



# CONGRESSWOMAN MADELEINE Z. BORDALLO

*Representing the people of Guam*

## DISCUSSION DRAFT: *Coral Reef Conservation Reauthorization Act*

**Original Cosponsors (to date):** Reps. Darren Soto (D-FL), Debbie Wasserman Schultz (D-FL), Alcee L. Hastings (D-FL), Charlie Crist (D-FL), Kathy Castor (D-FL), Colleen Hanabusa (D-HI), Tulsi Gabbard (D-HI)

### Endorsements (to date):

- Oceana
- National Association of Marine Laboratories
- Association of Zoos and Aquariums
  - Florida Aquarium (Tampa, FL)
  - National Aquarium (Baltimore, MD)
  - Monterey Bay Aquarium (CA)
- SeaWorld Parks & Entertainment, Inc.
- The Ocean Foundation
- Consortium for Ocean Leadership
- Surfrider Foundation
- SCORE International, Inc.
- National Estuarine Research Reserve Association
- Project AWARE
- Reef Check Foundation
- Coral Vita
- Micronesia Conservation Trust

### BILL SUMMARY

#### Reauthorizes the *Coral Reef Conservation Act*

- Reauthorizes and amends the *Coral Reef Conservation Act of 2000* ([Title II of Public Law 106-562](#)) to improve the National Oceanic and Atmospheric Administration's ([NOAA](#)) [coral reef programs](#).
- **Section 102:** Requires regular updates to the [National Coral Reef Action Strategy](#), following consultation with the [U.S. Coral Reef Task Force](#) and public comment.
- **Section 103:** Expands federal grant making for local coral reef projects, including conservation and restoration efforts.
- **Section 103:** Establishes new federal grant opportunities for community-based coral reef conservation planning and scientific research on coral reef biodiversity, including classification of coral species and genetic research.

#### Provides Dedicated Funding for Coral Reef Conservation

- **Title II:** Establishes a new **Coral Reef Conservation Fund** within the U.S. Treasury supported by offshore royalty revenue to provide dedicated funding for coral reef projects, *at no expense to American taxpayers*.

- Does not affect any funding allocated for: the Land and Water Conservation Fund (**LWCF**); the Historic Preservation Fund (**HPF**); or federal revenue-sharing with states under the *Gulf of Mexico Energy Security Act* (**GOMESA**) of 2006.
- **Section 107:** Authorizes public-private partnership between NOAA and the Congressionally chartered nonprofit [National Fish and Wildlife Foundation](#) (NFWF) to strengthen coral reef conservation grant opportunities.
- **Section 108(k):** Directs any fines, penalties, and amounts recovered from damages to federally protected coral reefs to support conservation, *at no expense to taxpayers*.
- **Section 110:** Increases authorization for coral reef program to at least \$27.1 million annually. 2000 statute authorized at \$10 million but Congress has appropriated at \$26 million since at least FY2009.
- **Section 110:** Also authorizes Congress to appropriate additional funding, if deposits into the Coral Reef Conservation Fund exceed \$27.1 million in a given fiscal year.

#### **Strengthens Federal Response to Coral Reef Emergencies (Section 104)**

- Requires government-wide response to coral reef emergencies, including vessel groundings, natural disasters, bleaching events, harmful algal blooms, and unexploded ordinance.
- Clarifies NOAA's responsibility to help restore, repair, or recover coral reefs impacted by emergencies.
- Authorizes federal government to reimburse states/territories for response costs/assistance to coral reef emergencies.

#### **Minimizes Accidental Vessel Groundings/Impacts on Coral Reefs (Section 105(3))**

- Authorizes NOAA to maintain a nationwide inventory of vessel groundings, strikes and other incidents that damage coral reefs.
- This public inventory, available online, will increase transparency and accountability and help policymakers to identify coral reefs most at-risk for vessel impacts to reduce such likelihoods.
- Requires NOAA and other federal agencies to identify practicable steps to reduce vessel groundings, impacts, and accidents that harm coral reefs.

#### **Protects Coral Reefs Nationwide**

- **Section 108:** Clarifies liability for damage to federally protected coral reefs from vandalism or outright negligence.
- Provides same penalties as damages to publicly owned resources within designated national marine sanctuaries for all coral reefs under federal jurisdiction.

- Exempts coral reef damage caused by normal fishing practices, activities authorized by federal or state law/permits like vessel discharges, bona fide scientific research, necessary emergency actions, or any activity for national security, law enforcements, or search/rescue.
- **Section 112:** Provides updated statutory definitions for “coral,” “coral reef,” and “coral reef ecosystems.” Importantly, updated definition for “coral” now includes hard *and* soft corals.

### **Authorizes the U.S. Coral Reef Task Force**

- **Section 109:** Provides Congressional authorization for the [U.S. Coral Reef Task Force](#), which includes relevant federal agencies, the states of Florida and Hawaii, and 5 U.S. territories (GU, CNMI, PR, AS, and USVI).
- Ensures representation on the Task Force for [regional fishery management councils](#) (Western Pacific, Gulf of Mexico, South Atlantic, and Caribbean) as non-voting members.
- **Sections 102 & 103:** Strengthens the Task Force’s role in determining the [National Coral Reef Action Strategy](#) and priorities for federally funded coral reef projects.

### **Authorizes Interior Department’s Coral Reef Programs (Title III)**

- **Section 301:** Authorizes the U.S. Department of the Interior to carry out near-shore coral reef conservation activities in federal waters, including coral reefs within national parks, wildlife refuges, or marine national monuments.
- **Section 302:** Also extends protections to coral reefs within National Wildlife Refuge System, allowing the U.S. Fish and Wildlife Service (USFWS) to secure compensation for willful vandalism of publicly owned coral reef resources.
- Currently, the USWFS is the only federal land management agency lacking explicit statutory authority to seek such compensation from at-fault parties that injure or destroy publicly owned resources, like coral reefs, within the National Wildlife Refuge System.

### **Sets National Standards for Artificial Reef Projects (Title IV)**

- **Section 401:** Requires that all federally funded artificial reef projects be consistent with the [National Coral Reef Action Strategy](#) and not infringe upon natural coral reef ecosystems or commercial/recreational fisheries.
- Ensures that *only* environmentally responsible artificial reef projects can receive federal support/funding.
- Amends the *National Fishing Enhancement Act of 1984* ([Title II of Public Law 98-623](#)) to make U.S. territories eligible for federal funding and assistance for artificial reef projects under the [National Artificial Reef Plan](#).

- Authorizes NOAA and U.S. Department of the Interior to accept *donated* vessels, aircraft, offshore rigs, or other man-made structures suitable for artificial reef habitat for coral and other marine life.
- Mandates that all donated structures first be properly decommissioned, including removing any potential hazards to the marine environment.
- **Section 402:** Directs NOAA and the U.S. Department of the Interior to develop and finalize guidelines for suitable structures/materials for artificial reefs. These guidelines will help prevent artificial reef projects being used as pretense to dump trash into the ocean.

### **Support Reef Fisheries & Combats Invasive Lionfish**

- **Section 501:** Prioritizes [stock assessments](#) under the *Magnuson-Stevens Act* for economically important coral reef fisheries
- **Section 502:** Adds lionfish species, [highly invasive in Atlantic and Caribbean coral ecosystems](#), to the federal list of species prohibited from being imported into or transported in the United States.
- Exempts dead lionfish or lionfish products, which pose no invasive species risk, from the above prohibition on importation or shipment.