

OCEANS ACT OF 1998

SEPTEMBER 15, 1998.—Ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3445]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3445) to establish the Commission on Ocean Policy, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 1998".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) **COMMISSION.**—The term "Commission" means the Commission on Ocean Policy established under section 4.

(2) **COASTAL STATE.**—The term "coastal State" means a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes.

(3) **MARINE ENVIRONMENT.**—The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters and nearshore salt-water estuaries;

(B) the continental shelf; and

(C) the Great Lakes.

(4) **OCEAN AND COASTAL ACTIVITIES.**—The term "ocean and coastal activities" includes activities consisting of, affecting, or otherwise related to oceanography, fisheries, or the management or use of any ocean and coastal resource. The term does not include military operations and training.

(5) OCEAN AND COASTAL RESOURCE.—The term “ocean and coastal resource” means any living or nonliving natural, historic, or cultural resource or mineral found in the marine environment.

(6) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 3. EXECUTIVE RESPONSIBILITIES.

(a) NATIONAL OCEAN AND COASTAL POLICY.—The Congress and the President, after receiving and considering the report of the Commission under section 4, shall develop and propose a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States, including a plan to meet the resource monitoring and assessment facilities and equipment requirements of Federal ocean and coastal programs.

(b) BIENNIAL REPORT.—Beginning in January 1999, the President shall transmit to the Congress biennially a report that shall include a detailed listing of all existing Federal programs relating to ocean and coastal activities, including a description of each program, the current funding for the program, and a projection of the funding level for the program for each of the following 5 fiscal years.

(c) BUDGET COORDINATION.—Each agency or department involved in ocean and coastal activities shall include with its annual request for appropriations a report that identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities.

(d) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President—

(1) may use such staff, interagency, and advisory arrangements as the President finds necessary and appropriate; and

(2) shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 4. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established the Commission on Ocean Policy.

(2) MEMBERSHIP.—(A) The Commission shall be composed of 16 members appointed by the President from among individuals who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(B) Of the members of the Commission appointed under this paragraph—

(i) 4 shall be appointed from a list of 8 individuals who shall be recommended by the majority leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation;

(ii) 4 shall be appointed from a list of 8 individuals who shall be recommended by the Speaker of the House of Representatives in consultation with the Chairman of the Committee on Resources;

(iii) 2 shall be appointed from a list of 4 individuals who shall be recommended by the minority leader of the Senate in consultation with the ranking member of the Senate Committee on Commerce, Science, and Transportation; and

(iv) 2 shall be appointed from a list of 4 individuals who shall be recommended by the minority leader of the House of Representatives in consultation with the ranking member of the Committee on Resources.

(C) The members of the Commission shall be appointed for the life of the Commission by not later than 90 days after the date of the enactment of this Act.

(3) FIRST MEETING.—The Commission shall hold its first meeting within 30 days after it is established.

(4) CHAIR.—The Commission shall elect one of its members as Chair.

(b) REPORT.—

(1) IN GENERAL.—The Commission shall submit to the Congress and the President, by not later than 18 months after the date of the establishment of

the Commission, a final report of its findings and recommendations regarding United States ocean policy.

(2) PUBLIC AND STATE REVIEW.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that the draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committee on Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(3) FINAL REPORT CONTENTS, GENERALLY.—Subject to paragraph (4), the final report of the Commission shall include recommendations for the responsible use and stewardship of ocean and coastal resources, including the following:

(A) Recommendations for any modifications to United States laws, regulations, and the administrative structure of the Executive agencies, that are necessary to improve the understanding, management, conservation, and use of ocean and coastal resources.

(B) An assessment of the condition and adequacy of existing and planned facilities associated with ocean and coastal activities, including human resources, vessels, computers, satellites, and other appropriate platforms and technologies, and recommendations for investments and improvements in those facilities.

(C) A review of existing and planned ocean and coastal activities of Federal entities, and recommendations for changes in such activities necessary to reduce duplication of Federal efforts.

(D) A review of the cumulative effect of Federal laws and regulations on United States ocean policy, an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect the conduct of ocean and coastal activities, and recommendations for resolving any such inconsistencies. In particular, this portion of the report shall include an examination of the relationship between the fisheries development and fisheries conservation responsibilities of the National Marine Fisheries Service.

(E) A review of the known and anticipated supply of and demand for ocean and coastal resources of the United States.

(F) A review of the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities, and recommendations for enhancing the role of State and local governments.

(G) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(H) A review of previous and ongoing State efforts and Federal efforts to enhance the effectiveness and integration of ocean activities, including those occurring offshore and in nearshore saltwater estuaries.

(4) STATE COMMENTS.—The Commission shall include in the final report comments received from the Governor of any coastal State regarding recommendations in the draft report that apply to areas within the boundaries of that coastal State.

(5) CONSIDERATION OF FACTORS.—In making its assessments and reviews and developing its recommendations, the Commission shall give full and balanced consideration to environmental, technical, economic, and other relevant factors, with an equal opportunity for all parties to present a fair and reasonable case for unbiased consideration by the Commission. All recommendations should consider effects on private property. Any data used by the Commission in making its recommendations for regulations shall be peer reviewed.

(6) LIMITATION ON RECOMMENDATIONS.—The Commission shall not make any specific recommendations with respect to lands and waters within the boundary of any State located north of 51 degrees North latitude, or with respect to lands and waters within the State of Idaho.

(c) DUTIES OF THE CHAIR.—In carrying out the provisions of this section, the Chair of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION.—Members of the Commission shall, subject to the availability of appropriations, when engaged in the actual performance of duties of the Commission, receive reimbursement of travel expenses, including per diem in lieu of subsistence as authorized for persons employed intermittently in the Government service under section 3109 of title 5, United States Code.

(e) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chair of the Commission may, with the consent of the Commission and without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The executive director shall, subject to the availability of appropriations, be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for GS–15, step 7, of the General Schedule under section 5332 of such title.

(3) DETAILEES.—Upon a request of the Chair of the Commission made after consulting with the head of any Federal agencies responsible for managing ocean and coastal resources, the head of any such Federal agency may detail appropriate personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) EXPERTS AND CONSULTANTS.—To the extent that funds are available, and subject to such rules as may be prescribed by the Commission, the executive director of the Commission may procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS–15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) MEETINGS.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present written statements or oral statements at the discretion of the Commission on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) NOTICE OF MEETINGS.—All open meetings of the Commission shall be preceded by timely public notice, including notice in the Federal Register, of the time, place, and subject of the meeting.

(3) MINUTES AND OTHER RECORDS.—(A) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to restrictions set forth in section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(B) The Commission shall have at least one meeting in each of the following 6 geographic regions of the United States:

- (i) The Northeast.
- (ii) The Southeast.
- (iii) The Southwest.
- (iv) The Northwest.
- (v) The Great Lakes States.
- (vi) The Gulf of Mexico States.

(g) COOPERATION WITH OTHER FEDERAL ENTITIES.—

(1) OTHER FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may secure directly from any Federal agency or department any information it considers necessary to carry out its functions under this Act. Each such agency or department may cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon the request of the Chair of the Commission.

(2) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(3) ACQUISITIONS.—The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the

Commission in carrying out its duties. The Commission may purchase and contract without regard to sections 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission \$2,000,000 for fiscal year 1999 and \$1,000,000 for fiscal year 2000. Any sums appropriated may remain available without fiscal year limitation until the Commission ceases to exist.

PURPOSE OF THE BILL

The purpose of H.R. 3445 is to establish the Commission on Ocean Policy.

BACKGROUND AND NEED FOR LEGISLATION

When Congress enacted Public Law 89–454 in 1966, the population of U.S. coastal areas was beginning to explode. Recreational development of beaches, industrial development of ports, and significant urban growth in coastal cities created new pressures on the coastal environment, and exposed new conflicts over the use of coastal resources. This in turn focused attention on the inconsistencies among the many State and Federal agencies which each regulated its own small portion of the ocean. At the same time, advances in ocean technology made the abundant resources of U.S. waters and the continental shelf newly accessible. A major expansion in offshore oil production was soon under way, and discoveries of other minerals promised to open up the ocean as new frontier of inexhaustible resources. The ocean captured the imagination of governments seeking to feed and house a growing world population, and fish protein and floating cities were widely viewed as answers to famine and overcrowding.

The United States, already a strong maritime nation, wanted to lead the world into this new era. Public Law 89–454 declared that it was the policy of the United States to develop and encourage a long-range national program to maximize the use of ocean resources for the benefit of mankind. It established a National Council which included the heads of the major Federal agencies with authority over ocean resources, and was intended to generally coordinate Federal ocean policies. It also required the President, with the assistance of the Council, to develop a comprehensive national ocean policy, and report annually on the status of Federal ocean programs.

The Act also created an independent Commission composed of experts in oceanography and directed them to “make a comprehensive investigation and review” of marine issues to meet present and future national needs. This mission further included a review of known and contemplated needs for marine resources, the technological achievements that would be needed to obtain these resources, and a review of the Federal and State legal and regulatory relationship to the ocean. The Commission would then recommend

a Federal organization plan that would best serve the national needs.

The members of the Commission were appointed on January 9, 1967, and the Commission is generally referred to as the Stratton Commission after its Chairman, Julius Stratton. Over the next two years, the Stratton Commission held hearings throughout the United States, and released its report and recommendations on January 9, 1969.

This report stressed three key issues that the U.S. faced in the effort to effectively use ocean resources: the ocean as a new frontier for resource development; emerging threats to the coastal environment from overexploitation; and the organization of Federal ocean and coastal programs.

While wisely steering clear of then fashionable plans for floating cities and massive-scale aquaculture, the report stressed the need to make marine resources development a national priority. The Commission noted that many uses of the ocean, such as mineral resource extraction and aquaculture, were limited by a lack of data. The report also urged expansion of marine education; recommended increasing resources for civilian oceanographic surveys, mapping of the ocean floor, and understanding the ocean's role in climate; and set long-term goals for developing new diving, drilling, and deep submergence technologies. The Commission also recommended legal and regulatory changes to facilitate offshore energy development, and a major expansion of the U.S. fishing industry to realize the full harvest able yield from U.S. waters.

In light of the nascent state of the U.S. and global environmental movement at this time—even Jacques Cousteau did not start broadcasting his Undersea World television programs until 1968—the Commission was prescient in this respect.

The report noted that “Federal marine activities have grown over the years largely without a plan to meet specific situations and problems and are scattered among many Federal agencies,” and described much of Federal ocean policy as “general disarray.” It proposed consolidating all Federal programs concerned with the ocean into one cabinet-level department, the National Oceanic and Atmospheric Administration. It suggested that Congress, who exercised jurisdiction over ocean issues through a total of 39 committees and subcommittees, streamline its oversight structure. It pointed out that the morass of Federal, State, and local laws and regulations affecting land use and pollution control in the coastal zone impeded both economic development and coastal protection; and proposed legislation to resolve this overlap by clearly dividing Federal and State responsibilities for coastal zone management.

Congress and the President did institute many of the Stratton Commission's recommendations, and its report has served as a guide for much of Federal ocean policy since then. President Richard Nixon created the National Oceanic and Atmospheric Administration (NOAA) by Executive Order on October 30, 1970. However, the new agency was placed within the Department of Commerce rather than established as an independent agency, and was not as comprehensive as the Commission had envisioned. Although many problems of interagency coordination remain, NOAA has improved the focus and effectiveness of Federal civilian ocean programs. Con-

gress declined to adjust its committee structure as the Commission suggested, but did enact the Commission's proposed coastal zone management structure into law as the Coastal Zone Management Act of 1972. This Act has remained the foundation of Federal-State regulatory coordination in coastal areas.

The U.S. has also made major progress toward the Commission's goals of understanding the oceans and increasing our ability to use ocean resources. Advances in drilling technology and undersea vehicle capabilities now allow oil and gas production in water many times deeper than the limits of 1970's technology.

Some recommendations should have been acted on but were not. For example, the Commission recommended that "[NOAA] accelerate nautical charting activities in U.S. coastal waters to ensure up-to-date charts of all areas of moderate to heavy marine activity * * * the capability of the private sector should be utilized whenever possible." When that statement was written, NOAA owned 11 hydrographic survey ships. Since that time, NOAA has retired eight survey vessels without purchasing a single new one and is struggling to reduce a 30-year backlog of updates to charts of critical areas, and did not let its first contract to a private survey contractor until 1995.

The Commission's recommendations on U.S. fisheries, in particular, seem overly optimistic in light of later events. At the time of the report, the U.S. fishing industry was small and stagnant, and most of the fish harvested in U.S. waters was caught by foreign fleets. The report did identify some concerns with respect to overfishing of certain species, but recommended significant expansion of U.S. fisheries through vessel subsidies, Federal programs to identify and market underutilized species, and Federally funded research into more efficient fishing techniques and gear. Many of these recommendations were in fact carried out, and the U.S. fishing industry has successfully doubled in size over the last 30 years, effectively solving the problem of underutilization. However, despite continuing advances in fishing effort, the U.S. catch has not grown for the past several years. The possibility that the industry may be approaching the limit of its resource base has created new concerns about overutilization and the appropriate allocation of limited resources.

Present coordinating structure for ocean policies and programs

Despite the requirement of the 1966 Act that the President establish a National Ocean Policy, no President has ever submitted such a policy.

The Stratton Commission report recommended that an independent committee, made up of individuals drawn from outside the Federal Government, be created to study the effectiveness of Federal ocean programs and advise the President and the NOAA Administrator on how best to carry out the National Ocean Policy. Congress established such a committee, the National Advisory Committee on Oceans and Atmosphere (NACOA), in 1971. NACOA met regularly throughout the 1970's, issuing annual reports on the success of Federal ocean programs in general and several special reports on specific issues. The Committee no longer operates.

In the early 1980's, another interagency coordinating body known as the Committee on Atmosphere and Oceans came into existence and assumed some responsibility for coordination of ocean programs. However, this group met rarely and focused primarily on scientific research. In 1990, it became the nucleus of the Committee on Earth and Environmental Science, which was legislatively established as part of the Federal Coordinating Council on Science, Engineering, and Technology, an Executive Branch office now known as the National Science and Technology Council. The Committee on Earth and Environmental Science now coordinates the U.S. Global Change Research Program and has very limited involvement with ocean programs.

At present, three coordinating groups for ocean programs are active within the Administration. The Oceans Subgroup of the Interagency Working Group on Global Environmental Affairs was established by Presidential directive in 1973, at the start of negotiations on the Law of the Sea Treaty. This group consists of representatives from all Federal agencies with ocean jurisdiction, as well as other peripherally involved agencies such as the Treasury Department and the Food and Drug Administration, and is chaired by the State Department. Historically, it has concentrated most of its efforts on coordinating U.S. negotiating positions for international treaties involving the oceans, and implementation of such treaties among the concerned agencies. During the Clinton Administration this group has also been tasked with coordinating general Administration policies on the ocean environment, but their primary focus continues to be on international and high seas issues.

In 1991, a group of program directors from Federal agencies concerned with the ocean formed the Ocean Principals Group (OPG). This ad hoc group has no legislative or executive charter. It is mostly composed of program directors rather than agency heads. OPG continues to be an informal means of interagency coordination, and has recently taken on the responsibility of coordinating the Administration's Year of the Ocean activities.

In 1996, Congress enacted the National Ocean Partnership Act, which created the National Ocean Research Leadership Council. This group is composed of representatives from the Federal agencies responsible for funding oceanographic research, and is chaired by the Secretary of the Navy. Its purpose is to encourage cooperation between Federal agencies, industry, and university researchers on interdisciplinary oceanographic research questions. It meets regularly to review research proposals and select projects for funding.

Legislation to establish a new Commission

Many of the forces that drove the establishment of the original Stratton Commission are still at work today. The population of coastal areas of the United States continues to grow at an incredible rate. The technology to more easily develop and use ocean resources has unfolded at an extraordinary pace. The laws, regulations and government infrastructure controlling the oceans has become dramatically larger and more complex.

Half of all Americans now live in a coastal region. This figure is expected to rise to 60 percent by 2010. This both increases the value of coastal and ocean resources to the U.S. economy and in-

creases the risk to the U.S. from natural and artificial dangers such as hurricanes, or harmful algal blooms.

Our understanding of the oceans has increased greatly, but still lags behind our understanding of the moon. The entire surface of the moon has been mapped, compared to 5 percent of the ocean, and the mapping of the moon has been to do a much higher resolution than that of the ocean.

The patchwork of State and Federal law affecting marine resources has grown much larger since 1969: the Endangered Species Act, Marine Mammal Protection Act, Magnuson-Stevens Fishery Conservation and Management Act, the Marine Sanctuaries Act, and the Coastal Zone Management Act did not exist when the Commission made its review. In light of these changes, and given the interest in the oceans created by the 1998 Year of the Ocean, the Senate passed legislation, S. 1213, establishing a new Commission, Congressman Sam Farr (D-CA) introduced H.R. 2547 and Congressman Jim Saxton (R-NJ) introduced H.R. 3445.

COMMITTEE ACTION

H.R. 3445 was introduced on March 12, 1998, by Congressman Saxton. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On March 19, 1998, the Subcommittee held a hearing on S. 1213, H.R. 3445 and H.R. 2547, where testimony was received from Dr. D. James Baker, Under Secretary for Oceans and Atmosphere, Department of Commerce; Mr. Richard Gutting, Executive Vice President, National Fisheries Institute; Mr. Roger McManus, President, Center for Marine Conservation; Dr. William J. Merrell, Senior Fellow and President, H. John Heinz III Center for Science, Economics and the Environment; Mr. Paul L. Kelly, Senior Vice President, Rowan Companies, Inc.; and Dr. Kenneth Brink, Chairman, Oceans Studies Board, National Academy of Sciences.

On April 23, 1998, the Subcommittee met to mark up H.R. 3445. An amendment in the nature of a substitute was offered by Congressman Saxton. The amendment directs the President to appoint a Commission of Ocean Policy, and report to Congress on the Federal ocean budget. It directs the Commission to make recommendations to Congress and the President for improving Federal coastal and ocean programs and policies. It directs the Congress and the President to develop a National Ocean Policy. Finally, it authorizes appropriations for the Commission. The amendment was adopted by voice vote and the bill was then ordered favorably reported to the Full Committee by voice vote.

On July 22, 1998, the Full Resources Committee met to consider H.R. 3445. Congressman Kevin Brady (R-TX) raised a point of order against consideration of the bill as it had not been noticed in accordance with Committee on Resources Rule 3(a). The point of order was sustained. On July 29, 1998, the Full Resources Committee met again to consider H.R. 3445. An amendment in the nature of a substitute was offered by Congressman Saxton. The amendment focuses the Commission's work; assures that all parties' views receive fair, reasonable and unbiased consideration; assures that the effects on private property rights are considered in all rec-

ommendations; and assures that data to be used in making recommendations is peer reviewed. Congressman John T. Doolittle (R-CA) offered an amendment to clarify that Idaho is not part of the marine environment. The amendment was adopted by unanimous consent. Congressman Billy Tauzin (R-LA) offered an amendment to change the definition of "marine environment." The amendment failed on a roll call vote of 12 to 24 as follows:

Committee on Resources
U.S. House of Representatives
105th Congress

Full Committee

Date 7-29-98

Roll No. 1

Bill No. H.R. 3445 Short Title Oceans Act

Amendment or matter voted on: _____

Brady/Tauzin/Ortiz/Thornberry/John Amendment #1

Mr. Young (Chairman)			<i>Mr. Miller</i>		X	
Mr. Tauzin	X		<i>Mr. Markey</i>		X	
Mr. Hansen			<i>Mr. Rahall</i>		X	
Mr. Saxton		X	<i>Mr. Vento</i>		X	
Mr. Gallegly			<i>Mr. Kildee</i>		X	
Mr. Duncan			<i>Mr. DeFazio</i>		X	
Mr. Hefley		X	<i>Mr. Faleomavaega</i>		X	
Mr. Doolittle		X	<i>Mr. Abercrombie</i>		X	
Mr. Gilchrest		X	<i>Mr. Ortiz</i>	X		
Mr. Calvert		X	<i>Mr. Pickett</i>			
Mr. Pombo		X	<i>Mr. Pallone</i>		X	
Mrs. Cubin			<i>Mr. Dooley</i>		X	
Mrs. Chenoweth			<i>Mr. Romero-Barcelo</i>			
Mrs. Linda Smith		X	<i>Mr. Hinchey</i>		X	
Mr. Radanovich	X		<i>Mr. Underwood</i>		X	
Mr. Jones	X		<i>Mr. Farr</i>		X	
Mr. Thornberry	X		<i>Mr. Kennedy</i>		X	
Mr. Shadegg	X		<i>Mr. Adam Smith</i>		X	
Mr. Ensign	X		<i>Mr. Delahunt</i>		X	
Mr. Bob Smith			<i>Mr. John</i>	X		
Mr. Cannon			<i>Ms. Green</i>			
Mr. Brady	X		<i>Mr. Kind</i>		X	
Mr. Peterson			<i>Mr. Doggett</i>			
Mr. Hill	X					
Mr. Schaffer						
Mr. Gibbons	X					
Mr. Crapo	X		TOTAL	12	24	

Congressman Tauzin then offered an amendment to eliminate the President's role in appointing the Commission and establishing the National Ocean Policy. The amendment failed on a roll call vote of 11 to 22, as follows:

Committee on Resources
U.S. House of Representatives
105th Congress

Full Committee

Date 7-29-98

Roll No. 2

Bill No. H.R. 3445 Short Title Oceans Act

Amendment or matter voted on: Brady/Tauzin/Ortiz/Thornberry/John Amendment #2

Mr. Young (Chairman)			<i>Mr. Miller</i>		X	
Mr. Tauzin	X		<i>Mr. Markey</i>		X	
Mr. Hansen			<i>Mr. Rahall</i>		X	
Mr. Saxton		X	<i>Mr. Vento</i>		X	
Mr. Gallegly			<i>Mr. Kildee</i>			
Mr. Duncan			<i>Mr. DeFazio</i>		X	
Mr. Hefley		X	<i>Mr. Faleomavaega</i>			
Mr. Doolittle		X	<i>Mr. Abercrombie</i>		X	
Mr. Gilchrest			<i>Mr. Ortiz</i>	X		
Mr. Calvert		X	<i>Mr. Pickett</i>			
Mr. Pombo		X	<i>Mr. Pallone</i>		X	
Mrs. Cubin			<i>Mr. Dooley</i>		X	
Mrs. Chenoweth			<i>Mr. Romero-Barcelo</i>			
Mrs. Linda Smith		X	<i>Mr. Hinchey</i>		X	
Mr. Radanovich	X		<i>Mr. Underwood</i>		X	
Mr. Jones	X		<i>Mr. Farr</i>		X	
Mr. Thornberry	X		<i>Mr. Kennedy</i>		X	
Mr. Shadegg	X		<i>Mr. Adam Smith</i>			
Mr. Ensign		X	<i>Mr. Delahunt</i>		X	
Mr. Bob Smith			<i>Mr. John</i>	X		
Mr. Cannon			<i>Ms. Green</i>		X	
Mr. Brady	X		<i>Mr. Kind</i>		X	
Mr. Peterson	X		<i>Mr. Doggett</i>			
Mr. Hill						
Mr. Schaffer						
Mr. Gibbons	X					
Mr. Crapo	X		TOTAL		11	22

Congressman Brady offered amendments to require that ocean-related industries be represented on the Commission, and that the Commission's draft report be submitted to the House Resources and Senate Commerce, Science and Transportation Committees. These amendments were adopted on a voice vote. The Saxton amendment in the nature substitute as amended was adopted by a voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in H.R. 3445 are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 3445.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 3445. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3445 does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of H.R. 3445 would result in new spending of \$4 million over the 1999–2003 time period, assuming appropriation of authorized amounts.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3445.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the

following cost estimate for H.R. 3445 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 3, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3445, the Oceans Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 3445—Oceans Act of 1998

Summary: H.R. 3445 would establish a Commission on Ocean Policy that would examine current ocean and coastal activities and recommend policies for exploring, protecting, and using ocean and coastal resources. The bill would authorize the appropriation of \$3 million for the commission over the 1999–2000 period. The Congress and the President, after receiving the commission's report, would develop a national policy for the use and stewardship of coastal and ocean resources. The President would be required to transmit to the Congress biennially a report listing all federal programs related to ocean and coastal activities. Each agency or department involved in these activities would be required to include with its annual request for appropriations a report identifying these programs.

CBO estimates that implementing H.R. 3445 would result in new spending of \$4 million over the 1999–2003 period, assuming the appropriation of the authorized and necessary amounts. Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not significantly affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: CBO estimates that implementing H.R. 3445 would result in new spending subject to appropriation of about \$1 million in 1999, \$2 million in 2000, less than \$500,000 in 2001, and less than \$100,000 each year thereafter. No amounts were appropriated in fiscal year 1998 for the activities that would be authorized by the bill. The estimated budgetary impact of H.R. 3445 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	2	1	(¹)	(¹)	(¹)
Estimated outlays	1	2	(¹)	(¹)	(¹)

¹ Less than \$500,000.

Basis of estimate: For purposes of this estimate, CBO assumes that the bill is enacted by the beginning of fiscal year 1999 and that all amounts authorized or estimated to be authorized are appropriated.

Commission.—H.R. 3445 would authorize the appropriation of \$2 million in 1999 and \$1 million in 2000 for the commission. CBO anticipates that the commission will complete its work by the end of fiscal year 2000; therefore, we estimate that all of the amounts authorized for the commission would be expended by that time. The President would have up to three months after enactment to appoint commissioners. Once all of the commissioners have been appointed, the commission would have up to 30 days to hold its first meeting and up to 18 months to report its findings and recommendations to the President and the Congress. The commission would cease to exist within 30 days after submitting its report.

Executive responsibilities.—H.R. 3445 would not specifically authorize appropriations for the additional responsibilities that it would place on the President, the Congress, and federal agencies and departments. CBO estimates that the additional costs of developing a policy for using and administering ocean and coastal resources would total less than \$500,000 in 2001 (the year after the commission's report would be completed) and the costs for reporting on ocean and coastal activities would be less than \$100,000 annually over the 1999–2003 period. Those costs would be subject to the availability of appropriated funds.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: The bill contains no intergovernmental or private-sector mandates as defined in UMRA and would not significantly affect the budgets of states, local, or tribal governments.

Previous CBO estimate: On November 6, 1997, CBO provided an estimate for S. 1213, the Oceans Act of 1997, as ordered reported by the Senate Committee on Commerce, Science, and Transportation. CBO estimated that implementing S. 1213 would result in spending subject to appropriation of \$7 million over five years, assuming the appropriation of the amounts authorized and estimated to be authorized under that bill. S. 1213 would authorize \$6 million for a Commission on Ocean Policy and would establish a National Ocean Council for developing and implementing an ocean and coastal policy.

Estimate prepared by: Gary Brown.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3445 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 3445 would make no changes in existing law.

ADDITIONAL VIEWS

Last September, with the co-sponsorship of Chairman Saxton and eight additional original co-sponsors, I introduced the Oceans Act of 1997. My intention in doing so, was to address the very real need for this country to develop a comprehensive national ocean policy.

The idea behind creating a Commission on Ocean Policy was based on the original Stratton Commission, which was convened over 30 years ago. The Commission was given the task of examining the nation's stake in the development, utilization, and preservation of the marine environment, to assess the nation's current and anticipated marine activities; and, on the basis of this information, to formulate a comprehensive, long-term, national program for marine affairs with the goal of meeting current and future needs in the most efficient manner possible. Despite many positive outcomes from the Stratton Commission's recommendations, and efforts in the past 30 years to deal with issues related to fishery management, coastal and ocean resources, and marine exploration, it is clear that we need to do more if we are to have healthy oceans and coasts, and to properly engage in discovering the realm that covers more than two-thirds of the earth's surface.

I believe comprehensive review of our nation's marine activities, policies and programs can best be accomplished by experts in marine-related fields, who will act to make recommendations for how we need to restructure, or improve our current ocean policies and programs in to a coordinated, unified, efficient whole. This committee has worked hard to ensure that the Commission structure is balanced while maintaining a high caliber Commission membership which is well qualified to address the broad array of our national ocean concerns.

I am very concerned about those who, needlessly worried about a bill which only results in the creation of recommendations, seek to restrict the scope of the Commission. In my view, it is extremely important that the Commission be given the intellectual freedom to consider all of the issues, trusting that in choosing quality Commission members, they will be far better qualified than Congress to determine what needs to be considered and addressed in making their recommendations. Allowing them this freedom is the only way to ensure a truly comprehensive review. I must reiterate here that all recommendations arising from the Commission for changes in our nation's laws will still, unequivocally, need to be approved of by Congress, in a legislative form, before such changes can be made. None of the recommendations will be acted upon without the consent, approval, and action of the appropriate branch of the Federal government.

The time has come to recognize that our country needs to do much more for creating a healthy marine environment, allowing

only sustainable use of ocean resources, and building a strong program of ocean research and exploration. This bill is an important step in that direction. It is my sincere hope that in this, the Year of the Ocean, we can see a strong Oceans Act passed and signed into law.

SAM FARR.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
Longworth House Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for the information that the Committee on Resources has ordered reported H.R. 3445, the Oceans Act of 1998.

I understand that the Committee on Resources intends to move this bill to the House Floor in an expeditious fashion. The Committee on Transportation and Infrastructure has a right to a sequential referral of this bill. However, in view of your desire to move H.R. 3445 expeditiously, I will not insist on a referral that could delay expeditious consideration of the bill.

This action should in no way be considered a waiver of the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3445. If this legislation goes to a House-Senate conference, the Committee on Transportation and Infrastructure reserve the right to request to be included as conferees. In addition, I would like your assurance that you are willing to work with me on any differences the Committee on Transportation and Infrastructure may have with this bill in such a conference, or in the event that there is no formal House-Senate conference on this bill.

Thank you for your cooperation in this matter.

Sincerely,

BUD SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 15, 1998.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of September 15, 1998, regarding H.R. 3445, the Oceans Act of 1998, ordered reported from the Committee on Resources.

I appreciate the interest the Committee on Transportation and Infrastructure has in this legislation. As your letter indicates, the Committee on Transportation and Infrastructure has in this legislation. As your letter indicates, the Committee on Transportation and Infrastructure has a right to a sequential referral of H.R. 3445. Therefore, I appreciate your decision not to insist on such a referral in the interest of expediting consideration of the bill.

I recognize your Committee's right to seek conferees on H.R. 3445, if this legislation is considered in a House-Senate conference. You have my assurance that I will work with you on any differences the Committee on Transportation and Infrastructure may have with this bill in such a conference, or if there is no formal House-Senate conference on this bill.

Thank you again for your cooperation and that of Ben Grumbles and Susan Bodine of your staff.

Sincerely,

DON YOUNG, *Chairman.*

