

106TH CONGRESS
2D SESSION

H. R. 4410

To establish a Commission on Ocean Policy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2000

Mr. SAXTON (for himself, Mr. FARR of California, and Mr. GREENWOOD) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish a Commission on Ocean Policy, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oceans Act of 2000”.

5 **SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJEC-**
6 **TIVES.**

7 (a) FINDINGS.—The Congress makes the following
8 findings:

9 (1) Covering more than two-thirds of the
10 Earth’s surface, the oceans and Great Lakes play a

1 critical role in the global water cycle and in regu-
2 lating climate, sustain a large part of Earth's bio-
3 diversity, provide an important source of food and a
4 wealth of other natural products, act as a frontier
5 to scientific exploration, are important for coastal
6 recreation and tourism, are critical to national secu-
7 rity, and provide a vital means of transportation.
8 Coastal areas, transition between land and open
9 ocean, are regions of remarkably high biological pro-
10 ductivity, contribute more than 30 percent of the
11 Gross Domestic Product, and are of considerable im-
12 portance for a variety of activities and uses.

13 (2) Ocean and coastal resources are susceptible
14 to change as a direct and indirect result of human
15 activities, and such changes can significantly impact
16 the ability of the oceans and Great Lakes to provide
17 the benefits upon which the Nation depends.
18 Changes in ocean and coastal processes could affect
19 global climate patterns, marine productivity and bio-
20 diversity, environmental quality, national security,
21 economic competitiveness, availability of energy, vul-
22 nerability to natural hazards, and transportation
23 safety and efficiency.

24 (3) It has been more than 30 years since the
25 Commission on Marine Science, Engineering, and

1 Resources (known as the Stratton Commission) con-
2 ducted a comprehensive examination of ocean and
3 coastal activities that led to enactment of major leg-
4 islation and the establishment of key oceanic institu-
5 tions. Changes in United States laws and policies
6 since the Stratton Commission have increased the
7 role of the States in the management of ocean and
8 coastal resources.

9 (4) In 1998, “The Year of the Ocean,” national
10 attention focused on the value of the oceans to all
11 Americans and resulted in the preparation and
12 issuance of a number of coordinated reports on ma-
13 rine policy and oceanographic issues, including the
14 1998 “Year of the Ocean” reports and the 1999 Re-
15 port to the President on National Ocean Policy.

16 (5) An independent review of existing activities
17 that builds upon work begun in 1998 is essential to
18 respond to the changes that have occurred over the
19 past three decades and to develop an effective new
20 policy for the twenty-first century to conserve and
21 use, in a sustainable manner, ocean and coastal re-
22 sources, protect the marine environment, explore
23 ocean frontiers, protect human safety, and create
24 marine technologies and economic opportunities.

1 (6) While significant Federal and State ocean
2 and coastal programs are underway, those Federal
3 programs would benefit from a coherent and con-
4 sistent national ocean and coastal policy that reflects
5 the need for cost-effective allocation of fiscal re-
6 sources, improved interagency coordination, and
7 strengthened partnerships with State, private, and
8 international entities engaged in ocean and coastal
9 activities.

10 (b) PURPOSE AND OBJECTIVES.—The purpose of this
11 Act is to establish a coordinated and comprehensive na-
12 tional ocean policy that will promote—

13 (1) the protection of life and property against
14 natural and manmade hazards;

15 (2) responsible stewardship, including use, of
16 fishery resources and other ocean and coastal re-
17 sources;

18 (3) the protection of the marine environment
19 and prevention of marine pollution;

20 (4) the resolution of conflicts among users of
21 the marine environment, and the engagement of the
22 private sector in innovative approaches for sustain-
23 able use of living marine resources;

24 (5) the expansion of human knowledge of the
25 marine environment including the role of the oceans

1 in climate and global environmental change and the
2 advancement of education and training in fields re-
3 lated to ocean and coastal activities;

4 (6) the continued investment in and develop-
5 ment and improvement of the capabilities, perform-
6 ance, use, and efficiency of technologies for use in
7 ocean and coastal activities;

8 (7) close cooperation among all government
9 agencies and departments and the private sector to
10 ensure—

11 (A) coherent and consistent regulation and
12 management of ocean and coastal activities;

13 (B) availability and appropriate allocation
14 of Federal funding, personnel, facilities, and
15 equipment for such activities;

16 (C) cost-effective and efficient operation of
17 Federal departments, agencies, and programs
18 involved in ocean and coastal activities; and

19 (D) enhancement of partnerships with
20 State and local governments with respect to
21 ocean and coastal activities, including the man-
22 agement of ocean and coastal resources and
23 identification of appropriate opportunities for
24 policy-making and decision-making at the State
25 and local level; and

1 (8) the preservation of the role of the United
2 States as a leader in ocean and coastal activities,
3 and, when it is in the national interest, the coopera-
4 tion by the United States with other nations and
5 international organizations in ocean and coastal ac-
6 tivities.

7 **SEC. 3. COMMISSION ON OCEAN POLICY.**

8 (a) ESTABLISHMENT.—There is hereby established
9 the Commission on Ocean Policy. The Federal Advisory
10 Committee Act (5 U.S.C. App.), except for sections 3, 7,
11 and 12, does not apply to the Commission.

12 (b) MEMBERSHIP.—

13 (1) APPOINTMENT.—The Commission shall be
14 composed of 16 members appointed by the President
15 from among individuals described in paragraph (2)
16 who are knowledgeable in ocean and coastal activi-
17 ties, including individuals representing State and
18 local governments, ocean-related industries, aca-
19 demic and technical institutions, and public interest
20 organizations involved with oceanographic, regu-
21 latory, economic, and environmental ocean and
22 coastal activities. The membership of the Commis-
23 sion shall be balanced geographically to the extent
24 consistent with maintaining the highest level of ex-
25 pertise on the Commission.

1 (2) NOMINATIONS.—The President shall ap-
2 point the members of the Commission, within 90
3 days after the effective date of this Act, including in-
4 dividuals nominated as follows:

5 (A) 4 members shall be appointed from a
6 list of 8 individuals who shall be nominated by
7 the Majority Leader of the Senate in consulta-
8 tion with the Chairman of the Senate Com-
9 mittee on Commerce, Science, and Transpor-
10 tation.

11 (B) 4 members shall be appointed from a
12 list of 8 individuals who shall be nominated by
13 the Speaker of the House of Representatives in
14 consultation with the Chairman of the House
15 Committee on Resources.

16 (C) 2 members shall be appointed from a
17 list of 4 individuals who shall be nominated by
18 the Minority Leader of the Senate in consulta-
19 tion with the Ranking Member of the Senate
20 Committee on Commerce, Science, and Trans-
21 portation.

22 (D) 2 members shall be appointed from a
23 list of 4 individuals who shall be nominated by
24 the Minority Leader of the House in consulta-

1 tion with the Chairman and ranking minority
2 member of the House Committee on Resources.

3 (3) CHAIRMAN.—The Commission shall select a
4 Chairman from among its members. The Chairman
5 of the Commission shall be responsible for—

6 (A) the assignment of duties and respon-
7 sibilities among staff personnel and their con-
8 tinuing supervision; and

9 (B) the use and expenditure of funds avail-
10 able to the Commission.

11 (4) VACANCIES.—Any vacancy on the Commis-
12 sion shall be filled in the same manner as the origi-
13 nal incumbent was appointed.

14 (c) RESOURCES.—In carrying out its functions under
15 this section, the Commission—

16 (1) shall give appropriate consideration to re-
17 ports and other documents prepared for the 1998
18 Year of the Ocean;

19 (2) is authorized to secure directly from any
20 Federal agency or department any information it
21 deems necessary to carry out its functions under this
22 Act. Each such agency or department is authorized
23 to cooperate with the Commission and, to the extent
24 permitted by law, to furnish such information to the

1 Commission, upon the request of the Commission;
2 and

3 (3) may enter into contracts, subject to the
4 availability of appropriations for contracting, and
5 employ such staff experts and consultants as may be
6 necessary to carry out the duties of the Commission,
7 as provided by section 3109 of title 5, United States
8 Code.

9 (4) STAFFING.—The Chairman of the Commis-
10 sion may, without regard to the civil service laws
11 and regulations, appoint and terminate an Executive
12 Director and such other additional personnel as may
13 be necessary for the Commission to perform its du-
14 ties. The Executive Director shall be compensated at
15 a rate not to exceed the rate payable for Level V of
16 the Executive Schedule under section 5136 of title
17 5, United States Code. The employment and termi-
18 nation of an Executive Director shall be subject to
19 confirmation by a majority of the members of the
20 Commission.

21 (d) MEETINGS.—

22 (1) ADMINISTRATION.—All meetings of the
23 Commission shall be open to the public, except that
24 a meeting or any portion of it may be closed to the
25 public if it concerns matters or information de-

1 scribed in section 552b(c) of title 5, United States
2 Code. Interested persons shall be permitted to ap-
3 pear at open meetings and present oral or written
4 statements on the subject matter of the meeting.
5 The Commission may administer oaths or affirma-
6 tions to any person appearing before it.

7 (A) All open meetings of the Commission
8 shall be preceded by timely public notice in the
9 Federal Register of the time, place, and subject
10 of the meeting.

11 (B) Minutes of each meeting shall be kept
12 and shall contain a record of the people present,
13 a description of the discussion that occurred,
14 and copies of all statements filed. Subject to
15 section 552 of title 5, United States Code, the
16 minutes and records of all meetings and other
17 documents that were made available to or pre-
18 pared for the Commission shall be available for
19 public inspection and copying at a single loca-
20 tion in the offices of the Commission.

21 (2) INITIAL MEETING.—The Commission shall
22 hold its first meeting within 30 days after all 16
23 members have been appointed.

24 (3) REQUIRED PUBLIC MEETINGS.—The Com-
25 mission shall hold at least one public meeting in

1 Alaska and each of the following regions of the
2 United States:

3 (A) The Northeast (including the Great
4 Lakes).

5 (B) The Southeast (including the Carib-
6 bean).

7 (C) The Southwest (including Hawaii and
8 the Pacific Territories).

9 (D) The Northwest.

10 (E) The Gulf of Mexico.

11 (e) REPORT.—

12 (1) IN GENERAL.—Within 18 months after the
13 establishment of the Commission, the Commission
14 shall submit to Congress and the President a final
15 report of its findings and recommendations regard-
16 ing United States ocean policy.

17 (2) REQUIRED MATTER.—The final report of
18 the Commission shall include the following assess-
19 ment, reviews, and recommendations:

20 (A) An assessment of existing and planned
21 facilities associated with ocean and coastal ac-
22 tivities including human resources, vessels, com-
23 puters, satellites, and other appropriate plat-
24 forms and technologies.

1 (B) A review of existing and planned ocean
2 and coastal activities of Federal entities, rec-
3 ommendations for changes in such activities
4 necessary to improve efficiency and effective-
5 ness and to reduce duplication of Federal ef-
6 forts.

7 (C) A review of the cumulative effect of
8 Federal laws and regulations on United States
9 ocean policy, an examination of those laws and
10 regulations for inconsistencies and contradic-
11 tions that might adversely affect the conduct of
12 ocean and coastal activities, and recommenda-
13 tions for resolving such inconsistencies to the
14 extent practicable. Such review shall also con-
15 sider conflicts with State ocean and coastal
16 management regimes.

17 (D) A review of the known and anticipated
18 supply of, and demand for, ocean and coastal
19 resources of the United States.

20 (E) A review of the relationship between
21 Federal, State, and local governments and the
22 private sector in planning and carrying out
23 ocean and coastal activities, and recommenda-
24 tions for enhancing the role of State and local

1 governments if the Commission determines that
2 enhancement of that role is desirable.

3 (F) A review of opportunities for the devel-
4 opment of or investment in new products, tech-
5 nologies, or markets related to ocean and coast-
6 al activities.

7 (G) A review of previous and ongoing State
8 and Federal efforts to enhance the effectiveness
9 and integration of ocean and coastal activities.

10 (H) Recommendations for any modifica-
11 tions to United States laws, regulations, and
12 the administrative structure of Executive agen-
13 cies, necessary to improve the understanding,
14 management, conservation, and use of, and ac-
15 cess to, ocean and coastal resources.

16 (I) A review of the effectiveness and ade-
17 quacy of existing Federal interagency ocean pol-
18 icy coordination mechanisms, and recommenda-
19 tions for changing or improving the effective-
20 ness of such mechanisms necessary to respond
21 to or implement the recommendations of the
22 Commission.

23 (3) CONSIDERATION OF FACTORS.—In making
24 its assessment and reviews and developing its rec-
25 ommendations, the Commission shall give equal con-

1 sideration to environmental, technical, economic, and
2 other relevant factors.

3 (4) LIMITATIONS.—The recommendations of
4 the Commission shall not be specific to the lands
5 and waters within a single State.

6 (f) PUBLIC AND COASTAL STATE REVIEW.—

7 (1) NOTICE.—Before submitting the final re-
8 port to the Congress, the Commission shall—

9 (A) publish in the Federal Register a no-
10 tice that a draft report is available for public
11 review; and

12 (B) provide a copy of the draft report to
13 the Governor of each coastal state, the Com-
14 mittee on Resources of the House of Represent-
15 atives, and the Committee on Commerce,
16 Science, and Transportation of the Senate.

17 (2) INCLUSION OF GOVERNORS' COMMENTS.—

18 The Commission shall include in the final report
19 comments received from the Governor of a coastal
20 state regarding recommendations in the draft report.

21 (g) ADMINISTRATIVE PROCEDURE FOR REPORT AND
22 REVIEW.—Chapter 5 and chapter 7 of title 5, United
23 States Code, do not apply to the preparation, review, or
24 submission of the report required by subsection (e) or the
25 review of that report under subsection (f).

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

4 (i) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 a total of \$6,000,000 for the 3 fiscal-year period beginning
7 with fiscal year 2001, such sums to remain available until
8 expended.

9 **SEC. 4. NATIONAL OCEAN POLICY.**

10 (a) NATIONAL OCEAN POLICY.—Within 120 days
11 after receiving and considering the report and rec-
12 ommendations of the Commission under section 3, the
13 President shall submit to Congress a statement of pro-
14 posals to implement or respond to the Commission's rec-
15 ommendations for a coordinated, comprehensive, and long-
16 range national policy for the responsible use and steward-
17 ship of ocean and coastal resources for the benefit of the
18 United States. Nothing in this subsection authorizes the
19 President to take any administrative or regulatory action,
20 or to implement a reorganization plan, not otherwise au-
21 thorized by law in effect at the time of such action.

22 (b) COOPERATION AND CONSULTATION.—In the
23 process of developing proposals for submission under sub-
24 section (a), the President shall consult with State and

1 local governments and non-Federal organizations and indi-
2 viduals involved in ocean and coastal activities.

3 **SEC. 5. BIENNIAL REPORT.**

4 Beginning in January, 2001, the President shall
5 transmit to the Congress biennially a report that includes
6 a detailed listing of all existing Federal programs related
7 to ocean and coastal activities, including a description of
8 each program, the current funding for the program, link-
9 ages to other Federal programs, and a projection of the
10 funding level for the program for each of the next 5 fiscal
11 years beginning after the report is submitted.

12 **SEC. 6. DEFINITIONS.**

13 In this Act:

14 (1) COASTAL STATE.—The term “coastal state”
15 means a State in, or bordering on, the Atlantic, Pa-
16 cific, or Arctic Ocean, the Gulf of Mexico, or one or
17 more Great Lakes.

18 (2) MARINE ENVIRONMENT.—The term “ma-
19 rine environment” includes—

20 (A) the oceans, including coastal and off-
21 shore waters;

22 (B) the continental shelf; and

23 (C) the Great Lakes.

24 (3) OCEAN AND COASTAL RESOURCE.—The
25 term “ocean and coastal resource” means any living

1 or non-living natural, historic, or cultural resource
2 found in the marine environment.

3 (4) COMMISSION.—The term “Commission”
4 means the Commission on Ocean Policy established
5 by section 3.

6 **SEC. 7. EFFECTIVE DATE.**

7 This Act shall become effective on December 31,
8 2000.

○