federal

1 agencies, and relevant United States stakeholders, and shall
2 take into account coral reef ecosystem conservation initia-
3 tives of other nations, international agreements, and inter-
4 governmental and nongovernmental organizations so as to
5 provide effective cooperation and efficiencies in inter-
6 national coral reef conservation. The Secretary may consult
7 with the United States Coral Reef Task Force in carrying
8 out this subsection.

9 “(c) *INTERNATIONAL CORAL REEF ECOSYSTEM PART-*
10 *NERSHIPS.*—

11 “(1) *IN GENERAL.*—*The Secretary may establish*
12 *an international coral reef ecosystem partnership pro-*
13 *gram to provide support, including funding and tech-*
14 *anical assistance, for activities that implement the*
15 *strategy developed pursuant to subsection (a).*

16 “(2) *MECHANISMS.*—*The Secretary shall provide*
17 *such support through existing authorities, working in*
18 *collaboration with the entities described in subsection*
19 *(b).*

20 “(3) *CRITERIA FOR APPROVAL.*—*The Secretary*
21 *may not approve a partnership proposal under this*
22 *section unless the partnership is consistent with the*
23 *international coral reef conservation strategy devel-*
24 *oped pursuant to subsection (a), and meets the cri-*
25 *teria specified in that strategy.*

1 “(d) *PRIORITY FOR CERTAIN PROJECTS CONDUCTED*
2 *BY STATES.*—*In implementing this section, the Secretary*
3 *shall give priority consideration to regional initiatives and*
4 *projects that States are participating in with other nations.*

5 “**SEC. 214. PERMITS.**

6 “(a) *IN GENERAL.*—*The Administrator may, in ac-*
7 *cordance with this section and regulations issued under this*
8 *title, issue a permit authorizing the conduct of bona fide*
9 *research.*

10 “(b) *EXEMPT ACTIVITIES.*—*No permit under this sec-*
11 *tion is required for an activity that is exempt from liability*
12 *under section 206(e).*

13 “(c) *TERMS AND CONDITIONS.*—*The Administrator*
14 *may place any terms and conditions on a permit issued*
15 *under this section that the Administrator deems reasonable.*

16 “(d) *FEEES.*—

17 “(1) *ASSESSMENT AND COLLECTION.*—*Subject to*
18 *regulations issued under this title, the Administrator*
19 *may assess and collect fees as specified in this sub-*
20 *section.*

21 “(2) *AMOUNT.*—*Any fee assessed shall be equal to*
22 *the sum of—*

23 “(A) *all costs incurred, or expected to be in-*
24 *curred, by the Administrator in processing the*
25 *permit application, including indirect costs; and*

1 “(B) if the permit is approved, all costs in-
2 curred, or expected to be incurred, by the Admin-
3 istrator as a direct result of the conduct of the
4 activity for which the permit is issued.

5 “(3) *USE OF FEES.*—Amounts collected by the
6 Administrator in the form of fees under this section
7 shall be collected and available for use only to the ex-
8 tent provided in advance in appropriations acts and
9 may be used by the Administrator for issuing and ad-
10 ministering permits under this section.

11 “(4) *WAIVER OR REDUCTION OF FEES.*—For any
12 fee assessed under paragraph (2) of this subsection,
13 the Administrator may—

14 “(A) accept in-kind contributions in lieu of
15 a fee; or

16 “(B) waive or reduce the fee.

17 “(e) *FISHING.*—Nothing in this section shall be consid-
18 ered to require a person to obtain a permit under this sec-
19 tion for the conduct of any fishing activity that is not pro-
20 hibited by this title or regulations issued under this title.

21 **“SEC. 215. REGULATIONS; APPLICATION IN ACCORDANCE**
22 **WITH INTERNATIONAL LAW.**

23 “(a) *REGULATIONS.*—The Administrator may issue
24 such regulations as are necessary and appropriate to carry
25 out the purposes of sections 206 and 214.

1 “(b) *RELATIONSHIP TO INTERNATIONAL LAW.*—*This*
2 *title and any regulations promulgated under this title shall*
3 *be applied in accordance with international law. No restric-*
4 *tions shall apply to or be enforced against a person who*
5 *is not a citizen, national, or resident alien of the United*
6 *States (including foreign flag vessels) unless in accordance*
7 *with international law.*

8 “**SEC. 216. JUDICIAL REVIEW.**

9 “(a) *IN GENERAL.*—*Judicial review of any action*
10 *taken by the Secretary under this title shall be in accord-*
11 *ance with sections 701 through 706 of title 5, United States*
12 *Code, except that—*

13 “(1) *review of any final agency action of the*
14 *Secretary taken under the authority of section 206(e)*
15 *may be had only by the filing of a complaint by an*
16 *interested person in the United States District Court*
17 *for the appropriate district within 30 days after the*
18 *date such final agency action is taken; and*

19 “(2) *review of the issuance or denial of a permit*
20 *under this title may be had only by the filing of a*
21 *petition for review by an interested person in the Cir-*
22 *cuit Court of Appeals of the United States for the*
23 *District of Columbia Circuit or for the Federal judi-*
24 *cial district in which such person resides or transacts*
25 *business which is directly affected by the action taken*

1 *within 120 days after the date such final agency ac-*
2 *tion is taken.*

3 “(b) *COST OF LITIGATION.*—*In any judicial pro-*
4 *ceeding under subsection (a), the court may award costs of*
5 *litigation (including reasonable attorney and expert witness*
6 *fees) to any prevailing party whenever it determines that*
7 *such award is appropriate.”.*

8 (b) *COOPERATIVE AGREEMENTS.*—*Section 204 (16*
9 *U.S.C. 6403) is amended by adding at the end the following:*

10 “(k) *MULTIYEAR COOPERATIVE AGREEMENTS.*—*The*
11 *Administrator may enter into multiyear cooperative agree-*
12 *ments with the heads of other Federal agencies, States, local*
13 *governments, academic institutions, and non-governmental*
14 *organizations to carry out the activities of the national*
15 *coral reef action strategy developed under section 203 and*
16 *to implement regional strategies developed pursuant to sec-*
17 *tion 211.”.*

18 **SEC. 107. CLARIFICATION OF DEFINITIONS.**

19 *Section 218, as redesignated by section 106(a) of this*
20 *Act (relating to definitions; 16 U.S.C. 6409), is further*
21 *amended—*

22 (1) *by amending paragraph (2) to read as fol-*
23 *lows:*

24 “(2) *CONSERVATION.*—*The term ‘conservation’*
25 *means the use of methods and procedures that are*

1 *necessary to preserve or sustain coral reefs and associ-*
2 *ated species as resilient diverse, viable, and self-per-*
3 *petuating coral reef ecosystems, including—*

4 “(A) *all activities associated with resource*
5 *management, such as assessment, conservation,*
6 *protection, restoration, sustainable use, and*
7 *management of habitat;*

8 “(B) *mapping;*

9 “(C) *monitoring of coral reef ecosystems;*

10 “(D) *development and implementation of*
11 *management strategies for marine protected area*
12 *or networks thereof and marine resources con-*
13 *sistent with the National Marine Sanctuaries*
14 *Act (16 U.S.C. 1431 et seq.) and the Magnuson-*
15 *Stevens Fishery Conservation and Management*
16 *Act (16 U.S.C. 1801 et seq.);*

17 “(E) *law enforcement;*

18 “(F) *conflict resolution initiatives;*

19 “(G) *community outreach and education;*

20 *and*

21 “(H) *activities that promote safe and eco-*
22 *logically sound navigation.”;*

23 (2) *by amending paragraph (3) to read as fol-*
24 *lows:*

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

3 “(A) all species of the orders *Antipatharia*
4 (*black corals*), *Scleractinia* (*stony corals*),
5 *Gorgonacea* (*horny corals*), *Stolonifera* (*organ-*
6 *pipe corals and others*), *Alcyonacea* (*soft corals*),
7 and *Helioporacea* (*blue coral*), of the class
8 *Anthozoa*; and

9 “(B) all species of the families *Milleporidae*
10 (*fire corals*) and *Stylasteridae* (*stylasterid*
11 *hydrocorals*), of the class *Hydrozoa*.”;

12 (3) by amending paragraph (4) to read as fol-
13 lows:

14 “(4) CORAL REEF.—The term ‘coral reef’ means
15 a limestone structure composed in whole or in part of
16 living zooxanthellate stony corals (Class *Anthozoa*,
17 Order *Scleractinia*), their skeletal remains, or both.”;

18 (4) by amending paragraph (5) to read as fol-
19 lows:

20 “(5) CORAL REEF ECOSYSTEM.—The term ‘coral
21 reef ecosystem’ means a system of coral reefs and geo-
22 graphically associated species, habitats, and environ-
23 ment, including mangroves and seagrass habitats,
24 and the processes that control its dynamics.”; and

1 (5) by redesignating paragraphs (7) and (8) in
2 order as paragraphs (8) and (9), respectively, and by
3 inserting after paragraph (6) the following:

4 “(7) *CORAL REEF COMPONENT*.—The term ‘coral
5 reef component’ means any part of a coral reef, in-
6 cluding individual living or dead corals, associated
7 sessile invertebrates and plants, and any adjacent or
8 associated seagrasses.”.

9 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 217, as redesignated by section 106(a) of this
11 Act (relating to authorization of appropriations; 16 U.S.C.
12 6408), is further amended—

13 (1) by amending subsection (a) to read as fol-
14 lows:

15 “(a) *IN GENERAL*.—There are authorized to be appro-
16 priated to the Secretary of Commerce to carry out this title
17 \$30,000,000 for fiscal year 2010, \$32,000,000 for fiscal year
18 2011, \$34,000,000 for fiscal year 2012, and \$35,000,000 for
19 fiscal years 2013 and 2014.”;

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

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

24 “(c) *COMMUNITY-BASED PLANNING GRANTS*.—There is
25 authorized to be appropriated to the Administrator to carry

1 out section 209, \$8,000,000 for fiscal years 2010 through
 2 2014, to remain available until expended.”; and

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

5 “(d) DEPARTMENT OF THE INTERIOR.—There is au-
 6 thorized to be appropriated to the Secretary of the Interior
 7 to carry out this title \$10,000,000 for each of fiscal years
 8 2009 through 2013.”.

9 **TITLE II—UNITED STATES**
 10 **CORAL REEF TASK FORCE**

11 **SEC. 201. UNITED STATES CORAL REEF TASK FORCE.**

12 (a) ESTABLISHMENT.—There is hereby established the
 13 United States Coral Reef Task Force.

14 (b) GOAL.—The goal of the Task Force shall be to lead,
 15 coordinate, and strengthen Federal Government actions to
 16 better preserve and protect coral reef ecosystems.

17 (c) DUTIES.—The duties of the Task Force shall be—

18 (1) to coordinate, in cooperation with State and
 19 local government partners, academic partners, and
 20 nongovernmental partners if appropriate, activities
 21 regarding the mapping, monitoring, research, con-
 22 servation, mitigation, restoration of coral reefs and
 23 coral reef ecosystems;

24 (2) to monitor and advise regarding implemen-
 25 tation of the policy and Federal agency responsibil-

1 *ities set forth in Executive Order 13089 and the na-*
2 *tional coral reef action strategy developed under sec-*
3 *tion 203 of the Coral Reef Conservation Act of 2000,*
4 *as amended by this Act; and*

5 *(3) to work with the Secretary of State and the*
6 *Administrator of the Agency for International Devel-*
7 *opment, and in coordination with the other members*
8 *of the Task Force, to—*

9 *(A) assess the United States role in inter-*
10 *national trade and protection of coral species;*
11 *and*

12 *(B) encourage implementation of appro-*
13 *priate strategies and actions to promote con-*
14 *servation and sustainable use of coral reef re-*
15 *sources worldwide.*

16 *(d) MEMBERSHIP, GENERALLY.—The Task Force shall*
17 *be comprised of—*

18 *(1) the Secretary of Commerce, acting through*
19 *the Administrator of the National Oceanic and At-*
20 *mospheric Administration, and the Secretary of the*
21 *Interior, who shall be co-chairs of the Task Force;*

22 *(2) the Administrator of the Agency of Inter-*
23 *national Development;*

24 *(3) the Secretary of Agriculture;*

25 *(4) the Secretary of Defense;*

- 1 (5) *the Secretary of the Army, acting through the*
2 *Corps of Engineers;*
- 3 (6) *the Secretary of Homeland Security;*
- 4 (7) *the Attorney General;*
- 5 (8) *the Secretary of State;*
- 6 (9) *the Secretary of Transportation;*
- 7 (10) *the Administrator of the Environmental*
8 *Protection Agency;*
- 9 (11) *the Administrator of the National Aero-*
10 *navitics and Space Administration;*
- 11 (12) *the Director of the National Science Foun-*
12 *dation;*
- 13 (13) *the Governor, or a representative of the Gov-*
14 *ernor, of the Commonwealth of the Northern Mariana*
15 *Islands;*
- 16 (14) *the Governor, or a representative of the Gov-*
17 *ernor, of the Commonwealth of Puerto Rico;*
- 18 (15) *the Governor, or a representative of the Gov-*
19 *ernor, of the State of Florida;*
- 20 (16) *the Governor, or a representative of the Gov-*
21 *ernor, of the State of Hawaii;*
- 22 (17) *the Governor, or a representative of the Gov-*
23 *ernor, of the Territory of Guam;*
- 24 (18) *the Governor, or a representative of the Gov-*
25 *ernor, of the Territory of American Samoa; and*

1 (19) *the Governor, or a representative of the Gov-*
2 *ernor, of the Virgin Islands.*

3 (e) *NONVOTING MEMBERS.—The President, or a rep-*
4 *resentative of the President, of each of the Freely Associated*
5 *States of the Federated States of Micronesia, the Republic*
6 *of the Marshall Islands, and the Republic of Palau may*
7 *appoint a nonvoting member of the Task Force.*

8 (f) *RESPONSIBILITIES OF FEDERAL AGENCY MEM-*
9 *BERS.—*

10 (1) *IN GENERAL.—The Federal agency members*
11 *of the Task Force shall—*

12 (A) *identify the actions of their agencies*
13 *that may affect coral reef ecosystems;*

14 (B) *utilize the programs and authorities of*
15 *their agencies to protect and enhance the condi-*
16 *tions of such ecosystems; and*

17 (C) *assist in the implementation of the Na-*
18 *tional Action Plan to Conserve Coral Reefs, the*
19 *national coral reef action strategy developed*
20 *under section 203 of the Coral Reef Conservation*
21 *Act of 2000, as amended by this Act, the local*
22 *action strategies, and any other coordinated ef-*
23 *forts approved by the Task Force.*

24 (2) *CO-CHAIRS.—In addition to their respon-*
25 *sibilities under paragraph (1), the co-chairs of the*

1 *Task Force shall administer performance of the func-*
2 *tions of the Task Force and facilitate the coordination*
3 *of the Federal agency members of the Task Force.*

4 *(g) WORKING GROUPS.—*

5 *(1) IN GENERAL.—The co-chairs of the Task*
6 *Force may establish working groups as necessary to*
7 *meet the goals and duties of this title. The Task Force*
8 *may request the co-chairs to establish such a working*
9 *group.*

10 *(2) PARTICIPATION BY NONGOVERNMENTAL OR-*
11 *GANIZATIONS.—The co-chairs may allow a nongovern-*
12 *mental organization or academic institution to par-*
13 *ticipate in such a working group.*

14 *(h) FACA.—The Federal Advisory Committee Act (5*
15 *U.S.C. App.) shall not apply to the Task Force.*

16 *(i) DEFINITIONS.—The definitions in section 218 of*
17 *the Coral Reef Conservation Act of 2000, as amended by*
18 *this Act , shall apply to this section.*

19 ***TITLE III—DEPARTMENT OF THE***
20 ***INTERIOR CORAL REEF AU-***
21 ***THORITIES***

22 ***SEC. 301. AMENDMENTS RELATING TO DEPARTMENT OF***
23 ***THE INTERIOR PROGRAM.***

24 *(a) AMENDMENTS AND CLARIFICATIONS TO DEFINI-*
25 *TIONS.—*

1 (1) *FISH AND WILDLIFE COORDINATION ACT.*—
2 *Section 8 of the Fish and Wildlife Coordination Act*
3 *(16 U.S.C. 666b) is amended by inserting before the*
4 *period at the end the following: “, including coral reef*
5 *ecosystems (as such term is defined in section 218 of*
6 *the Coral Reef Conservation Act of 2000) located in*
7 *any unit of the National Park System, any unit of*
8 *the National Wildlife Refuge System, or any Marine*
9 *National Monument designated under the Act of June*
10 *8, 1906 (34 Stat. 225; 16 U.S.C. 431) (popularly*
11 *known as the ‘Antiquities Act’).”*

12 (2) *FISH AND WILDLIFE ACT OF 1956 AND FISH*
13 *AND WILDLIFE IMPROVEMENT ACT OF 1978.*—*With re-*
14 *spect to the authorities under the Fish and Wildlife*
15 *Act of 1956 (16 U.S.C. 742a et seq.) and the authori-*
16 *ties under the Fish and Wildlife Improvement Act of*
17 *1978 (16 U.S.C. 742l), references in such Acts to*
18 *“wildlife” and “fish and wildlife” shall be construed*
19 *to include coral reef ecosystems (as such term is de-*
20 *fined in section 218 of the Coral Reef Conservation*
21 *Act of 2000, as amended by this Act) located in any*
22 *unit of the National Park System, any unit of the*
23 *National Wildlife Refuge System, or any Marine Na-*
24 *tional Monument designated under the Act of June 8,*

1 1906 (34 Stat. 225; 16 U.S.C. 431) (popularly known
2 as the “Antiquities Act”).

3 **(b) CORAL REEF CONSERVATION ASSISTANCE.**—

4 (1) *IN GENERAL.*—The Secretary of the Interior
5 may provide technical assistance and, subject to the
6 availability of appropriations, financial assistance
7 for the conservation of coral reefs.

8 (2) *DEFINITIONS.*—In this subsection each of the
9 terms “conservation” and “coral reef” has the mean-
10 ing that term has under section 218 of the Coral Reef
11 Conservation Act of 2000 (16 U.S.C. 6409), amended
12 by this Act.

13 **SEC. 302. CLARIFICATION OF DEFINITIONS.**

14 Section 218, as redesignated by section 106(a) of this
15 Act (relating to definitions; 16 U.S.C. 6409), is further
16 amended—

17 (1) by amending paragraph (1) to read as fol-
18 lows:

19 “(1) *ADMINISTRATOR.*—The term ‘Adminis-
20 trator’—

21 “(A) except as provided in subparagraph
22 (B), means the Administrator of the National
23 Oceanic and Atmospheric Administration; and

24 “(B) in sections 206, 209, 212, 214, and
25 215, means the Secretary of the Interior for pur-

1 *poses of application of those sections to national*
2 *park units and national wildlife refuges.”; and*
3 *(2) by amending paragraph (8), as redesignated*
4 *by section 107(5) of this Act, to read as follows:*

5 “(8) *SECRETARY.*—*The term ‘Secretary’—*

6 “(A) *except as provided in subparagraphs*
7 *(B) and (C), means the Secretary of Commerce;*

8 “(B) *in section 206(e), means—*

9 “(i) *the Secretary of the Interior, with*
10 *respect to any coral reef or component*
11 *thereof that is located in—*

12 “(I) *any unit of the National*
13 *Park System;*

14 “(II) *any unit of the National*
15 *Wildlife Refuge System; or*

16 “(III) *any Marine National*
17 *Monument designated under any of the*
18 *Fish and Wildlife Coordination Act*
19 *(16 U.S.C. 661 et seq.), the Fish and*
20 *Wildlife Act of 1956 (16 U.S.C. 742a et*
21 *seq.), the Fish and Wildlife Improve-*
22 *ment Act of 1978 (16 U.S.C. 695j–1 et*
23 *seq.) and the provisions of law enacted*
24 *by that Act, and the Act of June 8,*
25 *1906 (34 Stat. 225; 16 U.S.C. 431)*

1 *(popularly known as the ‘Antiquities*
2 *Act’)* and that is under the adminis-
3 *trative jurisdiction of the Secretary of*
4 *the Interior; and*
5 *“(ii) the Secretary of Commerce, with*
6 *respect to any other coral reef or component*
7 *thereof that is located in any Marine Na-*
8 *tional Monument designated under a law*
9 *referred to in clause (i)(III); and*
10 *“(C) in sections 203, means the Secretary of*
11 *Commerce and the Secretary of the Interior.”.*

Union Calendar No. 103

111TH CONGRESS
1ST Session

H. R. 860

[Report No. 111-196]

A BILL

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

JULY 10, 2009

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the Union,
and ordered to be printed