



June 19, 2000

The Honorable Don Young
Chairman, Committee on Resources
U.S. House of Representatives
Washington, D.C. 20515-6201

Dear Mr. Chairman:

This letter sets forth the views of the Administration on H.R. 3919, the "Coral Reef Conservation and Restoration Act of 2000," and the Chairman's amendments, dated May 1, 2000.

The Administration continues to support the proposed changes in the enclosed letter dated April 4, 2000, suggesting modifications that would enhance the bill's purposes of conservation and protection of coral reefs and coral reef ecosystems. Specifically, the Administration continues to support language in the "Saxton amendments" which reads:

"4(c) AUTHORITIES NOT AFFECTED. — Nothing in this Act shall affect any authority granted by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to the Secretary or to any Regional Fishery Management Council established by that Act."

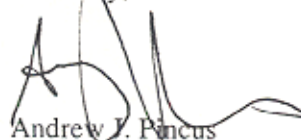
We urge the Committee to adopt this amendment to H.R. 3919. The Administration strongly supports H.R. 3919, with the exception of Section 4(c), and applauds the Committee for its leadership in providing states and local communities with the tools they desperately need to address declining coral reefs. We are especially appreciative of the establishment of a national coral program and the codification of the Coral Reef Task Force.

However, the Administration remains strongly opposed to Section 4(c) as reported by the Subcommittee and your proposed amendment which would address fishery management issues in H.R. 3919 and could jeopardize its passage.

Finally, the Administration is encouraged that \$14 million is authorized under H.R. 3919. However, the President's FY 2001 budget request includes \$16 million for the Department of Commerce's National Oceanic and Atmospheric Administration to support comprehensive coral conservation similar to that under H.R. 3919, and we suggest the authorization for H.R. 3919 be revised accordingly.

The Office of Management and Budget has advised the Department that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration's program.

Sincerely,



Andrew J. Pincus

Enclosure

cc: The Honorable George Miller

EN BLOC AMENDMENTS TO H.R. 3919
OFFERED BY MR. YOUNG OF ALASKA

Page 2, line 23, strike "conservation" and insert "conservation,".

Page 8, beginning at line 7, strike "and the scientific community" and insert ", the scientific community, and any affected Regional Fishery Management Council established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)".

Page 8, strike lines 10 through 15 and insert the following:

- 1 (5) IMPLEMENTATION.—(A) Subject to sub-
- 2 paragraph (B), the head of any agency or depart-
- 3 ment of the Federal Government that takes an ac-
- 4 tion that may affect a coral reef ecosystem in the
- 5 United States shall, to the maximum extent prac-
- 6 ticable, ensure that—
- 7 (i) such agency or department, respec-
- 8 tively, supports and implements the policies,

Page 8, beginning at line 22, strike "such agencies will not unnecessarily" and insert "the agency or department will not".

Page 8, lines 21 through 24, move clause (ii) 2 ems to the left.

Page 9, strike lines 1 through 4 and insert the following:

1 (B) Subparagraph (A) shall not apply—

Page 9, lines 5 through 19, move clauses (i) through (iv) 2 ems to the left.

Page 10, line 8, insert “and provisions” after “purposes”.

Page 10, line 14, strike “3 years” and insert “2 years”.

Page 12, strike lines 1 through 7 and insert the following:

2 (1) IN GENERAL.—Subject to paragraphs (2),
3 (3), and (4), and notwithstanding any other provi-
4 sion of law, the Secretary has exclusive authority for
5 managing fish (as such term is defined in section 3
6 of the Magnuson-Stevens Fishery Conservation and
7 Management Act (16 U.S.C. 1802)) in the exclusive
8 economic zone (as such term is defined in that sec-
9 tion).

10 (2) AUTHORITIES NOT AFFECTED.—Paragraph
11 (1) does not affect any authority vested in the Sec-

- 1 retary of the Interior on the date of enactment of
- 2 this Act by the National Wildlife Refuge System Ad-
- 3 ministration Act of 1966 (16 U.S.C. 668dd et seq.).

Page 12, line 8, strike "(2)" and insert "(3)".

Page 12, line 11, strike "(3)" and insert "(4)".

Page 19, line 13, after "in" insert "implementing
conservation measures and".

Page 19, line 19, strike "\$14,000,000" and insert
"\$15,000,000".



APR - 4 2000

The Honorable Don Young
Chairman, Committee on Resources
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Washington, D.C. 20515-6201

Dear Mr. Chairman:

This letter sets forth the views of the Department of Commerce on H.R. 3919, the "Coral Reef Conservation and Restoration Act of 2000", and amendments dated March 31, 2000, to be offered by Subcommittee Chairman Jim Saxton at the full Resources Committee mark-up. The Department strongly supports H.R. 3919 with the Saxton amendments. This legislation provides a mechanism to comprehensively conserve and protect coral reefs and coral reef ecosystems, and supports local efforts to achieve these purposes.

H.R. 3919 would provide much needed assistance to localities to support coral conservation efforts. The Department supports the type of grant program and conservation fund created by section 5 of H.R. 3919. However, we have a few concerns regarding the match requirement in section 5(f), which are described in the enclosure.

The Department also supports the establishment of the Coral Reef Task Force, which the Department views as a legislative codification, and not a duplication of the existing Coral Reef Task Force established under Executive Order 13089. Support for the Coral Reef Task Force will ensure that its beneficial actions continue.

The Department strongly supports the national program under section 6. As approximately 60% of coral reefs are found in Federal waters, the Federal Government has significant responsibilities in conserving these resources. The Department is currently providing assistance to the States in a number of areas, and continued assistance is necessary to improve the health of coral reefs and coral reef ecosystems.

Finally, the Department is encouraged that \$14 million is authorized under H.R. 3919. However, the President's FY 2001 budget request includes \$16 million for NOAA to support comprehensive coral conservation similar to that under H.R. 3919, and we suggest the authorization for H.R. 3919 be revised accordingly.

Enclosed with this letter are a few comments that the Department has determined would enhance the bill's purpose of conservation and protection of coral reefs and coral reef ecosystems. We appreciate your consideration of these comments.

The Office of Management and Budget has advised the Department that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration's program.

Sincerely,

Scott Gudes

Enclosure



We strongly suggest the definition of "Coral Reef" in section 3 be revised to read "The term 'coral reef' means any reef or shoal whose surface includes significant representation of coral." As currently defined, it is narrower than how section 3 defines the term "Coral", and could result in unduly limiting the conservation and protection provided by H.R. 3919.

While we support that in-kind services may be provided as the non-Federal contribution under section 5, there may be instances where a particular project may warrant a higher level of Federal support. Consequently, we suggest that section 5(f) be revised to provide the Secretary discretion to reduce the 50% match when warranted. Further, section 5(f)(2) provides discretion to reduce or waive match for projects less than \$20,000. However, only projects proposed by and carried out by a local or State government are eligible. As all project proposals must include "[e]vidence of support by appropriate representatives of the State and local jurisdictions in which the project will be conducted..." (sec. 5(d)(5)), we suggest that educational institutions and nonprofit organizations with expertise in coral reef conservation also be eligible under section 5(f)(2), as these types of entities have demonstrated, and in some instances, led efforts to improve the state of our coral reefs and coral reef ecosystems. In addition, the Department suggests that eligible projects listed in section 5(c) be expanded to include education and outreach activities as this is a major priority of the Coral Reef Task Force and of the states involved with the Task Force.

The Federal Government has significant responsibilities for coral reef conservation, particularly in providing technical and other non-financial assistance and support to state, territory and local governments. In FY 2000, the Department will allocate approximately 50%, or \$3 million, of its funds toward the support of state, territory and local government efforts to conserve coral reefs. Of these funds, \$1 million will go directly to the states and territories in the form of grants. The remaining 50%, or \$3 million, will support the Department's coral reef conservation activities in the areas of mapping, monitoring and management. H.R. 3919 allocation of 25% would actually be a reduction in support for national efforts currently undertaken by the Department. Consequently, we strongly suggest that the allocation for the national program be raised to 40%. These additional funds are needed to continue Federal efforts in mapping, monitoring and management of coral reefs.

Further, section 4(a)(4)(B) authorizes the Task Force to establish advisory committees. Advisory committees under this section may be subject to the requirements of the Federal Advisory Committee Act (FACA). We suggest there be an express limited-time exemption from FACA included in section 4 for purposes of completing the requirements of Sec. 4(b)(1) and Sec. 4(b)(3), with the addition of specific provisions included to ensure meetings are open to the public, and that advisory committees are balanced and represent a broad range of private and public interests.