

111TH CONGRESS
1ST SESSION

H. R. 860

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 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. Expansion of Coral Reef Conservation Program.

Sec. 102. Emergency response.

Sec. 103. National program.

Sec. 104. Report to Congress.

Sec. 105. Fund; grants; grounding inventory; coordination.

Sec. 106. Clarification of definitions.

Sec. 107. 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.

7 **SEC. 2. AMENDMENT OF CORAL REEF CONSERVATION ACT**
 8 **OF 2000.**

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

1 **TITLE I—AMENDMENTS TO THE**
2 **CORAL REEF CONSERVATION**
3 **ACT**

4 **SEC. 101. EXPANSION OF CORAL REEF CONSERVATION**
5 **PROGRAM.**

6 (a) PROJECT DIVERSITY.—Section 204(d) (16
7 U.S.C. 6403(d)) is amended—

8 (1) in the heading by striking “GEOGRAPHIC
9 AND BIOLOGICAL” and inserting “PROJECT”; and

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

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

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

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

24 (b) APPROVAL CRITERIA.—Section 204(g) (16
25 U.S.C. 6403(g)) is amended—

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

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

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

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

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

17 **SEC. 102. EMERGENCY RESPONSE.**

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

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

21 “(a) IN GENERAL.—The Administrator may under-
22 take or authorize action necessary—

23 “(1) to minimize the destruction of or injury to
24 a coral reef, or loss of an ecosystem function of a
25 coral reef, from—

1 “(A) vessel impacts, derelict fishing gear,
2 vessel anchors, and anchor chains; and

3 “(B) from unforeseen or disaster-related
4 circumstances as a result of human activities;
5 and

6 “(2) to stabilize, repair, recover, or restore a
7 coral reef that is destroyed or injured, or that has
8 incurred the loss of an ecosystem function, as de-
9 scribed in paragraph (1).

10 “(b) VESSEL REMOVAL; STABILIZATION.—Action au-
11 thorized by subsection (a) includes vessel removal and
12 emergency stabilization of the vessel or any impacted coral
13 reef.

14 “(c) PARTNERING WITH OTHER FEDERAL AND
15 STATE AGENCIES.—When possible, action by the Admin-
16 istrator under this section should—

17 “(1) be conducted in partnership with other
18 government agencies as appropriate, including—

19 “(A) the Coast Guard, the Federal Emer-
20 gency Management Agency, the Army Corps of
21 Engineers, the Environmental Protection Agen-
22 cy, and the Department of the Interior; and

23 “(B) agencies of States; and

24 “(2) leverage resources of other agencies.

1 “(d) EMERGENCY RESPONSE ASSISTANCE BY OTHER
2 FEDERAL AND STATE AGENCIES.—

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

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

12 “(e) LIABILITY FOR COSTS AND DAMAGES TO CORAL
13 REEFS.—

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

1 without regard to whether such coral reef is located
2 in a national marine sanctuary.

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

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

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

11 “(C) Section 307 (16 U.S.C. 1437).

12 “(D) Section 312 (16 U.S.C. 1443).

13 “(3) EXEMPTIONS.—The destruction, loss, or
14 injury of a coral reef or any component thereof is
15 not unlawful if it was—

16 “(A) caused by the use of fishing gear in
17 a manner that is not prohibited under the Mag-
18 nuson-Stevens Fishery Conservation and Man-
19 agement Act (16 U.S.C. 1801 et seq.) or other
20 Federal or State law; or

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

1 the destruction, loss, or injury is a result of a
2 vessel grounding, a vessel scraping, anchor
3 damage, or excavation that is not authorized by
4 a Federal or State permit;

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

9 “(i) sampling or collecting; and

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

15 “(D)(i) caused by a Federal Government
16 agency in__

17 “(I) an emergency that posed an
18 unacceptable threat to human health
19 or safety or to the marine environ-
20 ment;

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
3 is not liable under this subsection if that person es-
4 tablishes that—

5 “(A) the destruction or loss of, or injury
6 to, the coral reef or coral reef ecosystem was
7 caused solely by an act of God, an act of war,
8 or an act of omission of a third party, and the
9 person 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
22 governor of a State may revoke consent under
23 subparagraph (A) by notifying the Secretary of
24 such revocation.

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

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

7 “(B) ACTIONS AUTHORIZED WITH RE-
8 SPECT TO VESSELS.—For purposes of subpara-
9 graph (A), actions authorized under this sub-
10 section include vessel removal, and emergency
11 re-stabilization of a vessel and any coral reef
12 that is impacted 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. 103. NATIONAL PROGRAM.**

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

19 (1) by redesignating paragraphs (2) through
20 (6) as paragraphs (3) through (7), respectively, and
21 by 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
3 threats to such ecosystems including large-scale
4 threats related to climate change, such as ocean
5 acidification, to benefit local communities and the
6 Nation, and to the extent practicable to support and
7 enhance management and research capabilities at
8 local management agencies and local research and
9 academic institutions;” 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 rededesignated,
13 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 encourage
17 Federal action to ensure, to the maximum
18 extent 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 practices.”.

1 (c) AMENDMENTS RELATING TO ACTIVITIES TO
2 CONSERVE CORAL REEFS AND CORAL REEF ECO-
3 SYSTEMS.—Section 207(b) (16 U.S.C. 6406(b)) is amend-
4 ed—

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

7 (2) in paragraph (4)—

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

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

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

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

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

21 (d) CRITERIA FOR APPROVAL OF PROJECT PRO-
22 POSALS.—Section 204(g) (16 U.S.C. 6403(g)) is further
23 amended by striking “or” after the semicolon at the end
24 of paragraph (10), by redesignating paragraph (11) as

1 paragraph (12), and by inserting after paragraph (10) the
2 following:

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

5 (e) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—
6 Section 207 (16 U.S.C. 6406) is amended—

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

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

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

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

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

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

9 “(3) develop standards, protocols and proce-
10 dures for sharing Federal data with State and local
11 government programs and the private sector or aca-
12 demia; and

13 “(4) develop metadata standards for coral reef
14 ecosystems in accordance with Federal Geographic
15 Data Committee guidelines.”.

16 **SEC. 104. REPORT TO CONGRESS.**

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

19 **“SEC. 208. REPORT TO CONGRESS.**

20 “Not later than March 1, 2010, and every 5 years
21 thereafter, the Administrator shall submit to the Com-
22 mittee on Commerce, Science, and Transportation of the
23 Senate and the Committee on Natural Resources of the
24 House of Representatives a report describing all activities
25 undertaken to implement the strategy, including—

1 “(1) a description of the funds obligated by
2 each participating Federal agency to advance coral
3 reef conservation during each fiscal year of the 5-fis-
4 cal-year period preceding the fiscal year in which the
5 report is submitted;

6 “(2) a description of Federal interagency and
7 cooperative efforts with States and non-govern-
8 mental partner organizations to prevent or address
9 overharvesting, coastal runoff, or other anthropo-
10 genic impacts on coral reef ecosystems, including
11 projects undertaken with the Department of the In-
12 terior, the Department of Agriculture, the Environ-
13 mental Protection Agency, and the Army Corps of
14 Engineers;

15 “(3) a summary of the information contained in
16 the vessel grounding inventory established under sec-
17 tion 210, including additional authorization or fund-
18 ing, needed for response and removal of such vessels;

19 “(4) a description of Federal disaster response
20 actions taken pursuant to the National Response
21 Plan to address damage to coral reefs and coral reef
22 ecosystems; and

23 “(5) an assessment of the condition of United
24 States coral reefs, accomplishments under this Act,
25 and the effectiveness of management actions to ad-

1 dress threats to coral reefs, including actions taken
2 to address large-scale threats to coral reef eco-
3 systems related to climate change.”.

4 **SEC. 105. FUND; GRANTS; GROUNDING INVENTORY; CO-**
5 **ORDINATION.**

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

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

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

14 “(2) to address emergency response actions
15 under section 206.”;

16 (2) by adding at the end of section 205(b) (16
17 U.S.C. 6404(b)) the following: “The organization is
18 encouraged to solicit funding and in-kind services
19 from the private sector, including nongovernmental
20 organizations, for emergency response actions under
21 section 206 and for activities to prevent damage to
22 coral reefs, including areas identified in section
23 210(b)(2).”;

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

4 (4) by redesignating sections 209 and 210 as
5 sections 217 and 218, respectively; and

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

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

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

16 “(1) support attainment of one or more of the
17 criteria described in section 204(g);

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

19 “(3) utilize where applicable watershed-based or
20 ecosystem-based approaches;

21 “(4) provide for coordination with Federal and
22 State experts and managers;

23 “(5) build upon local approaches or models, in-
24 cluding traditional or island-based resource manage-
25 ment concepts; and

1 “(6) complement local action strategies or re-
2 gional plans for coral reef conservation.

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

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

9 “(a) IN GENERAL.—The Administrator, in coordina-
10 tion with other Federal agencies, may maintain an inven-
11 tory of all vessel grounding incidents involving coral reefs,
12 including a description of—

13 “(1) the impacts to such resources;

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

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

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

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

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

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

6 “(1) use information from any inventory main-
7 tained under subsection (a) or any other available
8 information source to identify all coral reef areas
9 that have a high incidence of vessel impacts, includ-
10 ing groundings and anchor damage;

11 “(2) identify appropriate measures, including
12 action by other agencies, to reduce the likelihood of
13 such impacts; and

14 “(3) develop a strategy and timetable to imple-
15 ment such measures, including cooperative actions
16 with other Government agencies and non-govern-
17 mental partners.

18 **“SEC. 211. REGIONAL, STATE, AND TERRITORIAL COORDI-**
19 **NATION.**

20 “(a) REGIONAL COORDINATION.—The Secretary and
21 other Federal members of the United States Coral Reef
22 Task Force shall work in coordination and collaboration
23 with other Federal agencies and States to implement the
24 strategies developed under section 203, including regional
25 and local strategies, to address multiple threats to coral

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

3 “(b) RESPONSE AND RESTORATION ACTIVITIES.—

4 The Secretary shall enter into written agreements with
5 any States in which coral reefs are located regarding the
6 manner in which response and restoration activities will
7 be conducted within the affected State’s waters. Nothing
8 in this subsection shall be construed to limit Federal re-
9 sponse and restoration activity authority before any such
10 agreement is final.

11 “(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—

12 All cooperative enforcement agreements in place between
13 the Secretary and States affected by this title shall be up-
14 dated to include enforcement of this title where appro-
15 priate.

16 **“SEC. 212. AGREEMENTS.**

17 “(a) IN GENERAL.—The Administrator may execute
18 and perform such contracts, leases, grants, or cooperative
19 agreements as may be necessary to carry out the purposes
20 of this title.

21 “(b) FUNDING.—Under an agreement entered into
22 under subsection (a), the Secretary may fulfill the terms
23 of the agreement by reimbursing or providing appro-
24 priated funds to, and may receive funds or reimburse-
25 ments from, Federal agencies, instrumentalities and lab-

1 oratories; State and local governments; Native American
2 tribes and organizations; international organizations; for-
3 eign governments; universities and research centers; edu-
4 cational institutions; nonprofit organizations; commercial
5 organizations; and other public and private persons or en-
6 tities, as necessary for purposes identified in section 202
7 and actions taken under subsections (a) through (d) of
8 section 206.

9 “(c) MULTIYEAR COOPERATIVE AGREEMENTS.—The
10 Administrator may enter into multiyear cooperative agree-
11 ments with the heads of other Federal agencies, States,
12 local governments, academic institutions, including marine
13 laboratories and coral reef institutes, and nongovern-
14 mental organizations to carry out the activities of the na-
15 tional coral reef action strategy developed under section
16 203 and to implement regional strategies developed pursu-
17 ant to section 211.

18 “(d) USE OF OTHER AGENCIES’ RESOURCES.—For
19 purposes related to the conservation, preservation, protec-
20 tion, restoration, or replacement of coral reefs or coral reef
21 ecosystems and the enforcement of this title, the Adminis-
22 trator is authorized to use, with their consent and with
23 or without reimbursement, the land, services, equipment,
24 personnel, and facilities of any Department, agency, or in-
25 strumentality of the United States, or of any State, local

1 government, or Indian tribal government, or of any polit-
2 ical subdivision thereof, or of any foreign government or
3 international organization.

4 **“SEC. 213. INTERNATIONAL CORAL REEF CONSERVATION**
5 **STRATEGY.**

6 “(a) INTERNATIONAL CORAL REEF ECOSYSTEM
7 STRATEGY.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of the Coral Reef Conserva-
10 tion Act Reauthorization and Enhancement Amend-
11 ments of 2009, the Secretary shall submit to the
12 Committee on Commerce, Science, and Transporta-
13 tion of the Senate and the Committee on Natural
14 Resources and the Committee on Foreign Affairs of
15 the House of Representatives, and publish in the
16 Federal Register, an international coral reef eco-
17 system strategy, consistent with the purposes of this
18 title and the national strategy required pursuant to
19 section 203(a). The Secretary shall periodically re-
20 view and revise this strategy as necessary.

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

23 “(A) identify coral reef ecosystems
24 throughout the world that are of high value for
25 United States marine resources, that support

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

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

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

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

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

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

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

3 “(b) COORDINATION.—In carrying out this section,
4 the Secretary shall consult with the Secretary of State,
5 the Administrator of the Agency for International Devel-
6 opment, the Secretary of the Interior, and other relevant
7 Federal agencies, and relevant United States stakeholders,
8 and shall take into account coral reef ecosystem conserva-
9 tion initiatives of other nations, international agreements,
10 and intergovernmental and nongovernmental organiza-
11 tions so as to provide effective cooperation and efficiencies
12 in international coral reef conservation. The Secretary
13 may consult with the United States Coral Reef Task Force
14 in carrying out this subsection.

15 “(c) INTERNATIONAL CORAL REEF ECOSYSTEM
16 PARTNERSHIPS.—

17 “(1) IN GENERAL.—The Secretary may estab-
18 lish an international coral reef ecosystem partner-
19 ship program to provide support, including funding
20 and technical assistance, for activities that imple-
21 ment the strategy developed pursuant to subsection
22 (a).

23 “(2) MECHANISMS.—The Secretary shall pro-
24 vide such support working in collaboration with the
25 entities described in subsection (b).

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

7 “(d) PRIORITY FOR CERTAIN PROJECTS CONDUCTED
8 BY STATES.—In implementing this section, the Secretary
9 shall give priority consideration to regional initiatives and
10 projects that States are participating in with other na-
11 tions.

12 **“SEC. 214. PERMITS.**

13 “(a) IN GENERAL.—The Administrator may, in ac-
14 cordance with this section and regulations issued under
15 this title, issue a permit authorizing the conduct of bona
16 fide research.

17 “(b) EXEMPT ACTIVITIES.—No permit under this
18 section is required for an activity that is exempt from li-
19 ability under section 206(e).

20 “(c) TERMS AND CONDITIONS.—The Administrator
21 may place any terms and conditions on a permit issued
22 under this section that the Administrator deems reason-
23 able.

24 “(d) FEES.—

1 “(1) ASSESSMENT AND COLLECTION.—Subject
2 to regulations issued under this title, the Adminis-
3 trator may assess and collect fees as specified in this
4 subsection.

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

7 “(A) all costs incurred, or expected to be
8 incurred, by the Administrator in processing
9 the permit application, including indirect costs;
10 and

11 “(B) if the permit is approved, all costs in-
12 curred, or expected to be incurred, by the Ad-
13 ministrator as a direct result of the conduct of
14 the activity for which the permit is issued.

15 “(3) USE OF FEES.—Amounts collected by the
16 Administrator in the form of fees under this section
17 shall be collected and available for use only to the
18 extent provided in advance in appropriations Acts
19 and may be used by the Administrator for issuing
20 and administering permits under this section.

21 “(4) WAIVER OR REDUCTION OF FEES.—For
22 any fee assessed under paragraph (2) of this sub-
23 section, the Administrator may—

24 “(A) accept in-kind contributions in lieu of
25 a fee; or

1 “(B) waive or reduce the fee.

2 “(e) FISHING.—Nothing in this section shall be con-
3 sidered to require a person to obtain a permit under this
4 section for the conduct of any fishing activity that is not
5 prohibited by this title or regulations issued under this
6 title.

7 **“SEC. 215. REGULATIONS; APPLICATION IN ACCORDANCE**
8 **WITH INTERNATIONAL LAW.**

9 “(a) REGULATIONS.—The Administrator may issue
10 such regulations as are necessary and appropriate to carry
11 out the purposes of sections 206 and 214.

12 “(b) RELATIONSHIP TO INTERNATIONAL LAW.—
13 This title and any regulations promulgated under this title
14 shall be applied in accordance with international law. No
15 restrictions shall apply to or be enforced against a person
16 who is not a citizen, national, or resident alien of the
17 United States (including foreign flag vessels) unless in ac-
18 cordance with international law.”.

19 **SEC. 106. CLARIFICATION OF DEFINITIONS.**

20 Section 218, as redesignated by section 105 of this
21 Act (relating to definitions; 16 U.S.C. 6409), is further
22 amended—

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

1 “(2) CONSERVATION.—The term ‘conservation’
2 means the use of methods and procedures that are
3 necessary to preserve or sustain coral reefs and asso-
4 ciated species as resilient diverse, viable, and self-
5 perpetuating coral reef ecosystems, including—

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

10 “(B) mapping;

11 “(C) monitoring of coral reef ecosystems;

12 “(D) development and implementation of
13 management strategies for marine protected
14 area or networks thereof and marine resources
15 consistent with the National Marine Sanc-
16 tuaries Act (16 U.S.C. 1431 et seq.) and the
17 Magnuson-Stevens Fishery Conservation and
18 Management Act (16 U.S.C. 1801 et seq.);

19 “(E) law enforcement;

20 “(F) conflict resolution initiatives;

21 “(G) community outreach and education;

22 and

23 “(H) activities that promote safe and eco-
24 logically sound navigation.”;

1 (2) by amending paragraph (3) to read as fol-
2 lows:

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

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

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

14 (3) by amending paragraph (4) to read as fol-
15 lows:

16 “(4) CORAL REEF.—The term ‘coral reef’
17 means a limestone structure, in the form of a reef
18 or shoal, comprised in whole or in part by living
19 coral, skeletal remains of coral, and other associated
20 sessile marine plants and animals.”;

21 (4) by amending paragraph (5) to read as fol-
22 lows:

23 “(5) CORAL REEF ECOSYSTEM.—The term
24 ‘coral reef ecosystem’ means a system of coral reefs
25 and geographically associated species, habitats, and

1 environment, including mangroves and seagrass
2 habitats, and the processes that control its dynam-
3 ics.”; and

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

7 “(7) CORAL REEF COMPONENT.—The term
8 ‘coral reef component’ means any part of a coral
9 reef, including individual living coral, skeletal re-
10 mains of coral, and other associated sessile marine
11 plants and animals, and any adjacent or associated
12 seagrasses.”.

13 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 217, as redesignated by section 105 of this
15 Act (relating to authorization of appropriations; 16 U.S.C.
16 6408), is further amended—

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

19 “(a) IN GENERAL.—There are authorized to be ap-
20 propriated to the Secretary of Commerce to carry out this
21 title \$30,000,000 for fiscal year 2010, \$32,000,000 for
22 fiscal year 2011, \$34,000,000 for fiscal year 2012, and
23 \$35,000,000 for fiscal years 2013 and 2014.”;

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

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

3 “(c) COMMUNITY-BASED PLANNING GRANTS.—
4 There is authorized to be appropriated to the Adminis-
5 trator to carry out section 209, \$8,000,000 for fiscal years
6 2010 through 2014, to remain available until expended.”;
7 and

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

10 “(d) DEPARTMENT OF THE INTERIOR.—There is au-
11 thorized to be appropriated to the Secretary of the Interior
12 to carry out this title \$10,000,000 for each of fiscal years
13 2010 through 2014.”.

14 **TITLE II—UNITED STATES**
15 **CORAL REEF TASK FORCE**

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

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

19 (b) GOAL.—The goal of the Task Force shall be to
20 lead, coordinate, and strengthen Federal Government ac-
21 tions to better preserve and protect coral reef ecosystems.

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

24 (1) to coordinate, in cooperation with State and
25 local government partners, academic partners, and

1 nongovernmental partners if appropriate, activities
2 regarding the mapping, monitoring, research, con-
3 servation, mitigation, restoration of coral reefs and
4 coral reef ecosystems;

5 (2) to monitor and advise regarding implemen-
6 tation of the policy and Federal agency responsibil-
7 ities set forth in Executive Order 13089 and the na-
8 tional coral reef action strategy developed under sec-
9 tion 203 of the Coral Reef Conservation Act of
10 2000, as amended by this Act; and

11 (3) to work with the Secretary of State and the
12 Administrator of the Agency for International Devel-
13 opment, and in coordination with the other members
14 of the Task Force, to—

15 (A) assess the United States role in inter-
16 national trade and protection of coral species;
17 and

18 (B) encourage implementation of appro-
19 priate strategies and actions to promote con-
20 servation and sustainable use of coral reef re-
21 sources worldwide.

22 (d) MEMBERSHIP, GENERALLY.—The Task Force
23 shall be comprised of—

24 (1) the Secretary of Commerce, acting through
25 the Administrator of the National Oceanic and At-

1 mospheric Administration, and the Secretary of the
2 Interior, who shall be co-chairs of the Task Force;

3 (2) the Administrator of the Agency of Inter-
4 national Development;

5 (3) the Secretary of Agriculture;

6 (4) the Secretary of Defense;

7 (5) the Secretary of the Army, acting through
8 the Corps of Engineers;

9 (6) the Secretary of Homeland Security;

10 (7) the Attorney General;

11 (8) the Secretary of State;

12 (9) the Secretary of Transportation;

13 (10) the Administrator of the Environmental
14 Protection Agency;

15 (11) the Administrator of the National Aero-
16 nautics and Space Administration;

17 (12) the Director of the National Science Foun-
18 dation;

19 (13) the Governor, or a representative of the
20 Governor, of the Commonwealth of the Northern
21 Mariana Islands;

22 (14) the Governor, or a representative of the
23 Governor, of the Commonwealth of Puerto Rico;

24 (15) the Governor, or a representative of the
25 Governor, of the State of Florida;

1 (16) the Governor, or a representative of the
2 Governor, of the State of Hawaii;

3 (17) the Governor, or a representative of the
4 Governor, of the Territory of Guam;

5 (18) the Governor, or a representative of the
6 Governor, of the Territory of American Samoa; and

7 (19) the Governor, or a representative of the
8 Governor, of the Virgin Islands.

9 (e) NONVOTING MEMBERS.—The President, or a rep-
10 resentative of the President, of each of the Freely Associ-
11 ated States of the Federated States of Micronesia, the Re-
12 public of the Marshall Islands, and the Republic of Palau
13 may appoint a nonvoting member of the Task Force.

14 (f) RESPONSIBILITIES OF FEDERAL AGENCY MEM-
15 BERS.—

16 (1) IN GENERAL.—The Federal agency mem-
17 bers of the Task Force shall—

18 (A) identify the actions of their agencies
19 that may affect coral reef ecosystems;

20 (B) utilize the programs and authorities of
21 their agencies to protect and enhance the condi-
22 tions of such ecosystems; and

23 (C) assist in the implementation of the Na-
24 tional Action Plan to Conserve Coral Reefs, the
25 national coral reef action strategy developed

1 under section 203 of the Coral Reef Conserva-
2 tion Act of 2000, as amended by this Act, the
3 local action strategies, and any other coordi-
4 nated efforts approved by the Task Force.

5 (2) CO-CHAIRS.—In addition to their respon-
6 sibilities under paragraph (1), the co-chairs of the
7 Task Force shall administer performance of the
8 functions of the Task Force and facilitate the co-
9 ordination of the Federal agency members of the
10 Task Force.

11 (g) WORKING GROUPS.—

12 (1) IN GENERAL.—The co-chairs of the Task
13 Force may establish working groups as necessary to
14 meet the goals and duties of this title. The Task
15 Force may request the co-chairs to establish such a
16 working group.

17 (2) PARTICIPATION BY NONGOVERNMENTAL OR-
18 GANIZATIONS.—The co-chairs may allow a non-
19 governmental organization or academic institution to
20 participate in such a working group.

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

23 (i) DEFINITIONS.—The definitions in section 218 of
24 the Coral Reef Conservation Act of 2000, as amended by
25 this Act, shall apply to this section.

1 **TITLE III—DEPARTMENT OF THE**
2 **INTERIOR CORAL REEF AU-**
3 **THORITIES**

4 **SEC. 301. AMENDMENTS RELATING TO DEPARTMENT OF**
5 **THE INTERIOR PROGRAM.**

6 (a) AMENDMENTS AND CLARIFICATIONS TO DEFINI-
7 TIONS.—

8 (1) FISH AND WILDLIFE COORDINATION ACT.—

9 Section 8 of the Fish and Wildlife Coordination Act
10 (16 U.S.C. 666b) is amended by inserting before the
11 period at the end the following: “, including coral
12 reef ecosystems (as such term is defined in section
13 218 of the Coral Reef Conservation Act of 2000) lo-
14 cated in any unit of the National Park System, any
15 unit of the National Wildlife Refuge System, or any
16 Marine National Monument designated under the
17 Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431)
18 (popularly known as the ‘Antiquities Act’)”.

19 (2) FISH AND WILDLIFE ACT OF 1956 AND FISH
20 AND WILDLIFE IMPROVEMENT ACT OF 1978.—With
21 respect to the authorities under the Fish and Wild-
22 life Act of 1956 (16 U.S.C. 742a et seq.) and the
23 authorities under the Fish and Wildlife Improvement
24 Act of 1978 (16 U.S.C. 742l), references in such
25 Acts to “wildlife” and “fish and wildlife” shall be

1 construed to include coral reef ecosystems (as such
2 term is defined in section 218 of the Coral Reef
3 Conservation Act of 2000, as amended by this Act)
4 located in any unit of the National Park System,
5 any unit of the National Wildlife Refuge System, or
6 any Marine National Monument designated under
7 the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C.
8 431) (popularly known as the “Antiquities Act”).

9 (b) CORAL REEF CONSERVATION ASSISTANCE.—

10 (1) IN GENERAL.—The Secretary of the Inte-
11 rior may provide technical assistance and, subject to
12 the availability of appropriations, financial assist-
13 ance for the conservation of coral reefs.

14 (2) DEFINITIONS.—In this subsection each of
15 the terms “conservation” and “coral reef” has the
16 meaning that term has under section 218 of the
17 Coral Reef Conservation Act of 2000 (16 U.S.C.
18 6409), amended by this Act.

19 **SEC. 302. CLARIFICATION OF DEFINITIONS.**

20 Section 218, as redesignated by section 105 of this
21 Act (relating to definitions; 16 U.S.C. 6409), is further
22 amended—

23 (1) by amending paragraph (1) to read as fol-
24 lows:

1 “(1) ADMINISTRATOR.—The term ‘Adminis-
2 trator’—

3 “(A) except as provided in subparagraph
4 (B), means the Administrator of the National
5 Oceanic and Atmospheric Administration; and

6 “(B) in sections 206, 209, 212, 214, and
7 215, means the Secretary of the Interior for
8 purposes of application of those sections to na-
9 tional park units and national wildlife refuges.”;
10 and

11 (2) by amending paragraph (7) to read as fol-
12 lows:

13 “(7) SECRETARY.—The term ‘Secretary’—

14 “(A) except as provided in subparagraphs
15 (B) and (C), means the Secretary of Commerce;

16 “(B) in section 206(e), means—

17 “(i) the Secretary of the Interior, with
18 respect to any coral reef or component
19 thereof that is located in—

20 “(I) any unit of the National
21 Park System;

22 “(II) any unit of the National
23 Wildlife Refuge System; or

24 “(III) any Marine National
25 Monument designated under any of

1 the Fish and Wildlife Coordination
2 Act (16 U.S.C. 661 et seq.), the Fish
3 and Wildlife Act of 1956 (16 U.S.C.
4 742a et seq.), the Fish and Wildlife
5 Improvement Act of 1978 (16 U.S.C.
6 695j–1 et seq) and the provisions of
7 law enacted by that Act, and the Act
8 of June 8, 1906 (34 Stat. 225; 16
9 U.S.C. 431) (popularly known as the
10 ‘Antiquities Act’) and that is under
11 the administrative jurisdiction of the
12 Secretary of the Interior; and

13 “(ii) the Secretary of Commerce, with
14 respect to any other coral reef or compo-
15 nent thereof that is located in any Marine
16 National Monument designated under a
17 law referred to in clause (i)(III); and

18 “(C) in sections 203, means the Secretary
19 of Commerce and the Secretary of the Inte-
20 rior.”.

Passed the House of Representatives September 22,
2009.

Attest:

Clerk.

111TH CONGRESS
1ST SESSION

H. R. 860

AN ACT

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