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CORAL REEF CONSERVATION AMENDMENTS ACT OF 2007

OCTOBER 22, 2007.—Ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1205]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1205) to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coral Reef Conservation Amendments Act of 2007".

SEC. 2. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.

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

(1) in the heading by striking "GEOGRAPHIC AND BIOLOGICAL" and inserting "PROJECT"; and

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

"(3) Remaining funds shall be awarded for—

"(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

"(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.".

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

(1) by striking "or" after the semicolon in paragraph (9);

(2) by striking paragraph (10); and

(3) by inserting after paragraph (9) the following:

"(10) promoting activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those areas identified under section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs; or

"(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef ecosystems.".

SEC. 3. EMERGENCY RESPONSE.

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

"SEC. 206. EMERGENCY RESPONSE ACTIONS.

"(a) IN GENERAL.—The Administrator may undertake or authorize action necessary—

"(1) to minimize the destruction or loss of, or injury to, a coral reef from—

"(A) vessel impacts, derelict fishing gear, vessel anchors, and anchor chains; and

"(B) from unforeseen or disaster-related circumstances; and

"(2) to stabilize, repair, recover, or restore such coral reef.

"(b) VESSEL REMOVAL; RESTABILIZATION.—Action authorized by subsection (a) includes vessel removal and emergency restabilization of the vessel or any impacted coral reef.

"(c) PARTNERING WITH OTHER FEDERAL AGENCIES.—When possible, action by the Administrator under this section should—

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

"(A) the Coast Guard, the Federal Emergency Management Agency, the Army Corps of Engineers, and the Department of the Interior; and

"(B) agencies of States and territories of the United States; and

"(2) leverage resources of other agencies.

"(d) EMERGENCY RESPONSE ASSISTANCE BY OTHER FEDERAL AGENCIES.—

"(1) IN GENERAL.—The head of any other Federal agency may assist the Administrator in emergency response actions under this section, using funds available for operations of the agency concerned.

"(2) REIMBURSEMENT.—The Administrator, subject to the availability of appropriations, may reimburse a Federal agency for assistance provided under paragraph (1).

"(e) LIABILITY FOR COSTS AND DAMAGES TO CORAL REEFS.—

"(1) TREATMENT OF CORAL REEFS UNDER NATIONAL MARINE SANCTUARIES ACT.—For purposes of the provisions set forth in paragraph (2), and subject to paragraph (3), each of the terms 'sanctuary resources', 'resource', 'sanctuary resource managed under law or regulations for that sanctuary,' 'national marine sanctuary', 'sanctuary resources of the national marine sanctuary', and 'sanctuary resources of other national marine sanctuaries' is deemed to include any coral reef that is subject to the jurisdiction of the United States or any State, without regard to whether such coral reef is located in a national marine sanctuary.

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

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

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

"(C) Section 307 (16 U.S.C. 1437).

"(D) Section 312 (16 U.S.C. 1443).

"(3) STATE CONSENT REQUIRED.—

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

"(B) REVOCATION OF CONSENT.—The governor of a State may revoke consent under subparagraph (A) by notifying the Secretary of such revocation.

"(4) CONSISTENCY WITH INTERNATIONAL LAW AND TREATIES.—Any action taken under the authority of this subsection must be consistent with otherwise applicable international law and treaties.

"(5) ACTIONS AUTHORIZED WITH RESPECT TO VESSELS.—Actions authorized under this subsection include vessel removal, and emergency re-stabilization of a vessel and any coral reef that is impacted by a vessel.

"(6) REGULATIONS.—The Secretary may issue regulations necessary to implement this subsection.".

SEC. 4. NATIONAL PROGRAM.

(a) PURPOSE OF ACT.—Section 202 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems including large-scale threats related to climate change, to benefit local communities and the Nation, and to the extent practicable support and enhance coral reef research capabilities at local academic institutions;"; and

(2) by striking "and" after the semicolon at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting "; and", and by adding at the end the following:

"(7) to recognize the benefits of healthy coral reefs to island and coastal communities and to encourage Federal action to ensure, to the maximum extent practicable, the continued availability of those benefits.".

(b) GOALS AND OBJECTIVES OF NATIONAL CORAL REEF ACTION STRATEGY.—Section 203(b)(8) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6402(b)(8)) is amended to read as follows:

"(8) conservation, including the consideration of island and local traditions and practices.".

(c) AMENDMENTS RELATING TO ACTIVITIES TO CONSERVE CORAL REEFS AND CORAL REEF ECOSYSTEMS.—Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406) is amended—

(1) in paragraph (3) by striking "and" after the semicolon;

(2) in paragraph (4)—

(A) by striking "cooperative conservation" and inserting "cooperative research, conservation,"; and

(B) by striking "partners." and inserting "partners, including academic institutions located in those States, territories, and freely associated States referred to in section 212; and"; and

(3) by adding at the end the following:

"(5) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those areas identified in section 210(b).".

SEC. 5. REPORT TO CONGRESS.

Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6407) is amended to read as follows:

"SEC. 208. REPORT TO CONGRESS.

"Not later than March 1, 2010, and every 3 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

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

"(2) a description of Federal interagency and cooperative efforts with States, United States territories, freely associated States, and non-governmental partner organizations to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reef ecosystems, including projects undertaken with the Department of the Interior, the Department of Agriculture, the Environmental Protection Agency, and the Army Corps of Engineers;

"(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;

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

"(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs, including actions taken to address large-scale threats to coral reef ecosystems related to climate change.".

SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.

(a) FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

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

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

"(2) to address emergency response actions under section 206.";

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

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

(4) by redesignating sections 209 and 210 as sections 213 and 214, respectively; and

(5) by inserting after section 208 the following:

"SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

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

"(1) support attainment of 1 or more of the criteria described in section 204(g);

"(2) be developed at the community level;

"(3) utilize where applicable watershed-based or ecosystem-based approaches;

"(4) provide for coordination with Federal and State experts and managers;

"(5) build upon local approaches or models, including traditional or island-based resource management concepts; and

"(6) complement local action strategies or regional plans for coral reef conservation.

"(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, '75 percent' shall be substituted for '50 percent'.

"SEC. 210. VESSEL GROUNDING INVENTORY.

"(a) IN GENERAL.—The Administrator, in coordination with other Federal agencies, may maintain an inventory of all vessel grounding incidents involving coral reefs, including a description of—

"(1) the impacts to such resources;

"(2) vessel and ownership information, if available;

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

"(4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;

"(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

"(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

"(b) IDENTIFICATION OF AT-RISK REEFS.—The Administrator may—

"(1) use information from any inventory maintained under subsection (a) or any other available information source to identify all coral reef areas that have a high incidence of vessel impacts, including groundings and anchor damage; and

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

"SEC. 211. REGIONAL COORDINATION.

"The Administrator shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the national coral reef action strategy developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, overharvesting, and factors attributed to climate change.

"SEC. 212. UNITED STATES CORAL REEF TASK FORCE.

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

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

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

"(1) to coordinate, in cooperation with State, territory, freely associated State, commonwealth, and local government partners, academic, and nongovernmental partners if appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, restoration of coral reefs and coral reef ecosystems;

"(2) to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in Executive Order 13089 and the national coral reef action strategy developed under section 203; and

"(3) to work with the Secretary of State and the Administrator of the Agency for International Development, and in coordination with the other members of the Task Force, to—

"(A) assess the United States role in international trade and protection of coral species; and

"(B) encourage implementation of appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide.

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

"(1) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, who shall be co-chairs of the Task Force;

"(2) the Administrator of the Agency of International Development;

"(3) the Secretary of Agriculture;

"(4) the Secretary of Defense;

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

"(6) the Secretary of Homeland Security;

"(7) the Attorney General;

"(8) the Secretary of State;

"(9) the Secretary of Transportation;

"(10) the Administrator of the Environmental Protection Agency;

"(11) the Administrator of the National Aeronautics and Space Administration;

"(12) the Director of the National Science Foundation;

"(13) the Governor, or a representative of the Governor, of the Commonwealth of the Northern Mariana Islands;

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

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

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

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

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

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

"(e) NONVOTING MEMBERS.—The President, or a representative of the President, of each of the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau may appoint a nonvoting member of the Task Force.

"(f) RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.—

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

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

"(B) utilize the programs and authorities of their agencies to protect and enhance the conditions of such ecosystems; and

"(C) assist in the implementation of the National Action Plan to Conserve Coral Reefs, the national coral reef action strategy developed under section 203, the local action strategies, and any other coordinated efforts approved by the Task Force.

"(2) CO-CHAIRS.—In addition to their responsibilities under paragraph (1), the co-chairs of the Task Force shall administer performance of the functions of the Task Force and facilitate the coordination of the Federal agency members of the Task Force.

"(g) WORKING GROUPS.—

"(1) IN GENERAL.—The co-chairs of the Task Force may establish working groups as necessary to meet the goals and duties of this Act. The Task Force may request the co-chairs to establish such a working group.

"(2) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow a nongovernmental organization or academic institution to participate in such a working group.

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

(b) COOPERATIVE AGREEMENTS.—Section 204 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403) is amended by adding at the end the following:

"(k) MULTIYEAR COOPERATIVE AGREEMENTS.—The Administrator may enter into multiyear cooperative agreements with the heads of other Federal agencies, States, territories, other freely associated States, local governments, academic institutions, and non-governmental organizations to carry out the activities of the national coral reef action strategy developed under section 203 and to implement regional strategies developed pursuant to section 211.".

SEC. 7. AMENDMENTS RELATING TO DEPARTMENT OF THE INTERIOR PROGRAM.

(a) AMENDMENTS AND CLARIFICATIONS TO DEFINITIONS.—

(1) FISH AND WILDLIFE COORDINATION ACT.—Section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b) is amended by inserting before the period at the end the following: ", including coral reef ecosystems (as such term is defined in section 214 of the Coral Reef Conservation Act of 2000)".

(2) FISH AND WILDLIFE ACT OF 1956 AND FISH AND WILDLIFE IMPROVEMENT ACT OF 1978.—With respect to the authorities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and the authorities under the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l), references in such Acts to "wildlife" and "fish and wildlife" shall be construed to include coral reef ecosystems (as such term is defined in section 214 of the Coral Reef Conservation Act of 2000, as amended by this Act).

(b) CORAL REEF CONSERVATION ASSISTANCE.—The Secretary of the Interior may provide technical assistance and, subject to the availability of appropriations, financial assistance to coastal States (as that term is defined in the Coral Reef Conservation Act of 2000, as amended by this Act).

SEC. 8. CLARIFICATION OF DEFINITIONS.

Section 214 of the Coral Reef Conservation Act of 2000, as redesignated by section 6(a) of this Act (relating to definitions; 16 U.S.C. 6409), is further amended—

(1) by amending paragraph (2) to read as follows:

"(2) CONSERVATION.—The term 'conservation' means the use of methods and procedures that are necessary to preserve or sustain coral reefs and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including—

"(A) all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat;

"(B) mapping;

"(C) monitoring of coral reef ecosystems;

"(D) assistance in the development of management strategies for marine protected area or networks thereof and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

"(E) law enforcement;

"(F) conflict resolution initiatives;

"(G) community outreach and education; and

"(H) activities that promote safe and ecologically sound navigation.";

(2) by amending paragraph (3) to read as follows:

"(3) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

"(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), and Helioporacea (blue coral), of the class Anthozoa; and

"(B) all species of the families Milleporidae (fire corals) and Stylasteridae (stylasterid hydrocorals), of the class Hydrozoa.";

(3) by amending paragraph (4) to read as follows:

"(4) CORAL REEF.—The term 'coral reef' means a limestone structure composed in whole or in part of living zooxanthellate stony corals (Class Anthozoa, Order Scleractinia), their skeletal remains, or both."; and

(4) by amending paragraph (7) to read as follows:

"(7) SECRETARY.—The term 'Secretary'—

"(A) except as provided in subparagraph (B), means the Secretary of Commerce; and

"(B) in sections 203, 206(e), and 209, means—

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

"(I) the National Wildlife Refuge System;

"(II) the National Park System; or

"(III) the waters surrounding Wake Island under the jurisdiction of the Secretary of the Interior, as set forth in Executive Order 11048 (27 Fed. Reg. 8851), dated September 4, 1962; or

"(ii) the Secretary of Commerce, with respect to any other coral reef or component thereof.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 213 of the Coral Reef Conservation Act of 2000 (formerly 16 U.S.C. 6408), as redesignated by section 4, is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce to carry out this title $30,000,000 for fiscal year 2008, $32,000,000 for fiscal year 2009, $34,000,000 for fiscal year 2010 and $35,000,000 for fiscal years 2011 and 2012.";

(2) in subsection (b) by striking "$1,000,000" and inserting "$2,000,000";

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

"(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 209, $8,000,000 for fiscal years 2008 through 2012, to remain available until expended."; and

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

"(d) DEPARTMENT OF THE INTERIOR.—There is authorized to be appropriated to the Secretary of the Interior to carry out this title $5,000,000 for each of fiscal years 2008 through 2012.".

SEC. 10. FUNDING FOR MARINE FACILITIES, CORAL REEF RESEARCH, AND CORAL REEF INSTITUTES.

(a) AMERICAN SAMOA COMMUNITY COLLEGE.—There is authorized to be appropriated $1,000,000 to the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, to provide funds to a research facility for coral reef research and protection, and coastal ecology and development, at the American Samoa Community College.

(b) UNIVERSITY OF GUAM.—There is authorized to be appropriated $1,000,000 to the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, to provide funds to the University of Guam for coral reef research and protection.

(c) SUPPORT FOR CORAL REEF INSTITUTES.—The Administrator, subject to the availability of appropriations specifically to carry out this subsection, may enter into, renegotiate, or extend a cooperative agreement with any university or local academic institution or other research center with established programs that support coral reef conservation to accomplish the following:

(1) Provide technical and other assistance to build capacity for effective resource management on a regional level and within local communities.

(2) Facilitate interdisciplinary research regarding coral reef ecosystems to improve resource management and improve understanding of potential impacts to such ecosystems attributed to climate change.

(3) Conduct public education programs regarding coral reefs and coral reef ecosystems to improve public awareness of the need to protect and conserve such resources.

(4) To advance the purposes and policies set forth in the Coral Reef Conservation Act of 2000.

(d) DEFINITIONS.—For purposes of this section the definitions in section 214 of the Coral Reef Conservation Act of 2000, as redesignated by section 6(a) of this Act and amended by section 8 of this Act, apply.

PURPOSE OF THE BILL

The purpose of H.R. 1205 is to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Often called the "rainforests of the sea," coral reefs support more species per unit area than any other marine ecosystem, including about 4,000 documented fish species, 800 species of hard corals, and hundreds of other species. Located along one-sixth of the world's coastlines, coral reefs provide the basis for an estimated $400 billion global fishing and tourism industry. Growing interest in the medicinal properties of corals as possible cures for cancer, arthritis, human bacterial infections, viruses and other diseases increase the importance of corals. Aside from their economic value, some corals which live 300 years or more can provide scientists with environmental data important to climate change and ocean acidification investigations.

Reef building corals are tiny marine animals dependent on symbiotic algae to convert sunlight and nutrients into energy for growth and reproduction. Commonly found growing in colonies of polyps, hard and soft corals secrete calcium carbonate exoskeletons that, in the aggregate, form coral reef structures. These structures reproduce and grow to become massive living units covering wide areas of shallow tropical and subtropical seas, like Australia's Great Barrier Reef, representing some of the oldest living systems on the planet. Although typical reef-building corals are found in shallow, warm waters, other coral species that reside in deep waters, such as offshore Alaska, have been discovered. However, H.R. 1205 only applies to tropical and subtropical coral reefs where U.S. research, monitoring, mapping and management activities are focused.

The United States has jurisdiction over coral reef ecosystems covering more than 17,000 square kilometers within the boundary of its 200-mile exclusive economic zone. Approximately 90 percent of these ecosystems are located in the Western Pacific Ocean, including marine areas surrounding American Samoa, Guam, Hawaii and the Commonwealth of the Northern Mariana Islands. Coral reefs are also well developed in the coastal waters surrounding Florida (the Florida Keys is the world's third largest coral reef ecosystem), Puerto Rico, the U.S. Virgin Islands, and other small island possessions.

Despite their importance, coral reefs are some of the most threatened marine ecosystems in the United States and worldwide. According to the Global Coral Reef Monitoring Network, more than 28 percent of the world's coral reefs have been lost permanently. Even small temperature increases (water exceeding 30 degrees Celsius) can trigger coral bleaching, where corals expel the symbiotic algae that support the animal. In the absence of other stressors, normally healthy reefs may survive short-term bleaching events. However, many coral reefs must cope with multiple environmental threats, including overfishing and destructive fishing practices (i.e., cyanide poisoning, dynamite, etc.); ship groundings and debris; human population growth and shoreline development; polluted run off and degraded water quality; and siltation and impaired water clarity. In fact, researchers estimate that 58 percent of the world's coral reefs are potentially threatened by human activities.

Factors related to climate change, including ocean acidification and warming of tropical and subtropical coastal waters, are in-

creasingly recognized as serious threats to coral reefs. Cumulatively, these factors inhibit photosynthesis, reduce biodiversity and abundance, and retard reproduction and recruitment of coral species, reducing the natural resiliency of coral reefs to recover to a healthy condition. Additionally, coral reef biodiversity depends on total habitat area. Once a reef area is reduced, the risk of species extinction accelerates, and the ability of reefs to rebound is compromised.

In 1997, during the International Year of the Coral Reef, significant attention was generated about the global deterioration and loss of coral reef ecosystems and the potential negative social, economic and environmental implications. In response to this global concern, President Clinton issued Executive Order #13089 of July 11, 1998 (63 Federal Register 32701) to spur coral reef conservation in the United States. This order directs federal agencies to identify actions that may affect U.S. coral reef ecosystems and to use their authorities and programs to protect these ecosystems. To the extent permitted by law, agencies were to ensure that any activities they authorized, funded or carried out do not degrade the conditions of coral systems.

This order also established the U.S. Coral Reef Task Force (CRTF), under the joint leadership of the Secretaries of Commerce and the Interior, with duties to map corals, conduct research on the cause of coral degradation, and implement monitoring measures, among other responsibilities. Other CRTF members include the Attorney General and the Secretaries of Agriculture, State, Transportation and Defense, the administrators of the Agency for International Development, the National Aeronautics and Space Administration, the Environmental Protection Agency, and the Director of the National Science Foundation. Also, in recognition of the vital role of states and territories, the governors of Florida, Hawaii, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands, and the Presidents of the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands (collectively referred to as the Freely Associated States) were included as full or ex officio members of the CRTF. The CRTF has met 18 times since its inception; the most recent meeting was held in American Samoa in August 2007.

In 2000, the CRTF published a coral reef National Action Plan (http://coralreef.gov/actionplan.cfm) and followed up in 2002 with the release of a National Coral Reef Action Strategy to implement the plan as required in the Coral Reef Conservation Act. These documents detail the operating priorities and policies of the Task Force. In general, the CRTF strives to improve the understanding of coral reef ecosystems and the natural and anthropogenic processes that determine their health and viability. Additionally, the Task Force supports efforts to reduce the adverse impacts of human activities on coral reefs and associated ecosystems. The Task Force serves as a catalyst to focus Federal and non federal actions on crosscutting issues, such as mapping and information gathering, ecosystem science and conservation, coastal uses, air and water quality, public outreach and education and international cooperation.

Additionally, the CRTF has developed local coral reef conservation action strategies, released in 2000 a report entitled The Reef

Managers Guide to Coral Bleaching, initiated comprehensive mapping and surveying of U.S. coral reef ecosystems, completed a status report on U.S. coral reef marine protected areas, removed tons of marine debris from coral reef ecosystems in the Northwestern Hawaiian Islands, and engaged the international community in efforts to address trade in corals and other reef wildlife. At its most recent meeting the CRTF created a climate change working group to develop best management practices to guide local resource managers on how to minimize the impact of climate-induced stresses and to better educate the public about the impacts of climate changes.

An important accomplishment directly linked to the activities of the CRTF took place on June 15, 2006, when President George W. Bush utilized his authority under the Antiquities Act of 1906 and proclaimed the Northwest Hawaiian Islands as a marine national monument (since named as the Papahanaumokuakea Marine National Monument). This unprecedented action to protect U.S. coral reef ecosystems created the single-largest conservation area under U.S. jurisdiction. This 137,797 square mile (105,564 nautical square miles) monument is the world's largest marine conservation area. As specified in the proclamation, the monument is managed jointly by the Departments of Commerce and the Interior. An interim management plan guides operations until the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service, in coordination with the State of Hawaii, develop a final management plan. A draft management plan and environmental assessment are scheduled for public release in early 2008.

The NOAA Administrator, which functions as a co-chair of the CRTF for the Secretary of Commerce, was authorized under the Act to implement a multifaceted coral reef science, management and outreach program. The agency has received on average $28 million per year for the period between Fiscal Years 2001–2007 to implement the Act. This funding has been distributed to eligible entitities through two principal grant programs (the Coral Reef Conservation Grant Program and the Coral Reef Conservation Fund), and supported the national program to promote science, research, monitoring, restoration and mitigation, socioeconomic evaluations, mapping, management, training and education, outreach activities, and international conservation projects. On average, NOAA has distributed approximately $6 million per year since 2002 in conservation grants to states, territories, localities and other non federal partners located in the U.S. and abroad.

Despite its management responsibility for 3.6 million acres of coral reefs and associated habitats within the National Parks and National Wildlife Refuges, and the Secretary of the Interior's role as co-chairman of the CRTF, the Department of the Interior has not developed a dedicated coral reef conservation program comparable to NOAA. The Interior Department has, however, funded coral reef activities within its core programs to fulfill its CRTF co-chair responsibilities. For Fiscal Year 2008, the Department developed a crosscutting budget and requested approximately $12.7 million to support its activities.

The Administration, in a draft bill sent to the Congress on May 7, 2007, recommends that the Coral Reef Conservation Act of 2000

be amended to recognize the role of the Interior Department in the management of U.S. coral reefs. This action should enable the Interior Department to function more effectively as co-chair of the CRTF and provide technical and financial assistance to the states and territories for the conservation of coral reefs.

The Administration, States, U.S. Insular Areas, and non governmental organizations have recommended amendments to address additional concerns and gaps in authority. The definitions of "coral," "coral reef" and "coral reef ecosystem" have been found to be either taxonomically inaccurate or spatially limited to exclude features essential to coral reef ecosystems. In recognition of this concern, the Administration worked with coral reef scientists to develop new definitions that are taxonomically and ecologically accurate. Such definitions are included in the Administration's draft legislation sent to the Congress.

The frequency of vessel groundings and subsequent damage to coral reef resources remain a serious threat to the long-term health of coral reef ecosystems. At present, unless the circumstances of a grounding trigger the emergency response authorities in the Oil Pollution Act of 1990, neither NOAA nor any other Federal agency have the authority to respond to grounding incidents or other emergencies. In addition, no systematic method is in place to track grounding events, their location and impact, and potential threats to navigation. Experience has shown that those prompt response actions can greatly reduce the spatial extent and long-term impacts caused by grounding incidents or other natural events, such as floating marine debris generated by huge cyclonic storms. The Administration, states and territories support amendments to authorize emergency response activities.

The Committee has also been made aware that neither NOAA nor the Departments of the Interior have authority to take enforcement actions and recover costs for response and restoration activities from responsible parties that intentionally or unintentionally damage coral reef resources. Currently, only coral reef resources located within national marine sanctuaries receive such protection. By virtue of its designation as a national monument, and not as a national marine sanctuary, none of the 2.7 million acres of coral reefs within the new Papahanaumokuakea Marine National Monument fall under the protections of the National Marine Sanctuaries Act. This gap has created a significant management liability. The Administration has acknowledged this shortcoming and requested that the Act be amended to address this problem.

The CRTF's development of local coral reef conservation action strategies has not only helped develop greater local capacity for coral reef research, management and education, but also strengthened coordination and cooperation between the Federal and non federal partners of the CRTF. Amending the Act to emphasize the importance of local community planning, to better incorporate local academic institutions into the framework of research and public education and outreach, and to provide additional financial resources to support these activities would advance substantially the ability of CRTF and its state and territorial partners to meet the goals contained with the national action strategy and the Act.

The Committee intends for this Act to strengthen the authority of the Department of the Interior to budget accordingly and include

in its future year budget submissions sufficient and new resources to support the local action strategies developed by the CRTF consistent with the National Action Plan. The Committee notes that previous year budget requests of the Department of the Interior to date have identified funds for ongoing programs of the United States Geological Survey, the U.S. Fish and Wildlife Service, and the Office of Insular Affairs to develop and implement local action strategies. Conversely, NOAA in previous years has requested new funds separate and apart from its otherwise ongoing programs to support local action strategies.

COMMITTEE ACTION

H.R. 1205 was introduced on February 27, 2007, by Mr. Faleomavaega (D–AS) with Ms. Bordallo (D–GU), Mrs. Christenson (D–VI), and Mr. Abercrombie (D–HI) as original cosponsors. The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans. The bill was also referred to the Committee on Science and Technology. On March 6, 2007, the Subcommittee held a hearing on H.R. 1205. Witnesses testified that the continued decline of coral reef ecosystems in the United States and globally support reauthorization and amendments to ensure to the greatest extent practicable that the activities of the federal government and state, territorial and local governments affecting coral reefs are coordinated, compatible and effective in addressing the multiple threats negatively impacting these ecosystems. Witnesses agreed that the Act should be amended to better support local coral reef research and conservation activities, to address gaps in existing authorities which limit the ability of the federal government to track and respond to incidents that damage coral reefs, and to provide increases in the authorized funding levels.

On March 22, 2007, the Subcommittee met to mark up the bill. Mr. Faleomavaega (D–AS) offered an amendment in the nature of a substitute to authorize NOAA to partner with other Federal agencies in emergency response situations, to clarify the responsibilities of the Federal members of the Coral Reef Task Force, to authorize the Department of the Interior to participate in coral reef conservation, and to make several other technical and clarifying changes. The substitute amendment was adopted by voice vote. The bill, as amended, was then forwarded to the Full Committee by voice vote.

On June 28, 2007, the Natural Resources Committee considered the bill. Mr. Faleomavaega (D–AS) offered an amendment in the nature of a substitute that made the following changes: revised the definitions of "coral reef" and "conservation" to better capture all ecological components and functions; authorized the Secretary of Commerce to recover costs for damages to corals and corals reefs in U.S. waters; amended the purposes of the Act and national program to encourage marine research at local academic institutions of all Task Force member states, territories, and Freely Associated States; granted the Secretary of the Interior authority over coral reef resources within the Interior Department's jurisdiction, and to acknowledged the importance of addressing and mitigating impacts of climate change on coral reefs. The amendment was adopted by

voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 cites this Act as the "Coral Reef Conservation Amendments Act of 2007".

Section 2. Expansion of Coral Reef Conservation Program

Section 2 revises the Coral Reef Conservation Program established by Section 204 of the Coral Reef Conservation Act of 2000 to ensure diversity in projects funded by the program. It also expands the criteria used to review proposal projects to ensure approved projects minimize the likelihood of vessel impacts to reefs and also promote and support community-based planning and management initiatives for coral reefs.

Section 3. Emergency response

Section 3 expands the authorities of the NOAA Administrator by providing authority to take actions necessary to address emergency situations affecting coral reefs including vessel impacts and unforeseen or disaster-related circumstances. These actions may include, but are not limited to, vessel removals and emergency stabilization of a vessel or impacted coral reef. Additionally, this section authorizes other Federal agencies to assist the NOAA Administrator in emergency response activities and to receive reimbursement for services rendered. Finally, this section expands the authority for enforcement and recovery of costs for natural resource damages under the National Marine Sanctuaries Act to apply to the Secretaries of Commerce and the Interior for corals and coral reefs that lie in waters under U.S. jurisdiction but outside of the boundaries of existing marine sanctuaries, with state or territorial consent for coral reef damages that occur in state or territorial waters, and consistent with international law.

Section 4. National program

Section 4 expands the purposes of the Act and the goals and objectives of the national coral reef program to incorporate great emphasis on the importance of coral resources to local communities, to recognize the role local academic institutions play in facilitating coral reef conservation, management and research activities, and to recognize the threat of climate change to coral reef resources.

Section 5. Report to Congress

Section 5 replaces the existing requirement in the Coral Reef Conservation Act of 2000 for two separate reports to Congress on the Conservation Grant Program and National Program. Instead, the Administrator is required to submit to Congress once every three years, commencing no later than March 1, 2010, a report describing all activities undertaken to implement the national coral reef action strategy.

Section 6. Fund; grants; grounding inventory; coordination

Section 6 expands the role of the private organization that manages the Coral Reef Conservation Fund to clarify that this organization should encourage public-private partnerships consistent with the Act, and solicit non-Federal funding and in-kind services from the private sector to support emergency response activities. This section also amends the Act by redesignating sections 209 and 210 of the Act as sections 213 and 214 and by inserting four new sections to the Act.

Section 209 authorizes a community-based grant program to support local community efforts to prepare and implement plans supporting increased protection of high priority coral reef areas. Section 210 directs NOAA to establish and maintain a vessel grounding inventory for all incidents involving coral reefs, including locations, vessel ownership information, estimates and costs for removal, mitigation and restoration activities, and recommendations to prevent future groundings. NOAA is also directed to identify all reef areas with a high incidence rate of vessel impacts.

Section 211 directs NOAA to coordinate and collaborate with other federal agencies and state and insular area governments to implement the national coral reef action strategy, including regional and local strategies to address multiple threats to coral reefs and coral reef ecosystems. Section 212 codifies the existing United States Coral Reef Task Force created in 2000 by President William J. Clinton pursuant to Executive Order 13089.

Section 7. Amendments relating to the Department of the Interior program

Section 7 recognizes the Secretary of the Interior's authorities over coral reef resources under the management jurisdiction of the Department of the Interior. This section would amend the Fish and Wildlife Coordination Act, the Fish and Wildlife Act of 1956, and the Fish and Wildlife Improvement Act of 1978 to clarify that coral reefs are included as fish and wildlife resources covered by these authorities. In addition, the Secretary of the Interior is authorized to provide technical and financial assistance to coastal States and territories for coral reef conservation.

Section 8. Clarification of definitions

Section 8 makes technical and clarifying revisions to the definitions of "conservation," "coral," and "coral reef" within the original Coral Reef Conservation Act of 2000 to better capture the biological and ecological elements of coral reefs and the full range of activities that comprise conservation. This section also revises the definition of "Secretary" to include the Secretary of the Interior as the term is used in sections 203, 206(e) and 209 of the Act as amended, for any coral reef that is located within the National Wildlife Refuge System, the National Park System, or the waters surrounding Wake Island under the jurisdiction of the Secretary of the Interior.

Section 9. Authorization of appropriations

Section 9 authorizes the Secretary of Commerce to receive $30,000,000 for fiscal year 2008, increasing incrementally each year to $35,000,000 for each of Fiscal Years 2011 and 2012 to implement the Act. This section authorizes the NOAA Administration

to receive $8 million for fiscal years 2008–2012 for community-based planning grants. The Secretary of the Interior is authorized to receive $5 million per year for Fiscal Years 2008–2012 to implement the law. This section increases the limit of what may be spent on program administration and overhead to the lesser of $2,000,000 or 10 percent of the amounts appropriated under this section.

Section 10. Funding for marine facilities, coral reef research, and coral reef institutes

Section 10 authorizes $1,000,000 to be appropriated to the Secretary of Commerce to support research conducted at the American Samoa Community College, and an additional $1 million for coral reef research conducted at the University of Guam. In addition, this section encourages NOAA to support existing and new coral reef institutes to build capacity for resource management, facilitate interdisciplinary research, conduct public education regarding coral reef ecosystems to increase public awareness, and to advance the purposes of the Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1205—Coral Reef Conservation Amendments Act of 2007

Summary: H.R. 1205 would authorize the appropriation of $201 million over the 2008–2012 period to the National Oceanic and Atmospheric Administration (NOAA) and the Department of the Interior (DOI) for coral reef conservation programs and research. Assuming appropriation of the authorized amounts, CBO estimates that carrying out those activities would cost $25 million in 2008 and $181 million over the 2008–2012 period. (The remaining $20 million would be spent after 2012.) Enacting H.R. 1205 would not affect direct spending or revenues.

This bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). H.R. 1205 would impose a private-sector mandate, as defined in UMRA, by making it unlawful for any person to destroy, cause the loss of, or injure any coral reef that is subject to the jurisdiction of the United States. Entities that damage coral reefs would be liable to pay for any vessel removal and reef restoration costs. Based on information from NOAA, CBO estimates that the direct cost of the mandate would fall below the annual threshold established by UMRA for private-sector mandates ($131 million in 2007, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1205 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
NOAA Coral Reef Conservation Program:					
Authorization Level	30	32	34	35	35
Estimated Outlays	19	27	32	34	35
DOI Coral Reef Conservation Program:					
Authorization Level	5	5	5	5	5
Estimated Outlays	4	5	5	5	5
Community Planning and Coral Reef Research Grants:					
Authorization Level	2	2	2	2	2
Estimated Outlays	2	2	2	2	2
Total Changes:					
Authorization Level	37	39	41	42	42
Estimated Outlays	25	34	39	41	42

Basis of estimate: For this estimate, CBO assumes that H.R. 1205 will be enacted near the start of fiscal year 2008 and that the authorized amounts will be appropriated for each year. Estimated outlays are based on historical spending patterns for NOAA and DOI conservation programs.

H.R. 1205 would authorize the appropriation of $201 million over the 2008–2012 period for coral reef conservation activities and grants. The authorizations include between $30 million and $35 million annually for NOAA's current programs and $5 million annually for new DOI conservation programs. (By comparison, NOAA received an appropriation of around $26 million in 2007 for the coral reef conservation program. The Department of the Interior, primarily the U.S. Fish and Wildlife Service, also received appropriations of several million dollars for coral reef programs in 2007, but under other statutes.)

The bill also would authorize the appropriation of $8 million over the 2008–2012 period for NOAA's community planning grants to states and $1 million for each of two universities in the South Pacific for coral reef research. CBO assumes that those authorizations (totaling $10 million) would be appropriated and spent roughly evenly over the five-year period.

Estimated impact on state, local, and tribal governments: H.R. 1205 contains no intergovernmental or private-sector mandates as defined in UMRA. State, local, and tribal governments could benefit from grants authorized by the bill; any costs they incur to comply with grant requirements would be incurred voluntarily.

Estimated impact on the private sector: H.R. 1205 would impose a private-sector mandate, as defined in UMRA, by making it unlawful for any person to destroy, cause the loss of, or injure any coral reef that is subject to the jurisdiction of the United States. In addition, the bill would allow the government to start making responsible parties liable for the restoration and response costs. Currently, only those coral reefs protected under separate legal authorities, such as corals located within national marine sanctuaries, receive such protection. Based on information from NOAA, CBO estimates that the direct cost of the mandate would fall below the annual threshold established by UMRA for private-sector mandates ($131 million in 2007, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Justin Hall.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1205 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CORAL REEF CONSERVATION ACT OF 2000

* * * * * * *

SEC. 202. PURPOSES.

The purposes of this title are—

(1) * * *

* * * * * * *

[(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;]

(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems including large-scale threats related to climate change, to benefit local communities and the Nation, and to the extent practicable support and enhance coral reef research capabilities at local academic institutions;

* * * * * * *

(5) to provide financial resources for those programs and projects; [and]

(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects[.]*; and*

(7) to recognize the benefits of healthy coral reefs to island and coastal communities and to encourage Federal action to ensure, to the maximum extent practicable, the continued availability of those benefits.

SEC. 203. NATIONAL CORAL REEF ACTION STRATEGY.

(a) * * *

(b) GOALS AND OBJECTIVES.—The action strategy shall include a statement of goals and objectives as well as an implementation plan, including a description of the funds obligated each fiscal year to advance coral reef conservation. The action strategy and implementation plan shall include discussion of—

(1) * * *

* * * * * * *

[(8) conservation, including how the use of marine protected areas to serve as replenishment zones will be developed consistent with local practices and traditions.]

(8) conservation, including the consideration of island and local traditions and practices.

* * * * * * *

SEC. 204. CORAL REEF CONSERVATION PROGRAM.

(a) * * *

* * * * * * *

(d) [GEOGRAPHIC AND BIOLOGICAL] *PROJECT* DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) during a fiscal year are distributed in the following manner:

(1) * * *

* * * * * * *

[(3) Remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator. When identifying emerging threats or priorities, the Administrator may consult with the Coral Reef Task Force.]

(3) Remaining funds shall be awarded for—

(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.

* * * * * * *

(g) CRITERIA FOR APPROVAL.—The Administrator may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reefs by—

(1) * * *

* * * * * * *

(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems; **[**or**]**

(10) promoting activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those areas identified under section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs; or

(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef ecosystems.

[(10) promoting ecologically sound navigation and anchorages near coral reefs.**]**

* * * * * * *

(k) MULTIYEAR COOPERATIVE AGREEMENTS.—The Administrator may enter into multiyear cooperative agreements with the heads of other Federal agencies, States, territories, other freely associated States, local governments, academic institutions, and non-governmental organizations to carry out the activities of the national coral reef action strategy developed under section 203 and to implement regional strategies developed pursuant to section 211.

SEC. 205. CORAL REEF CONSERVATION FUND.

(a) FUND.—The Administrator may enter into an agreement with a nonprofit organization that promotes coral reef conservation authorizing such organization to receive, hold, and administer funds received pursuant to this section. The organization shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such **[**organization solely to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef action strategy under section 203.**]** *organization—*

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

(2) to address emergency response actions under section 206.

(b) AUTHORIZATION TO SOLICIT DONATIONS.—Pursuant to an agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold, administer, and use any gift to further the purposes of this title. Any moneys received as a gift shall be deposited and maintained in the Fund established by the organization under subsection (a). *The organization is encouraged to solicit funding and in-kind services from the private sector, including nongovernmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including areas identified in section 210(b)(2).*

(c) REVIEW OF PERFORMANCE.—The Administrator shall conduct a continuing review of [the grant program] *any grant program or emergency response action* administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section and the national coral reef action strategy under section 203.

* * * * * * *

[SEC. 206. EMERGENCY ASSISTANCE.

[The Administrator may make grants to any State, local, or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster-related circumstances pertaining to coral reefs or coral reef ecosystems.]

SEC. 206. EMERGENCY RESPONSE ACTIONS.

(a) IN GENERAL.—The Administrator may undertake or authorize action necessary—

(1) to minimize the destruction or loss of, or injury to, a coral reef from—

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

(B) from unforeseen or disaster-related circumstances; and

(2) to stabilize, repair, recover, or restore such coral reef.

(b) VESSEL REMOVAL; RESTABILIZATION.—Action authorized by subsection (a) includes vessel removal and emergency restabilization of the vessel or any impacted coral reef.

(c) PARTNERING WITH OTHER FEDERAL AGENCIES.—When possible, action by the Administrator under this section should—

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

(A) the Coast Guard, the Federal Emergency Management Agency, the Army Corps of Engineers, and the Department of the Interior; and

(B) agencies of States and territories of the United States; and

(2) leverage resources of other agencies.

(d) EMERGENCY RESPONSE ASSISTANCE BY OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The head of any other Federal agency may assist the Administrator in emergency response actions under this section, using funds available for operations of the agency concerned.

(2) REIMBURSEMENT.—The Administrator, subject to the availability of appropriations, may reimburse a Federal agency for assistance provided under paragraph (1).

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

(1) TREATMENT OF CORAL REEFS UNDER NATIONAL MARINE SANCTUARIES ACT.—For purposes of the provisions set forth in paragraph (2), and subject to paragraph (3), each of the terms "sanctuary resources", "resource", "sanctuary resource managed under law or regulations for that sanctuary," "national marine sanctuary", "sanctuary resources of the national marine sanctuary", and "sanctuary resources of other national marine sanctuaries" is deemed to include any coral reef that is subject to the jurisdiction of the United States or any State, without regard to whether such coral reef is located in a national marine sanctuary.

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

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

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

(C) Section 307 (16 U.S.C. 1437).

(D) Section 312 (16 U.S.C. 1443).

(3) STATE CONSENT REQUIRED.—

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

(B) REVOCATION OF CONSENT.—The governor of a State may revoke consent under subparagraph (A) by notifying the Secretary of such revocation.

(4) CONSISTENCY WITH INTERNATIONAL LAW AND TREATIES.—Any action taken under the authority of this subsection must be consistent with otherwise applicable international law and treaties.

(5) ACTIONS AUTHORIZED WITH RESPECT TO VESSELS.—Actions authorized under this subsection include vessel removal, and emergency re-stabilization of a vessel and any coral reef that is impacted by a vessel.

(6) REGULATIONS.—The Secretary may issue regulations necessary to implement this subsection.

SEC. 207. NATIONAL PROGRAM.

(a) * * *

(b) AUTHORIZED ACTIVITIES.—Activities authorized under subsection (a) include—

(1) * * *

* * * * * * *

(3) providing assistance to States in removing abandoned fishing gear, marine debris, and abandoned vessels from coral reefs to conserve living marine resources; [and]

(4) [cooperative conservation] *cooperative research, conservation,* and management of coral reefs and coral reef ecosystems

with local, regional, or international programs and [partners.] *partners, including academic institutions located in those States, territories, and freely associated States referred to in section 212; and*

(5) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those areas identified in section 210(b).

[SEC. 208. EFFECTIVENESS REPORTS.

[(a) GRANT PROGRAM.—Not later than 3 years after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that documents the effectiveness of the grant program under section 204 in meeting the purposes of this title. The report shall include a State-by-State summary of Federal and non-Federal contributions toward the costs of each project.

[(b) NATIONAL PROGRAM.—Not later than 2 years after the date on which the Administrator publishes the national coral reef strategy under section 203 and every 2 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement that strategy, under section 203, including a description of the funds obligated each fiscal year to advance coral reef conservation.]

SEC. 208. REPORT TO CONGRESS.

Not later than March 1, 2010, and every 3 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

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

(2) a description of Federal interagency and cooperative efforts with States, United States territories, freely associated States, and non-governmental partner organizations to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reef ecosystems, including projects undertaken with the Department of the Interior, the Department of Agriculture, the Environmental Protection Agency, and the Army Corps of Engineers;

(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;

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

(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs, including

actions taken to address large-scale threats to coral reef ecosystems related to climate change.

SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

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

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

(2) be developed at the community level;

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

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

(5) build upon local approaches or models, including traditional or island-based resource management concepts; and

(6) complement local action strategies or regional plans for coral reef conservation.

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

SEC. 210. VESSEL GROUNDING INVENTORY.

(a) IN GENERAL.—The Administrator, in coordination with other Federal agencies, may maintain an inventory of all vessel grounding incidents involving coral reefs, including a description of—

(1) the impacts to such resources;

(2) vessel and ownership information, if available;

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

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

(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

(b) IDENTIFICATION OF AT-RISK REEFS.—The Administrator may—

(1) use information from any inventory maintained under subsection (a) or any other available information source to identify all coral reef areas that have a high incidence of vessel impacts, including groundings and anchor damage; and

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

SEC. 211. REGIONAL COORDINATION.

The Administrator shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the national coral reef action strategy developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems

such as coastal runoff, vessel impacts, overharvesting, and factors attributed to climate change.

SEC. 212. UNITED STATES CORAL REEF TASK FORCE.

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

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

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

(1) to coordinate, in cooperation with State, territory, freely associated State, commonwealth, and local government partners, academic, and nongovernmental partners if appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, restoration of coral reefs and coral reef ecosystems;

(2) to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in Executive Order 13089 and the national coral reef action strategy developed under section 203; and

(3) to work with the Secretary of State and the Administrator of the Agency for International Development, and in coordination with the other members of the Task Force, to—

(A) assess the United States role in international trade and protection of coral species; and

(B) encourage implementation of appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide.

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

(1) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, who shall be co-chairs of the Task Force;

(2) the Administrator of the Agency of International Development;

(3) the Secretary of Agriculture;

(4) the Secretary of Defense;

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

(6) the Secretary of Homeland Security;

(7) the Attorney General;

(8) the Secretary of State;

(9) the Secretary of Transportation;

(10) the Administrator of the Environmental Protection Agency;

(11) the Administrator of the National Aeronautics and Space Administration;

(12) the Director of the National Science Foundation;

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

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

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

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

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

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

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

(e) NONVOTING MEMBERS.—The President, or a representative of the President, of each of the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau may appoint a nonvoting member of the Task Force.

(f) RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.—

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

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

(B) utilize the programs and authorities of their agencies to protect and enhance the conditions of such ecosystems; and

(C) assist in the implementation of the National Action Plan to Conserve Coral Reefs, the national coral reef action strategy developed under section 203, the local action strategies, and any other coordinated efforts approved by the Task Force.

(2) CO-CHAIRS.—In addition to their responsibilities under paragraph (1), the co-chairs of the Task Force shall administer performance of the functions of the Task Force and facilitate the coordination of the Federal agency members of the Task Force.

(g) WORKING GROUPS.—

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

(2) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow a nongovernmental organization or academic institution to participate in such a working group.

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

SEC. [209.] *213.* AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title $16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, which may remain available until expended.**]**

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce to carry out this title $30,000,000 for fiscal year 2008, $32,000,000 for fiscal year 2009, $34,000,000 for fiscal year 2010 and $35,000,000 for fiscal years 2011 and 2012.

(b) ADMINISTRATION.—Of the amounts appropriated under subsection (a), not more than the lesser of **[**$1,000,000**]** *$2,000,000* or 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

[(c) CORAL REEF CONSERVATION PROGRAM.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for coral reef conservation activities under section 204.

[(d) NATIONAL CORAL REEF ACTIVITIES.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for activities under section 207.]

(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 209, $8,000,000 for fiscal years 2008 through 2012, to remain available until expended.

(d) DEPARTMENT OF THE INTERIOR.—There is authorized to be appropriated to the Secretary of the Interior to carry out this title $5,000,000 for each of fiscal years 2008 through 2012.

SEC. [210.] *214*. DEFINITIONS.

In this title:

(1) * * *

[(2) CONSERVATION.—The term "conservation" means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

[(3) CORAL.—The term "coral" means species of the phylum Cnidaria, including—

[(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyanacea (soft corals), and Coenothecalia (blue coral), of the class Anthozoa; and

[(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

[(4) CORAL REEF.—The term "coral reef" means any reefs or shoals composed primarily of corals.]

(2) CONSERVATION.—The term "conservation" means the use of methods and procedures that are necessary to preserve or sustain coral reefs and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including—

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

(B) mapping;

(C) monitoring of coral reef ecosystems;

(D) assistance in the development of management strategies for marine protected area or networks thereof and marine resources consistent with the National Marine Sanc-

tuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(E) law enforcement;

(F) conflict resolution initiatives;

(G) community outreach and education; and

(H) activities that promote safe and ecologically sound navigation.

(3) CORAL.—The term "coral" means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), and Helioporacea (blue coral), of the class Anthozoa; and

(B) all species of the families Milleporidae (fire corals) and Stylasteridae (stylasterid hydrocorals), of the class Hydrozoa.

(4) CORAL REEF.—The term "coral reef" means a limestone structure composed in whole or in part of living zooxanthellate stony corals (Class Anthozoa, Order Scleractinia), their skeletal remains, or both.

* * * * * * *

[(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.]

(7) SECRETARY.—The term "Secretary"—

(A) except as provided in subparagraph (B), means the Secretary of Commerce; and

(B) in sections 203, 206(e), and 209, means—

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

(I) the National Wildlife Refuge System;

(II) the National Park System; or

(III) the waters surrounding Wake Island under the jurisdiction of the Secretary of the Interior, as set forth in Executive Order 11048 (27 Fed. Reg. 8851), dated September 4, 1962; or

(ii) the Secretary of Commerce, with respect to any other coral reef or component thereof.

* * * * * * *

SECTION 8 OF THE FISH AND WILDLIFE COORDINATION ACT

SEC. 8. The terms "wildlife" and "wildlife resources" as used herein include birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent*, including coral reef ecosystems (as such term is defined in section 214 of the Coral Reef Conservation Act of 2000)*.

ADDITIONAL VIEWS

The 1998 Executive Order on Coral Reef Protection (E.O. 13089) represented a formal response to the precarious state of U.S. coral reef resources. It established the U.S. Coral Reef Task Force and required agencies to examine their actions regarding coral reefs. With great foresight, in that same year, Congress sought to develop programs that attended to local/regional needs with an emphasis on good science being translated into practical management: thus through the Commerce, Justice, State appropriation bill, Congress provided funding for the Hawaii Coral Reef Initiative (HCRI), National Coral Reef Institute (NCRI), and the Caribbean Coral Reef Institute (CCRI).

Since 1998 the three institutes have been provided funding by Congress through annual appropriations contained in the CJS bill. The FY 2006 conference report provided $1.5 million for HCRI, $1 million for NCRI, and $500 thousand for CCRI. The institutes operate through 3-year cooperative agreements with NOAA, through CSCOR. These agreements and the proposed research activities they contain, are subject to rigorous, external peer-review. However, funding is provided only on an annual basis, which makes continuity problematic and predictability and long-term planning difficult to impossible. In FY07, specific funding for the institutes was not appropriated by Congress. The Institutes were forced to interrupt existing cooperative agreements and programmatic activities, submit for NOAA funds under a Broad Area Announcement, and adapt to a 40% reduction in expected funding.

From the beginning, the three institutes have been linked, from their establishment by Congress, to their common approach of sponsoring management-driven research, tapping the complete research potential of agencies and academia, to their emphasis on, and flexibility to, tackle local/regional problems. The specializations, knowledge, and technologies of each program are routinely shared, creating a whole that is greater than the sum of the individual programs alone.

Collectively, these institutes represent not only those areas of the United States that have the primary amount of coral reef resources for the nation, but also those areas where coral reefs are under the most severe anthropogenic threats. In this regard, no region is seen as having priority over another. While each institute addresses complementary local programs and priorities that constitute the "on the ground" realities facing management agencies, and that these efforts are tailored for the socio-economic and governance systems within each area, all of these efforts fall within a larger context of shared local and national priorities. As such, the Institutes also conduct coordinated activities both on their own initiative and under CSCOR direction.

In short, the institutes are separate to better tailor their programs to their local needs and conditions, but function often as a unit at higher levels, especially with their relationship to NOAA and their efforts to inform Congress of the status of U.S. coral reefs, with emphasis on the local perspective. Their individual and combined output has enhanced national capacity and productivity. By concentrating on important and unique management and policy challenges, scientific contributions are made that better allow decisions on both local and national scales.

The three institutes work with a common goal of enhancing management effectiveness through outstanding science activities that include management-driven research, outreach, education, and conservation. On the one hand, tackling the problems facing coral reefs requires local action and efforts that must be flexible enough to attend to the key priorities in each area. These are likely to be different, based on real biological differences as well as differences in the sources and levels of anthropogenic stress and the socio-economic and governance regimes within which management must operate. Key problems and program developments are likely to differ among areas. For example, HCRI faces an invasion of alien species and over growing reefs and excels at education and outreach; NCRI addresses problems resulting from high human populations adjacent to reefs and excels at technological development, focusing on assessment, monitoring, and restoration research; and CCRI confronts an onslaught of coral diseases and has excelled in addressing the human dimension and governance. On the other hand, all institutes deal with these threats and approaches in varying degrees, as well as with additional problems common to all regions. By learning from the experiences of the other programs, each institute benefits from the expertise developed across all institutes.

Together the three institutes create a synergy of productivity that results from collaboration, cooperation, and shared common goals. To promote and sustain this synergy, institute directors meet annually with CSCOR to share experiences, suggest avenues toward problem solving, and develop common strategies for promoting science-based management. Additionally, the institutes initiate joint activities to communicate their research successes and management products at national forums.

While the Act authorizes support for the Coral Reef Institutes, subject to the availability of appropriations, guaranteed funding would duly recognize the important and vital role the institutes have grown to fill within the U.S. coral reef program. Guaranteed appropriations will change the way the three institutes are funded by providing a more predictable and secure mechanism. Properly authorized, the institutes will operate within the annual appropriations process and not via congressionally directed funding. A secure mechanism toward funding would allow the institutes to engage in a level of long-term planning and program development not possible under current funding mechanisms. It would also avoid the kind of program disruption caused by the FY07 funding process.

Importantly, authorization will afford NOAA greater participation in long-term planning, existing cooperative work, and goal-setting that should enhance organization and ultimately better under-

standing and stewardship of the nation's precious coral reef resources.

LUIS FORTUÑO.

ADDITIONAL VIEWS

The Coral Reef Conservation Act of 2000 (Act) has been a very popular and beneficial statute which: required the National Oceanic and Atmospheric Administration (NOAA) to develop a national coral reef conservation strategy; created a coral reef conservation program within the Federal government through which the Federal government could provide much needed grants for on-the-ground local coral reef conservation projects; created a coral reef conservation fund to allow outside organizations to collect funds in addition to those provided through Congressional appropriations; authorized a national program to provide mapping, research, and education functions; and supported activities of the U.S. Coral Reef Task Force which was established by Executive Order.

These provisions from the original law provided funds for local governments to identify threats to coral reefs and to identify local priorities through the Local Action Strategies as well as other beneficial activities. This Act has proven to be both popular and beneficial to coral reefs.

While the Act's underlying statute is non-controversial, new provisions have been suggested to expand the authorities of the Federal government—including expansion of the emergency assistance provision to allow the Federal government to take immediate action to deal with specific threats to coral reefs such as examples of ships running aground on coral reefs and the ship owners denying responsibility or merely abandoning the ship. Again, this is a worthwhile and non-controversial suggestion.

In addition, it was suggested that the Department of the Interior (DOI) could provide additional benefits to coral reefs if their role were expanded in the statute. Because they have a track record with the Insular Areas and their coral reef conservation efforts, this also seemed a laudable suggestion. In addition, the DOI grant procedure seemed to be able to get grant money to the intended recipients faster than NOAA could.

Concern has been raised that DOI might use this additional authority to expand their jurisdiction into marine areas where they do not have the expertise or existing authority. NOAA has traditionally had the primary expertise and authority for the regulation of activities in the marine environment. While giving DOI additional authority to enhance coral reef conservation is a benefit to coral reefs, this action should not be viewed as giving DOI additional authorities in the marine environment other than in the limited case of assisting in coral reef conservation activities under this statute. DOI has argued that they have provided coral reef conservation funding through existing authorities so Members do not expect this legislation to allow DOI to create new offices or expand their bureaucracy due to provisions in this legislation. Concern has been raised that this new authority will allow the Department of

the Interior to create a new bureaucracy when they have only requested the ability to fund coral reef initiatives that they currently participate in.

A second concern is that some suggestions for amending the existing statute would take a popular grant program and authority for NOAA to contribute to coral reef conservation and turn it into a regulatory statute with new regulatory authorities that could give NOAA huge new powers to regulate on-land activities which might have only an indirect effect on coral reefs.

Additional regulatory authorities combined with suggestions for vague definitions and/or vague regulatory authorities could turn this popular coral reef conservation program into another Endangered Species Act complete with train-wrecks for federally permitted activities which a court might determine have an indirect impact on coral reef conservation or other activities which have no direct bearing on coral reef health. It appears that some outside groups might be trying to turn this Act into a litigation lightning rod and to use coral reef conservation as a way of regulating other activities both on land and offshore. It has been suggested that there was an attempt to use the coral reef ecosystem definition to turn this non-controversial legislation into a key tool to be used by litigious environmental groups to try to litigate against indirect human activities that could possibly affect coral reefs. If that is the case, Members need to take note. This will no longer be a statute that only does good things for corals and for those states and territories that have coral reefs. It will now be a litigant's dream for going after activities far removed from any shoreline. While presumably not the intention of the authors of the legislation, this is a very possible unintended outcome of innocent-seeming language.

Finally, language currently in the bill, although well intentioned—to give DOI the authority it needs to participate in coral reef conservation activities—may also have unintended consequences. To allow DOI to use authorities in existing statutes to provide additional benefits for coral reef conservation is a worthwhile notion; however, to accomplish this authorization, drafting assistance was provided which expanded the definition of "wildlife" in several statutes to include coral reefs. The unintended consequences of this expansion of the term "wildlife" are hard to determine at this point. Care should be taken to minimize these unintended consequences.

Again, this Act has been a very popular program that provided grants to further coral reef research, conservation, and restoration. Reauthorization of this Act with the addition of some specific additions to address emergency and unanticipated impacts to coral reefs such as ship strikes are to be applauded. The legislation adopted by the Committee was adopted by voice vote, but only after some of the concerns about vague definitions—especially that of "coral reef ecosystem" were negotiated. Concerns remain on the unintended consequences of well intentioned provisions and concerns also remain that changes in the definitions included in the reported bill may be changed prior to Floor action. Expansion of these definitions could turn a very popular Act into a regulatory and litigation nightmare which will not help coral reef conservation efforts.

HENRY BROWN, JR.

BART GORDON, TENNESSEE
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September 27, 2007

The Honorable Nick J. Rahall, II
Chairman
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Rahall:

I write to you regarding H.R. 1205, the "Coral Reef Conservation Amendments Act of 2007." This legislation was initially referred to both the Committee on Natural Resources and the Committee on Science and Technology.

H.R. 1205 was marked up by the Committee on Natural Resources on June 28, 2007. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 1205.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

Bart Gordon

BART GORDON
Chairman

cc: The Honorable Ralph M. Hall, Ranking Member
The Honorable John Sullivan, Parliamentarian

NICK J. RAHALL II, WV
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REPUBLICAN CHIEF OF STAFF

September 26, 2007

The Honorable Bart Gordon
Chairman
Committee on Science and Technology
2320 Rayburn H.O.B.
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your willingness to allow floor consideration of H.R. 1205, the Coral Reef Conservation Amendments Act of 2007, to proceed unimpeded.

I appreciate your willingness to waive rights to further consideration of H.R. 1205, even though your Committee shares jurisdiction over it and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

As you requested, I will insert our two letters in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II
Chairman
Committee on Natural Resources

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