



APR - 4 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 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



COMMENTS ON H.R. 3919

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.

Identical Letter Sent to:

The Honorable George Miller
Ranking Member, Committee on Resources