

106TH CONGRESS
2D SESSION

S. 2327

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

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2000

Mr. HOLLINGS (for himself, Mr. STEVENS, Ms. SNOWE, Mr. KERRY, Mr. BREAUX, Mr. INOUE, Mr. CLELAND, Mr. WYDEN, Mr. AKAKA, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. REED, Mr. SARBANES, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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:

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

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

1 (3) It has been more than 30 years since the
2 Commission on Marine Science, Engineering, and
3 Resources (known as the Stratton Commission) con-
4 ducted a comprehensive examination of ocean and
5 coastal activities that led to enactment of major leg-
6 islation and the establishment of key oceanic and at-
7 mospheric institutions. Changes in United States
8 laws and policies since the Stratton Commission
9 have increased the role of the States in the manage-
10 ment of ocean and coastal resources.

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

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

1 ocean frontiers, protect human safety, and create
2 marine technologies and economic opportunities.

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

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

15 (1) the protection of life and property against
16 natural and manmade hazards;

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

20 (3) the protection of the marine environment
21 and prevention of marine pollution;

22 (4) the enhancement of marine-related com-
23 merce and transportation, the resolution of conflicts
24 among users of the marine environment, and the en-
25 gagement of the private sector in innovative ap-

1 proaches for sustainable use of living marine re-
2 sources;

3 (5) the expansion of human knowledge of the
4 marine environment including the role of the oceans
5 in climate and global environmental change and the
6 advancement of education and training in fields re-
7 lated to ocean and coastal activities;

8 (6) the continued investment in and develop-
9 ment and improvement of the capabilities, perform-
10 ance, use, and efficiency of technologies for use in
11 ocean and coastal activities;

12 (7) close cooperation among all government
13 agencies and departments and the private sector to
14 ensure—

15 (A) coherent and consistent regulation and
16 management of ocean and coastal activities;

17 (B) availability and appropriate allocation
18 of Federal funding, personnel, facilities, and
19 equipment for such activities;

20 (C) cost-effective and efficient operation of
21 Federal departments, agencies, and programs
22 involved in ocean and coastal activities; and

23 (D) enhancement of partnerships with
24 State and local governments with respect to
25 ocean and coastal activities, including the man-

1 agement of ocean and coastal resources and
2 identification of appropriate opportunities for
3 policy-making and decision-making at the State
4 and local level; and

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

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

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

16 (b) **MEMBERSHIP.**—

17 (1) **APPOINTMENT.**—The Commission shall be
18 composed of 16 members appointed by the President
19 from among individuals described in paragraph (2)
20 who are knowledgeable in ocean and coastal activi-
21 ties, including individuals representing State and
22 local governments, ocean-related industries, aca-
23 demic and technical institutions, and public interest
24 organizations involved with scientific, regulatory,
25 economic, and environmental ocean and coastal ac-

1 activities. The membership of the Commission shall be
2 balanced geographically to the extent consistent with
3 maintaining the highest level of expertise on the
4 Commission.

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

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

15 (B) 4 members shall be appointed from a
16 list of 8 individuals who shall be nominated by
17 the Speaker of the House of Representatives in
18 consultation with the Chairmen of the House
19 Committees on Resources, Transportation and
20 Infrastructure, and Science.

21 (C) 2 members shall be appointed from a
22 list of 4 individuals who shall be nominated by
23 the Minority Leader of the Senate in consulta-
24 tion with the Ranking Member of the Senate

1 Committee on Commerce, Science, and Trans-
2 portation.

3 (D) 2 members shall be appointed from a
4 list of 4 individuals who shall be nominated by
5 the Minority Leader of the House in consulta-
6 tion with the Ranking Members of the House
7 Committees on Resources, Transportation and
8 Infrastructure, and Science.

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

12 (A) the assignment of duties and respon-
13 sibilities among staff personnel and their con-
14 tinuing supervision; and

15 (B) the use and expenditure of funds avail-
16 able to the Commission.

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

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

22 (1) shall give appropriate consideration to re-
23 ports and other documents prepared for the 1998
24 Year of the Ocean, as well as follow-on reports, in-
25 cluding the August 1999 Department of Transpor-

1 tation Report on the Marine Transportation System
2 and the September 1999 President's Report on Na-
3 tional Ocean Policy;

4 (2) is authorized to secure directly from any
5 Federal agency or department any information it
6 deems necessary to carry out its functions under this
7 Act. Each such agency or department is authorized
8 to cooperate with the Commission and, to the extent
9 permitted by law, to furnish such information to the
10 Commission, upon the request of the Commission;
11 and

12 (3) may enter into contracts, subject to the
13 availability of appropriations for contracting, and
14 employ such staff experts and consultants as may be
15 necessary to carry out the duties of the Commission,
16 as provided by section 3109 of title 5, United States
17 Code.

18 (4) STAFFING.—The Chairman of the Commis-
19 sion may, without regard to the civil service laws
20 and regulations, appoint and terminate an Executive
21 Director and such other additional personnel as may
22 be necessary for the Commission to perform its du-
23 ties. The Executive Director shall be compensated at
24 a rate not to exceed the rate payable for Level V of
25 the Executive Schedule under section 5136 of title

1 5 United States Code. The employment and termi-
2 nation of an Executive Director shall be subject to
3 confirmation by a majority of the members of the
4 Commission.

5 (d) MEETINGS.—

6 (1) ADMINISTRATION.—All meetings of the
7 Commission shall be open to the public, except that
8 a meeting or any portion of it may be closed to the
9 public if it concerns matters or information de-
10 scribed in section 552b(c) of title 5, United States
11 Code. Interested persons shall be permitted to ap-
12 pear at open meetings and present oral or written
13 statements on the subject matter of the meeting.
14 The Commission may administer oaths or affirma-
15 tions to any person appearing before it.

16 (A) All open meetings of the Commission
17 shall be preceded by timely public notice in the
18 Federal Register of the time, place, and subject
19 of the meeting.

20 (B) Minutes of each meeting shall be kept
21 and shall contain a record of the people present,
22 a description of the discussion that occurred,
23 and copies of all statements filed. Subject to
24 section 552 of title 5, United States Code, the
25 minutes and records of all meetings and other

1 documents that were made available to or pre-
2 pared for the Commission shall be available for
3 public inspection and copying at a single loca-
4 tion in the offices of the Commission.

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

8 (3) REQUIRED PUBLIC MEETINGS.—The Com-
9 mission shall hold at least one public meeting in
10 Alaska and each of the following regions of the
11 United States:

12 (A) The Northeast (including the Great
13 Lakes).

14 (B) The Southeast (including the Carib-
15 bean).

16 (C) The Southwest (including Hawaii and
17 the Pacific Territories).

18 (D) The Northwest.

19 (E) The Gulf of Mexico.

20 (e) REPORT.—

21 (1) IN GENERAL.—Within 18 months after the
22 establishment of the Commission, the Commission
23 shall submit to Congress and the President a final
24 report of its findings and recommendations regard-
25 ing United States ocean policy.

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

4 (A) An assessment of existing and planned
5 facilities associated with ocean and coastal ac-
6 tivities including human resources, vessels, com-
7 puters, satellites, and other appropriate plat-
8 forms and technologies.

9 (B) A review of existing and planned ocean
10 and coastal activities of Federal entities, rec-
11 ommendations for changes in such activities
12 necessary to improve efficiency and effective-
13 ness and to reduce duplication of Federal ef-
14 forts.

15 (C) A review of the cumulative effect of
16 Federal laws and regulations on United States
17 ocean policy, an examination of those laws and
18 regulations for inconsistencies and contradic-
19 tions that might adversely affect the conduct of
20 ocean and coastal activities, and recommenda-
21 tions for resolving such inconsistencies to the
22 extent practicable. Such review shall also con-
23 sider conflicts with State ocean and coastal
24 management regimes.

1 (D) A review of the known and anticipated
2 supply of, and demand for, ocean and coastal
3 resources of the United States.

4 (E) A review of the relationship between
5 Federal, State, and local governments and the
6 private sector in planning and carrying out
7 ocean and coastal activities, and recommenda-
8 tions for enhancing the role of State and local
9 governments if the Commission determines that
10 enhancement of that role is desirable.

11 (F) A review of opportunities for the devel-
12 opment of or investment in new products, tech-
13 nologies, or markets related to ocean and coast-
14 al activities.

15 (G) A review of previous and ongoing State
16 and Federal efforts to enhance the effectiveness
17 and integration of ocean and coastal activities.

18 (H) Recommendations for any modifica-
19 tions to United States laws, regulations, and
20 the administrative structure of Executive agen-
21 cies, necessary to improve the understanding,
22 management, conservation, and use of, and ac-
23 cess to, ocean and coastal resources.

24 (I) A review of the effectiveness and ade-
25 quacy of existing Federal interagency ocean pol-

1 icy coordination mechanisms, and recommenda-
2 tions for changing or improving the effective-
3 ness of such mechanisms necessary to respond
4 to or implement the recommendations of the
5 Commission.

6 (3) CONSIDERATION OF FACTORS.—In making
7 its assessment and reviews and developing its rec-
8 ommendations, the Commission shall give equal con-
9 sideration to environmental, technical, economic, and
10 other relevant factors.

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

14 (f) PUBLIC AND COASTAL STATE REVIEW.—

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

17 (A) publish in the Federal Register a no-
18 tice that a draft report is available for public
19 review; and

20 (B) provide a copy of the draft report to
21 the Governor of each coastal state, the Commit-
22 tees on Resources, Transportation and Infra-
23 structure, and Science of the House of Rep-
24 resentatives, and the Committee on Commerce,
25 Science, and Transportation of the Senate.

1 (2) INCLUSION OF GOVERNORS' COMMENTS.—

2 The Commission shall include in the final report
3 comments received from the Governor of a coastal
4 state regarding recommendations in the draft report.

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

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

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

18 **SEC. 4. NATIONAL OCEAN POLICY.**

19 (a) NATIONAL OCEAN POLICY.—Within 120 days
20 after receiving and considering the report and rec-
21 ommendations of the Commission under section 3, the
22 President shall submit to Congress a statement of pro-
23 posals to implement or respond to the Commission's rec-
24 ommendations for a coordinated, comprehensive, and long-
25 range national policy for the responsible use and steward-

1 ship of ocean and coastal resources for the benefit of the
2 United States. Nothing in this subsection authorizes the
3 President to take any administrative or regulatory action,
4 or to implement a reorganization plan, not otherwise au-
5 thorized by law in effect at the time of such action.

6 (b) COOPERATION AND CONSULTATION.—In the
7 process of developing proposals for submission under sub-
8 section (a), the President shall consult with State and
9 local governments and non-Federal organizations and indi-
10 viduals involved in ocean and coastal activities.

11 **SEC. 5. BIENNIAL REPORT.**

12 Beginning in January, 2001, the President shall
13 transmit to the Congress biennially a report that includes
14 a detailed listing of all existing Federal programs related
15 to ocean and coastal activities, including a description of
16 each program, the current funding for the program, link-
17 ages to other Federal programs, and a projection of the
18 funding level for the program for each of the next 5 fiscal
19 years beginning after the report is submitted.

20 **SEC. 6. DEFINITIONS.**

21 In this Act:

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

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

3 (A) the oceans, including coastal and off-
4 shore waters;

5 (B) the continental shelf; and

6 (C) the Great Lakes.

7 (3) OCEAN AND COASTAL RESOURCE.—The
8 term “ocean and coastal resource” means any living
9 or non-living natural, historic, or cultural resource
10 found in the marine environment.

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

14 **SEC. 7. EFFECTIVE DATE.**

15 This Act shall become effective on December 31,
16 2000.

○