

Union Calendar No. 157

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2233**

[Report No. 105-277]

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**A BILL**

To assist in the conservation of coral reefs.

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SEPTEMBER 29, 1997

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1997

Mr. SAXTON (for himself and Mr. ABERCROMBIE) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 29, 1997

Additional sponsors: Mr. UNDERWOOD, Mr. GREENWOOD, Mr. GOSS, Mr. FARR of California, Mr. DEUTSCH, Ms. WOOLSEY, Mr. MILLER of California, Mrs. KELLY, Mr. BILBRAY, and Mr. FALEOMAVAEGA

SEPTEMBER 29, 1997

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

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

[For text of introduced bill, see copy of bill as introduced on July 23, 1997]

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## A BILL

To assist in the conservation of coral reefs.

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Coral Reef Conservation*  
3 *Act of 1997”.*

4 **SEC. 2. PURPOSES.**

5 *The purposes of this Act are the following:*

6 (1) *To preserve, sustain, and restore the health*  
7 *of coral reef ecosystems.*

8 (2) *To assist in the conservation and protection*  
9 *of coral reefs by supporting conservation programs.*

10 (3) *To provide financial resources for those pro-*  
11 *grams.*

12 (4) *To establish a formal mechanism for collect-*  
13 *ing and allocating monetary donations from the pri-*  
14 *vate sector to be used for coral reef conservation*  
15 *projects.*

16 **SEC. 3. DEFINITIONS.**

17 *In this Act:*

18 (1) *CORAL.*—*The term “coral” means species of*  
19 *the phylum Cnidaria, including—*

20 (A) *all species of the orders Antipatharia*  
21 *(black corals), Scleractinia (stony corals),*  
22 *Gorgonacea (horny corals), Stolonifera*  
23 *(organpipe corals and others), and Coenothecalia*  
24 *(blue coral), of the class Anthozoa; and*

1                   (B) all species of the order *Hydrocorallina*  
2                   (*fire corals and hydrocorals*), of the class  
3                   *Hydrozoa*.

4                   (2) *CORAL REEF*.—The term “coral reef” means  
5                   any reef or shoal composed primarily of the skeletal  
6                   material of species of the order *Scleractinia* (class  
7                   *Anthozoa*).

8                   (3) *CORAL REEF ECOSYSTEM*.—The term “coral  
9                   reef ecosystem” means the complex of species associ-  
10                  ated with coral reefs and their environment that—

11                   (A) functions as an ecological unit in na-  
12                   ture; and

13                   (B) is necessary for that function to con-  
14                   tinue.

15                   (4) *CORALS AND CORAL PRODUCTS*.—The term  
16                   “corals and coral products” means any living or dead  
17                   specimens, parts, or derivatives, or any product con-  
18                   taining specimens, parts, or derivatives, of any spe-  
19                   cies referred to in paragraph (1).

20                   (5) *CONSERVATION*.—The term “conservation”  
21                   means the use of methods and procedures necessary to  
22                   preserve or sustain corals and species associated with  
23                   coral reefs as diverse, viable, and self-perpetuating  
24                   coral reef ecosystems, including all activities associ-  
25                   ated with resource management, such as conservation,

1       *protection, restoration, and management of habitat;*  
2       *habitat monitoring; assistance in the development of*  
3       *management strategies for marine protected areas*  
4       *and marine resources consistent with the National*  
5       *Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and*  
6       *the Magnuson-Stevens Fishery Conservation and*  
7       *Management Act (16 U.S.C. 1801 et seq.); law en-*  
8       *forcement through community participation; conflict*  
9       *resolution initiatives; and community outreach and*  
10       *education.*

11               (6) *FUND.*—*The term “Fund” means the Coral*  
12       *Reef Conservation Fund established under section*  
13       *5(a).*

14               (7) *SECRETARY.*—*The term “Secretary” means*  
15       *the Secretary of Commerce.*

16       **SEC. 4. CORAL REEF CONSERVATION ASSISTANCE.**

17               (a) *IN GENERAL.*—*The Secretary, subject to the avail-*  
18       *ability of funds, shall use amounts in the Fund to provide*  
19       *grants of financial assistance for projects for the conserva-*  
20       *tion of coral reefs for which final project proposals are ap-*  
21       *proved by the Secretary in accordance with this section.*

22               (b) *PROJECT PROPOSAL.*—*Any relevant natural re-*  
23       *source management authority of a State or territory of the*  
24       *United States or other government jurisdiction with coral*  
25       *reefs whose activities directly or indirectly affect coral reefs,*

1 *or any nongovernmental organization or individual with*  
2 *demonstrated expertise in the conservation of coral reefs,*  
3 *may submit to the Secretary a project proposal under this*  
4 *section. Each proposal shall include the following:*

5           (1) *The name of the individual responsible for*  
6 *conducting the project.*

7           (2) *A succinct statement of the purposes of the*  
8 *project.*

9           (3) *A description of the qualifications of the in-*  
10 *dividuals who will conduct the project.*

11           (4) *An estimate of the funds and time required*  
12 *to complete the project.*

13           (5) *Evidence of support of the project by appro-*  
14 *priate representatives of States or territories of the*  
15 *United States or other government jurisdictions in*  
16 *which the project will be conducted, if the Secretary*  
17 *determines that the support is required for the success*  
18 *of the project.*

19           (6) *Information regarding the source and*  
20 *amount of matching funding available to the appli-*  
21 *cant.*

22           (7) *Any other information the Secretary consid-*  
23 *ers to be necessary for evaluating the eligibility of the*  
24 *project for funding under this Act.*

25           (c) *PROJECT REVIEW AND APPROVAL.—*

1           (1) *IN GENERAL.*—*The Secretary shall review*  
2 *each final project proposal to determine if it meets the*  
3 *criteria set forth in subsection (d).*

4           (2) *CONSULTATION; APPROVAL OR DIS-*  
5 *APPROVAL.*—*Not later than 6 months after receiving*  
6 *a final project proposal, and subject to the availabil-*  
7 *ity of funds, the Secretary shall—*

8           (A) *request written comments on the pro-*  
9 *posal from each State or territory of the United*  
10 *States or other government jurisdiction, includ-*  
11 *ing the relevant regional fishery management*  
12 *councils established under the Magnuson-Stevens*  
13 *Fishery Conservation and Management Act (16*  
14 *U.S.C. 1801 et seq.), within which the project is*  
15 *to be conducted;*

16           (B) *provide for the merit-based peer review*  
17 *of the proposal and require standardized docu-*  
18 *mentation of that peer review;*

19           (C) *after reviewing any written comments*  
20 *and recommendations based on merit review, ap-*  
21 *prove or disapprove the proposal; and*

22           (D) *provide written notification of that ap-*  
23 *proval or disapproval to the person who submit-*  
24 *ted the proposal, and each of those States, terri-*  
25 *ories, and other government jurisdictions.*

1           (d) *CRITERIA FOR APPROVAL.*—*The Secretary may*  
2 *approve a final project proposal under this section if the*  
3 *project will enhance programs for conservation of coral reefs*  
4 *by assisting efforts to—*

5                   (1) *implement conservation programs;*

6                   (2) *address the conflicts arising from the use of*  
7 *environments near coral reefs or from the use of cor-*  
8 *als, species associated with coral reefs, and coral*  
9 *products;*

10                  (3) *enhance compliance with laws that prohibit*  
11 *or regulate the taking of corals, species associated*  
12 *with coral reefs, and coral products or regulate the*  
13 *use and management of coral reef ecosystems;*

14                  (4) *develop sound scientific information on the*  
15 *condition of coral reef ecosystems or the threats to*  
16 *such ecosystems; or*

17                  (5) *promote cooperative projects on coral reef*  
18 *conservation that involve foreign governments, af-*  
19 *ected local communities, nongovernmental organiza-*  
20 *tions, or others in the private sector.*

21           (e) *PROJECT SUSTAINABILITY.*—*In determining*  
22 *whether to approve project proposals under this section, the*  
23 *Secretary shall give priority to projects which promote sus-*  
24 *tainable development and ensure effective, long-term con-*  
25 *servation of coral reefs.*

1           (f) *PROJECT REPORTING.*—Each grantee under this  
2 section shall provide periodic reports, as the Secretary con-  
3 siderers necessary, to the Secretary. Each report shall include  
4 all information required by the Secretary for evaluating the  
5 progress and success of the project.

6           (g) *MATCHING FUNDS.*—In determining whether to  
7 approve project proposals under this section, the Secretary  
8 shall give priority to projects for which there exist matching  
9 funds in the amount of at least 50 percent of the total cost  
10 of each project.

11 **SEC. 5. CORAL REEF CONSERVATION FUND.**

12           (a) *ESTABLISHMENT.*—There is established in the gen-  
13 eral fund of the Treasury a separate account, to be known  
14 as the “Coral Reef Conservation Fund”, which shall consist  
15 of amounts deposited into the Fund by the Secretary of the  
16 Treasury under subsection (b).

17           (b) *DEPOSITS INTO THE FUND.*—The Secretary of the  
18 Treasury shall deposit into the Fund—

19                   (1) all amounts received by the Secretary in the  
20 form of monetary donations under subsection (d); and

21                   (2) other amounts appropriated to the Fund.

22           (c) *USE.*—

23                   (1) *IN GENERAL.*—Subject to paragraph (2), the  
24 Secretary may use amounts in the Fund without fur-

1        *ther appropriation to provide assistance under section*  
2        *4.*

3                (2) *ADMINISTRATION.—Of amounts in the Fund*  
4        *available for each fiscal year, the Secretary may use*  
5        *not more than 3 percent to administer the Fund.*

6        (d) *ACCEPTANCE AND USE OF MONETARY DONA-*  
7        *TIONS.—The Secretary may accept and use monetary dona-*  
8        *tions to provide assistance under section 4. Amounts re-*  
9        *ceived by the Secretary in the form of donations shall be*  
10       *transferred to the Secretary of the Treasury for deposit into*  
11       *the Fund.*

12       **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

13        *There are authorized to be appropriated to the Fund*  
14       *\$1,000,000 for each of fiscal years 1998, 1999, 2000, 2001,*  
15       *and 2002 to carry out this Act, which may remain avail-*  
16       *able until expended.*