

112TH CONGRESS
1ST SESSION

H. R. 738

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2011

Ms. BORDALLO (for herself, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. SABLAN, Mr. PIERLUISI, Mr. FARR, Ms. HIRONO, Ms. LEE of California, Ms. CASTOR of Florida, Ms. HANABUSA, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. HONDA) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Coral Reef Conservation Act Reauthorization and En-
6 hancement Amendments of 2011”.

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

Sec. 1. Short title.

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

TITLE I—AMENDMENTS TO THE CORAL REEF CONSERVATION
ACT

- Sec. 101. Expansion of Coral Reef Conservation Program.
 Sec. 102. Emergency response.
 Sec. 103. National program.
 Sec. 104. Report to Congress.
 Sec. 105. Fund; grants; grounding inventory; coordination.
 Sec. 106. Clarification of definitions.
 Sec. 107. Authorization of appropriations.

TITLE II—UNITED STATES CORAL REEF TASK FORCE

- Sec. 201. United States Coral Reef Task Force.

TITLE III—DEPARTMENT OF THE INTERIOR CORAL REEF
AUTHORITIES

- Sec. 301. Coral reef conservation assistance.
 Sec. 302. National coral reef action strategy.

1 **SEC. 2. AMENDMENT OF CORAL REEF CONSERVATION ACT**
 2 **OF 2000.**

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

9 **TITLE I—AMENDMENTS TO THE**
 10 **CORAL REEF CONSERVATION**
 11 **ACT**

12 **SEC. 101. EXPANSION OF CORAL REEF CONSERVATION**
 13 **PROGRAM.**

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

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

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

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

6 “(A) projects (with priority given to com-
7 munity-based local action strategies) that ad-
8 dress emerging priorities or threats, including
9 international and territorial priorities, or
10 threats identified by the Administrator in con-
11 sultation with the United States Coral Reef
12 Task Force; and

13 “(B) other appropriate projects, as deter-
14 mined by the Administrator, including moni-
15 toring and assessment, research, pollution re-
16 duction, education, and technical support.”.

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

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

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

22 (3) by inserting after paragraph (9) the fol-
23 lowing:

24 “(10) promoting activities designed to minimize
25 the likelihood of vessel impacts on coral reefs, par-

1 particularly those areas identified under section 210(b),
2 including the promotion of ecologically sound naviga-
3 tion and anchorages near coral reefs; or

4 “(11) promoting and assisting entities to work
5 with local communities, and all appropriate govern-
6 mental and nongovernmental organizations, to sup-
7 port community-based planning and management
8 initiatives for the protection of coral reef eco-
9 systems.”.

10 **SEC. 102. EMERGENCY RESPONSE.**

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

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

14 “(a) IN GENERAL.—The appropriate official may un-
15 dertake or authorize action necessary—

16 “(1) to minimize the destruction of or injury to
17 a coral reef, or loss of an ecosystem function of a
18 coral reef, from—

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

21 “(B) from unforeseen or disaster-related
22 circumstances as a result of human activities;
23 and

24 “(2) to stabilize, repair, recover, or restore a
25 coral reef that is destroyed or injured, or that has

1 incurred the loss of an ecosystem function, as de-
2 scribed in paragraph (1).

3 “(b) VESSEL REMOVAL; STABILIZATION.—Action au-
4 thorized by subsection (a) includes vessel removal and
5 emergency stabilization of the vessel or any impacted coral
6 reef.

7 “(c) PARTNERING WITH OTHER FEDERAL AND
8 STATE AGENCIES.—When possible, action by the appro-
9 priate official under this section should—

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

12 “(A) the Coast Guard, the Federal Emer-
13 gency Management Agency, the Army Corps of
14 Engineers, the Environmental Protection Agen-
15 cy, and the Department of the Interior; and

16 “(B) agencies of States; and

17 “(2) leverage resources of other agencies.

18 “(d) EMERGENCY RESPONSE ASSISTANCE BY OTHER
19 FEDERAL AND STATE AGENCIES.—

20 “(1) IN GENERAL.—The head of any other Fed-
21 eral or State agency may assist the appropriate offi-
22 cial in emergency response actions under this sec-
23 tion, using funds available for operations of the
24 agency concerned.

1 “(2) REIMBURSEMENT.—The appropriate offi-
2 cial, subject to the availability of appropriations,
3 may reimburse a Federal or State agency for assist-
4 ance provided under paragraph (1).

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

7 “(1) TREATMENT OF CORAL REEFS UNDER NA-
8 TIONAL MARINE SANCTUARIES ACT.—For purposes
9 of the provisions set forth in paragraph (2), and
10 subject to paragraph (5), each of the terms ‘sanc-
11 tuary resources’, ‘resource’, ‘sanctuary resource
12 managed under law or regulations for that sanc-
13 tuary’, ‘national marine sanctuary’, ‘sanctuary re-
14 sources of the national marine sanctuary’, and ‘sanc-
15 tuary resources of other national marine sanctuaries’
16 is deemed to include any coral reef that is subject
17 to the jurisdiction of the United States or any State,
18 without regard to whether such coral reef is located
19 in a national marine sanctuary.

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

24 “(A) Paragraphs (6) and (7) of section
25 302 (16 U.S.C. 1432).

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

3 “(C) Section 307 (16 U.S.C. 1437).

4 “(D) Section 312 (16 U.S.C. 1443).

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

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

13 “(B) caused by an activity that is author-
14 ized by Federal or State law, including any law-
15 ful discharge from a vessel of graywater, cool-
16 ing water, engine exhaust, ballast water, or
17 sewage from a marine sanitation device, unless
18 the destruction, loss, or injury is a result of a
19 vessel grounding, a vessel scraping, anchor
20 damage, or excavation that is not authorized by
21 a Federal or State permit;

22 “(C) the necessary result of bona fide ma-
23 rine scientific research (including marine sci-
24 entific research activities approved by Federal,
25 State, or local permits), other than—

1 “(i) sampling or collecting; and

2 “(ii) destruction, loss, or injury that is
3 a result of a vessel grounding, a vessel
4 scraping, anchor damage, or excavation
5 that is not authorized by a Federal or
6 State permit; or

7 “(D)(i) caused by a Federal Government
8 agency in—

9 “(I) an emergency that posed an un-
10 acceptable threat to human health or safe-
11 ty or to the marine environment;

12 “(II) an emergency that posed a
13 threat to national security; or

14 “(III) an activity necessary for law
15 enforcement purposes or search and res-
16 cue; and

17 “(ii) could not be avoided.

18 “(4) CLARIFICATION OF LIABILITY.—A person
19 is not liable under this subsection if that person es-
20 tablishes that—

21 “(A) the destruction or loss of, or injury
22 to, the coral reef or coral reef ecosystem was
23 caused solely by an act of God, an act of war,
24 or an act of omission of a third party, and the
25 person acted with due care;

1 “(B) the destruction, loss, or injury was
2 caused by an activity authorized by Federal or
3 State law; or

4 “(C) the destruction, loss, or injury was
5 negligible.

6 “(5) STATE CONSENT REQUIRED.—

7 “(A) IN GENERAL.—This subsection shall
8 not apply to any coral reef that is subject to the
9 jurisdiction of a State unless the Governor of
10 that State notifies the appropriate official that
11 the State consents to that application.

12 “(B) REVOCATION OF CONSENT.—The
13 governor of a State may revoke consent under
14 subparagraph (A) by notifying the appropriate
15 official of such revocation.

16 “(6) CONSISTENCY WITH INTERNATIONAL LAWS
17 AND TREATIES.—

18 “(A) IN GENERAL.—Any action taken
19 under the authority of this subsection must be
20 consistent with otherwise applicable inter-
21 national laws and treaties.

22 “(B) ACTIONS AUTHORIZED WITH RE-
23 SPECT TO VESSELS.—For purposes of subpara-
24 graph (A), actions authorized under this sub-
25 section include vessel removal, and emergency

1 re-stabilization of a vessel and any coral reef
2 that is impacted by a vessel.

3 “(7) LIABILITY UNDER OTHER PROVISIONS.—
4 Nothing in this title shall alter the liability of any
5 person under any other provision of law.

6 “(f) APPROPRIATE OFFICIAL DEFINED.—In this sec-
7 tion, the term ‘appropriate official’—

8 “(1) except as provided in paragraphs (2) and
9 (3), means the Administrator of the National Oce-
10 anic and Atmospheric Administration;

11 “(2) except as provided in paragraph (3),
12 means the Secretary of the Interior for purposes of
13 application of this section to—

14 “(A) any unit of the National Park Sys-
15 tem;

16 “(B) any unit of the National Wildlife Ref-
17 uge System; or

18 “(C) any Marine National Monument that
19 is designated under the Act of June 8, 1906
20 (34 Stat. 225; 16 U.S.C. 431) (popularly
21 known as the ‘Antiquities Act’) and that is
22 under the administrative jurisdiction of the Sec-
23 retary of the Interior; and

24 “(3) means the Secretary of Commerce, with
25 respect to any coral reef or component thereof that

1 is located in any Marine National Monument des-
2 ignated under the law referred to in paragraph
3 (2)(C) and that is under the administrative jurisdic-
4 tion of the Secretary of Commerce.”.

5 **SEC. 103. NATIONAL PROGRAM.**

6 (a) PURPOSE OF ACT.—Section 202 (16 U.S.C.
7 6401) is amended—

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

11 “(2) to promote the resilience of coral reef eco-
12 systems;”;

13 (2) by amending paragraph (4), as so redesign-
14 ated, to read as follows:

15 “(4) to develop sound scientific information on
16 the condition of coral reef ecosystems and the
17 threats to such ecosystems including large-scale
18 threats related to climate change, such as ocean
19 acidification, to benefit local communities and the
20 Nation, and to the extent practicable to support and
21 enhance management and research capabilities at
22 local management agencies and local research and
23 academic institutions;”;

24 (3) by striking “and” after the semicolon at the
25 end of paragraph (6), as so redesignated, by striking

1 the period at the end of paragraph (7), as so reded-
2 igned, and inserting “; and”, and by adding at the
3 end the following:

4 “(8) to recognize the benefits of healthy coral
5 reefs to island and coastal communities and to en-
6 courage Federal action to ensure, to the maximum
7 extent practicable, the continued availability of those
8 benefits.”.

9 (b) GOALS AND OBJECTIVES OF NATIONAL CORAL
10 REEF ACTION STRATEGY.—Section 203(b)(8) (16 U.S.C.
11 6402(b)(8)) is amended to read as follows:

12 “(8) conservation, including resilience and the
13 consideration of island and local traditions and prac-
14 tices.”.

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

19 (1) in paragraph (3) by striking “and” after
20 the semicolon;

21 (2) in paragraph (4)—

22 (A) by striking “cooperative conservation”
23 and inserting “cooperative research, conserva-
24 tion,”; and

1 (B) by striking “partners.” and inserting
2 “partners, including academic institutions lo-
3 cated in States;”; and

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

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

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

11 (d) CRITERIA FOR APPROVAL OF PROJECT PRO-
12 POSALS.—Section 204(g) (16 U.S.C. 6403(g)) is further
13 amended by striking “or” after the semicolon at the end
14 of paragraph (10), by redesignating paragraph (11) as
15 paragraph (12), and by inserting after paragraph (10) the
16 following:

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

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

21 (1) in subsection (b) (as amended by subsection
22 (b) of this section) by striking “and” after the semi-
23 colon at the end of paragraph (5), by striking the
24 period at the end of paragraph (6) and inserting “;
25 and”, and by adding at the end the following:

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

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

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

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

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

21 “(3) develop standards, protocols and proce-
22 dures for sharing Federal data with State and local
23 government programs and the private sector or aca-
24 demia; and

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

4 **SEC. 104. REPORT TO CONGRESS.**

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

7 **“SEC. 208. REPORT TO CONGRESS.**

8 “Not later than March 1, 2012, and every 5 years
9 thereafter, the Administrator shall submit to the Com-
10 mittee on Commerce, Science, and Transportation of the
11 Senate and the Committee on Natural Resources of the
12 House of Representatives a report describing all activities
13 undertaken to implement the strategy, including—

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

19 “(2) a description of Federal interagency and
20 cooperative efforts with States and non-govern-
21 mental partner organizations to prevent or address
22 overharvesting, coastal runoff, or other anthropo-
23 genic impacts on coral reef ecosystems, including
24 projects undertaken with the Department of the In-
25 terior, the Department of Agriculture, the Environ-

1 mental Protection Agency, and the Army Corps of
2 Engineers;

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

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

11 “(5) an assessment of the condition of United
12 States coral reefs, accomplishments under this Act,
13 and the effectiveness of management actions to ad-
14 dress threats to coral reefs, including actions taken
15 to address large-scale threats to coral reef eco-
16 systems related to climate change.”.

17 **SEC. 105. FUND; GRANTS; GROUNDING INVENTORY; CO-**
18 **ORDINATION.**

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

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

23 “(1) to support partnerships between the public
24 and private sectors that further the purposes of this

1 Act and are consistent with the national coral reef
2 strategy under section 203; and

3 “(2) to address emergency response actions
4 under section 206.”;

5 (2) by adding at the end of section 205(b) (16
6 U.S.C. 6404(b)) the following: “The organization is
7 encouraged to solicit funding and in-kind services
8 from the private sector, including nongovernmental
9 organizations, for emergency response actions under
10 section 206 and for activities to prevent damage to
11 coral reefs, including areas identified in section
12 210(b)(2).”;

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

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

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

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

20 “(a) IN GENERAL.—The Administrator may make
21 grants to entities that are eligible to receive grants under
22 section 204(c) to provide additional funds to such entities
23 to work with local communities and through appropriate
24 Federal and State entities to prepare and implement plans
25 for the increased protection of coral reef areas identified

1 by the community and scientific experts as high priorities
2 for focused attention. The plans shall—

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

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

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

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

10 “(5) build upon local approaches or models, in-
11 cluding traditional or island-based resource manage-
12 ment concepts; and

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

15 “(b) **TERMS AND CONDITIONS.**—The provisions of
16 subsections (b), (d), (f), and (h) of section 204 apply to
17 grants under subsection (a), except that, for the purpose
18 of applying section 204(b)(1) to grants under this section,
19 ‘75 percent’ shall be substituted for ‘50 percent’.

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

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

25 “(1) the impacts to such resources;

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

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

5 “(4) the response action taken by the owner,
6 the Administrator, the Commandant of the Coast
7 Guard, or other Federal or State agency representa-
8 tives;

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

13 “(6) recommendations for additional naviga-
14 tional aids or other mechanisms for preventing fu-
15 ture grounding incidents.

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

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

23 “(2) identify appropriate measures, including
24 action by other agencies, to reduce the likelihood of
25 such impacts; and

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

5 **“SEC. 211. REGIONAL, STATE, AND TERRITORIAL COORDI-**
6 **NATION.**

7 “(a) REGIONAL COORDINATION.—The Secretary and
8 other Federal members of the United States Coral Reef
9 Task Force shall work in coordination and collaboration
10 with other Federal agencies and States to implement the
11 strategies developed under section 203, including regional
12 and local strategies, to address multiple threats to coral
13 reefs and coral reef ecosystems such as coastal runoff, ves-
14 sel impacts, and overharvesting.

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

23 “(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—
24 All cooperative enforcement agreements in place between
25 the Secretary and States affected by this title shall be up-

1 dated to include enforcement of this title where appro-
2 priate.

3 **“SEC. 212. AGREEMENTS.**

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

8 “(b) FUNDING.—Under an agreement entered into
9 under subsection (a), the Secretary may fulfill the terms
10 of the agreement by reimbursing or providing appro-
11 priated funds to, and may receive funds or reimburse-
12 ments from, Federal agencies, instrumentalities and lab-
13 oratories; State and local governments; Native American
14 tribes and organizations; international organizations; for-
15 eign governments; universities and research centers; edu-
16 cational institutions; nonprofit organizations; commercial
17 organizations; and other public and private persons or en-
18 tities, as necessary for purposes identified in section 202
19 and actions taken under subsections (a) through (d) of
20 section 206.

21 “(c) MULTIYEAR COOPERATIVE AGREEMENTS.—The
22 Administrator may enter into multiyear cooperative agree-
23 ments with the heads of other Federal agencies, States,
24 local governments, academic institutions, including marine
25 laboratories and coral reef institutes, and nongovern-

1 mental organizations to carry out the activities of the na-
2 tional coral reef action strategy developed under section
3 203 and to implement regional strategies developed pursu-
4 ant to section 211.

5 “(d) USE OF OTHER AGENCIES’ RESOURCES.—For
6 purposes related to the conservation, preservation, protec-
7 tion, restoration, or replacement of coral reefs or coral reef
8 ecosystems and the enforcement of this title, the Adminis-
9 trator is authorized to use, with their consent and with
10 or without reimbursement, the land, services, equipment,
11 personnel, and facilities of any Department, agency, or in-
12 strumentality of the United States, or of any State, local
13 government, or Indian tribal government, or of any polit-
14 ical subdivision thereof, or of any foreign government or
15 international organization.

16 **“SEC. 213. INTERNATIONAL CORAL REEF CONSERVATION**
17 **STRATEGY.**

18 “(a) INTERNATIONAL CORAL REEF ECOSYSTEM
19 STRATEGY.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of the Coral Reef Conserva-
22 tion Act Reauthorization and Enhancement Amend-
23 ments of 2011, the Secretary shall submit to the
24 Committee on Commerce, Science, and Transpor-
25 tation of the Senate and the Committee on Natural

1 Resources and the Committee on Foreign Affairs of
2 the House of Representatives, and publish in the
3 Federal Register, an international coral reef eco-
4 system strategy, consistent with the purposes of this
5 title and the national strategy required pursuant to
6 section 203(a). The Secretary shall periodically re-
7 view and revise this strategy as necessary.

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

10 “(A) identify coral reef ecosystems
11 throughout the world that are of high value for
12 United States marine resources, that support
13 high-seas resources of importance to the United
14 States such as fisheries, or that support other
15 interests of the United States;

16 “(B) summarize existing activities by Fed-
17 eral agencies and entities described in sub-
18 section (b) to address the conservation of coral
19 reef ecosystems identified pursuant to subpara-
20 graph (A);

21 “(C) establish goals, objectives, and spe-
22 cific targets for conservation of priority inter-
23 national coral reef ecosystems;

24 “(D) describe appropriate activities to
25 achieve the goals and targets for international

1 coral reef conservation, in particular those that
2 leverage activities already conducted under this
3 title;

4 “(E) develop a plan to coordinate imple-
5 mentation of the strategy with entities de-
6 scribed in subsection (b) in order to leverage
7 current activities under this title and other con-
8 servation efforts globally;

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

12 “(G) develop criteria for prioritizing part-
13 nerships under subsection (c).

14 “(b) COORDINATION.—In carrying out this section,
15 the Secretary shall consult with the Secretary of State,
16 the Administrator of the Agency for International Devel-
17 opment, the Secretary of the Interior, and other relevant
18 Federal agencies, and relevant United States stakeholders,
19 and shall take into account coral reef ecosystem conserva-
20 tion initiatives of other nations, international agreements,
21 and intergovernmental and nongovernmental organiza-
22 tions so as to provide effective cooperation and efficiencies
23 in international coral reef conservation. The Secretary
24 may consult with the United States Coral Reef Task Force
25 in carrying out this subsection.

1 “(c) INTERNATIONAL CORAL REEF ECOSYSTEM
2 PARTNERSHIPS.—

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

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

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

18 “(d) PRIORITY FOR CERTAIN PROJECTS CONDUCTED
19 BY STATES.—In implementing this section, the Secretary
20 shall give priority consideration to regional initiatives and
21 projects that States are participating in with other na-
22 tions.

23 **“SEC. 214. PERMITS.**

24 “(a) IN GENERAL.—The Administrator may, in ac-
25 cordance with this section and regulations issued under

1 this title, issue a permit authorizing the conduct of bona
2 fide research.

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

6 “(c) TERMS AND CONDITIONS.—The Administrator
7 may place any terms and conditions on a permit issued
8 under this section that the Administrator deems reason-
9 able.

10 “(d) FEES.—

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

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

17 “(A) all costs incurred, or expected to be
18 incurred, by the Administrator in processing
19 the permit application, including indirect costs;
20 and

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

1 “(3) USE OF FEES.—Amounts collected by the
2 Administrator in the form of fees under this section
3 shall be collected and available for use only to the
4 extent provided in advance in appropriations Acts
5 and may be used by the Administrator for issuing
6 and administering permits under this section.

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

10 “(A) accept in-kind contributions in lieu of
11 a fee; or

12 “(B) waive or reduce the fee.

13 “(e) FISHING.—Nothing in this section shall be con-
14 sidered to require a person to obtain a permit under this
15 section for the conduct of any fishing activity that is not
16 prohibited by this title or regulations issued under this
17 title.

18 **“SEC. 215. REGULATIONS; APPLICATION IN ACCORDANCE**
19 **WITH INTERNATIONAL LAW.**

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

23 “(b) RELATIONSHIP TO INTERNATIONAL LAW.—This
24 title and any regulations promulgated under this title shall
25 be applied in accordance with international law. No re-

1 strictions shall apply to or be enforced against a person
2 who is not a citizen, national, or resident alien of the
3 United States (including foreign flag vessels) unless in ac-
4 cordance with international law.”.

5 **SEC. 106. CLARIFICATION OF DEFINITIONS.**

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

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

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

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

20 “(B) mapping;

21 “(C) monitoring of coral reef ecosystems;

22 “(D) development and implementation of
23 management strategies for marine protected
24 area or networks thereof and marine resources
25 consistent with the National Marine Sanc-

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

4 “(E) law enforcement;

5 “(F) conflict resolution initiatives;

6 “(G) community outreach and education;

7 and

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

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

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

14 “(A) all species of the orders Antipatharia
15 (black corals), Scleractinia (stony corals),
16 Gorgonacea (horny corals), Stolonifera (organ-
17 pipe corals and others), Alcyonacea (soft cor-
18 als), and Helioporacea (blue coral), of the class
19 Anthozoa; and

20 “(B) all species of the families Milleporidae
21 (fire corals) and Stylasteridae (stylasterid
22 hydrocorals), of the class Hydrozoa.”;

23 (3) by amending paragraph (4) to read as fol-
24 lows:

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

6 (4) by amending paragraph (5) to read as fol-
7 lows:

8 “(5) CORAL REEF ECOSYSTEM.—The term
9 ‘coral reef ecosystem’ means a system of coral reefs
10 and geographically associated species, habitats, and
11 environment, including mangroves and seagrass
12 habitats, and the processes that control its dynam-
13 ics.”; and

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

17 “(7) CORAL REEF COMPONENT.—The term
18 ‘coral reef component’ means any part of a coral
19 reef, including individual living coral, skeletal re-
20 mains of coral, and other associated sessile marine
21 plants and animals, and any adjacent or associated
22 seagrasses.”.

1 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 217, as redesignated by section 105 of this
3 Act (relating to authorization of appropriations; 16 U.S.C.
4 6408), is further amended—

5 (1) by amending subsection (a) to read as fol-
6 lows:

7 “(a) IN GENERAL.—There are authorized to be ap-
8 propriated to the Secretary of Commerce to carry out this
9 title \$30,000,000 for fiscal year 2011, \$32,000,000 for
10 fiscal year 2012, \$34,000,000 for fiscal year 2013, and
11 \$35,000,000 for fiscal years 2014 and 2015.”;

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

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

16 “(c) MANAGEMENT AND PLANNING.—There is au-
17 thorized to be appropriated to the Administrator
18 \$7,000,000 for each of fiscal years 2011 through 2015
19 to remain available until expended—

20 “(1) to provide grants under section 209; and

21 “(2) to provide grants to States to strengthen
22 coral reef and coral reef ecosystem management ca-
23 pabilities.”; and

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

1 “(d) DEPARTMENT OF THE INTERIOR.—There is au-
2 thORIZED to be appropriated to the Secretary of the Interior
3 to carry out this Act \$5,000,000 for each of fiscal years
4 2011 through 2015.”.

5 **TITLE II—UNITED STATES**
6 **CORAL REEF TASK FORCE**

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

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

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

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

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

21 (2) to monitor and advise regarding implemen-
22 tation of the policy and Federal agency responsibil-
23 ities set forth in Executive Order 13089 and the na-
24 tional coral reef action strategy developed under sec-

1 tion 203 of the Coral Reef Conservation Act of
2 2000, as amended by this Act; and

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

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

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

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

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

20 (2) the Administrator of the Agency of Inter-
21 national Development;

22 (3) the Secretary of Agriculture;

23 (4) the Secretary of Defense;

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

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

1 (e) NONVOTING MEMBERS.—The President, or a rep-
2 resentative of the President, of each of the Freely Associ-
3 ated States of the Federated States of Micronesia, the Re-
4 public of the Marshall Islands, and the Republic of Palau
5 may appoint a nonvoting member of the Task Force.

6 (f) RESPONSIBILITIES OF FEDERAL AGENCY MEM-
7 BERS.—

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

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

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

15 (C) assist in the implementation of the Na-
16 tional Action Plan to Conserve Coral Reefs, the
17 national coral reef action strategy developed
18 under section 203 of the Coral Reef Conserva-
19 tion Act of 2000, as amended by this Act, the
20 local action strategies, and any other coordi-
21 nated efforts approved by the Task Force.

22 (2) CO-CHAIRS.—In addition to their respon-
23 sibilities under paragraph (1), the co-chairs of the
24 Task Force shall administer performance of the
25 functions of the Task Force and facilitate the co-

1 ordination of the Federal agency members of the
2 Task Force.

3 (g) WORKING GROUPS.—

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

9 (2) PARTICIPATION BY NONGOVERNMENTAL OR-
10 GANIZATIONS.—The co-chairs may allow a non-
11 governmental organization or academic institution to
12 participate in such a working group.

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

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

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

21 **SEC. 301. CORAL REEF CONSERVATION ASSISTANCE.**

22 (a) IN GENERAL.—The Secretary of the Interior may
23 provide technical assistance and, subject to the availability
24 of appropriations, financial assistance for the conservation
25 of coral reefs.

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

5 **SEC. 302. NATIONAL CORAL REEF ACTION STRATEGY.**

6 Section 203(a) (16 U.S.C. 6402(a)) is amended by
7 inserting “and the Secretary of the Interior” after “the
8 Administrator”.

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